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EDITORIAL

Dear readers,

Welcome to the first 2019 issue of our journal *Acta Universitatis Carolinae – Studia Territorialia*. This thematic issue consists of three contributions we received in response to our call for papers entitled “International Organizations throughout the 20th and 21st Centuries: Successes, Failures, Transformations, and Challenges,” which we launched in autumn 2018.

The primary motivation for choosing this theme is the hundredth anniversary of the foundation of the League of Nations and its associated bodies, an occasion that invites historians and social scientists alike to reflect on the origin of the contemporary system of international organizations, its transformation over the past hundred years, and the various challenges it faces today.

The relevance of our invitation is found in recent theoretical and methodological advances in the study of the history of international organizations. As historical studies have adopted a transnational perspective in the early twenty-first century, historians have begun to use international organizations as lenses through which to examine global phenomena, actors and interactions on the international, national and local levels. Relying on sources produced by the organizations themselves, contemporary researchers focus on studying how they have facilitated the circulation and internationalization of knowledge and expertise produced by individuals and international networks. Scholars first applied this approach to the study of the history of international organizations in the interwar years. More recently, the Second World War and the post-war periods after both World Wars have become the focus of a growing number of studies.

Our thematic issue takes part in this transnational research dynamic. It offers a condensed review of some of the important trends in the contemporary study of international organizations from a transnational historical perspective, in all their richness and diversity. In fact, each contribution illustrates a distinct

approach to the study of history of international organizations, one of three important research paradigms in this field of inquiry. Frederick Cowell analyzes the history of the UN Commission on Human Rights. He presents a rather classical IR macro-study that focuses on the internal mechanisms and dynamics of a global organization that was important in the context of a changing world order and de-colonization. For her part, Anna Novikov clearly demonstrates the link between the international and national arenas. She carefully documents the sometimes clumsy and intrusive attempts of the League of Nations to mediate and manage conflicts in the ethnically-mixed region of Eastern Upper Silesia. Finally, Carolin Liebisch-Gümüş exemplifies the latest innovations in transnational historiography, which are uncovering surprising influence by international organizations at the national level. Her study of the internationalization of Turkey's foreign policy in the 1920s chronicles seemingly paradoxical links between the enthusiastic approach of the Kemalists to internationalism, which was manifested in their efforts to enter the League of Nations, and their radical essentialist, nationalist, and anti-individualist political rhetoric.

Despite their different thematic and methodological preferences, all three studies share at least three common characteristics that put them at the very core of contemporary scholarship of the transnational history of international organizations. First, each article stands out for its use of a rich array of various types of sources. Besides the standard recourse to official communiqués and resolutions by international organizations' own decision making bodies, which is most prominent in Frederick Cowell's paper, all the authors document the importance and the advantages of utilizing many different sources on many different levels. While Anna Novikov draws heavily on Polish local and national archives and press reporting, Carolin Liebisch-Gümüş illustrates the benefits of plunging deeply into the private papers and correspondence of the important officials who mediated relations between Istanbul and Geneva.

This leads us directly to the second common feature of the texts in this thematic issue: the transnational career trajectories of the influential actors of that time. These actors are today mostly unknown outside of specialist circles, yet at various moments they played a fundamental role in mediating between international organizations and national and local actors. In doing so, they made an important contribution to the political and social relevance and to the legitimacy of international organizations, which were striving for recognition in the interwar period. In this regard, Anna Novikov invites us in her paper to observe the surprising career and sudden rise to influence of Walter Maurer. Maurer was a Swiss school inspector who was sent by the League of Nations to personally

examine the German-language proficiency of children registering in minority schools in the Silesian Voivodeship in the early 1920s. His mission was to support the decision-making process of the Mixed Commission, which was headed by another Swiss newcomer to Silesia, Felix Calonder. In the same way, Carolin Liebisch-Gümüş contributes to making the history of international relations more tangible and more personal by introducing us leading Turkish thinkers and public figures with transnational backgrounds, such as Ziya Gökalp and Tevfik Rüştü Aras.

Last but not least, all three articles concur that various peripheral regions and border zones offer a particularly fruitful entrance point into the study of the history of international organizations from a transnational perspective. Frederick Cowell persuasively shows how after 1960, the newly independent states of Africa and Asia instrumentalized the UN Commission on Human Rights under the banner of their anti-apartheid campaign, at the same time as they were attempting to overcome their peripheral position in the international system. The other two articles provide evidence that the Eastern and Southern peripheries of Europe constituted sites of lively intellectual debate in the inter-war period on the role of international organizations and the meaning of internationalism. Furthermore, the peripheral European states were experimental laboratories for pioneering the work of international organizations, especially in ethnically mixed areas.

We hope that you appreciate our new issue!

Ondřej Matějka, on behalf of the editorial team
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ARTICLES

INTERSECTING ASYMMETRIES: THE INTERNATIONALIZATION OF TURKEY IN THE 1920S AND THE LIMITS OF THE POSTCOLONIAL APPROACH

CAROLIN LIEBISCH-GÜMÜŞ
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Abstract

Previous studies of Turkey's relations with the League of Nations suggest that in the 1920s, the relationship was marked by Turkey's exclusion from the League and disputes over territories and sovereignty. Only at the end of the decade did Turkey begin to join the international community, culminating in its becoming a member of the League in 1932. This article proposes a fresh reading of Turkey's internationalization (i.e., its participation in international organizations) in the 1920s. Not only do we begin to see Turkish membership in a considerable number of smaller international organizations, but the government also developed ties with the League Secretariat and the International Labour Office, even though it formally remained a non-member of the League. These more subtle forms of cooperation, this article argues, were part of a balanced strategy of internationalization that reflected the (semi)colonial underpinnings of many international organizations and the Ottoman experience with them. This internationalization strategy was grounded in the Kemalists' ideological conceptualization of the global order as profoundly shaped by European hegemony. In so arguing, this article adopts a postcolonial perspective. However, it also points out the limits of such a perspective, stressing that power asymmetries on the international level were connected with internal asymmetries within Turkey itself.

Keywords: Turkey; international organizations; League of Nations; International Labour Organization; nation building; post-colonialism

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Introduction

A famous interview that appeared in September 1923 in the U.S. weekly magazine, the *Saturday Evening Post*, was one of the few occasions where the leader of the “new Turkey,” Mustafa Kemal (Atatürk), publicly shared his opinions about the League of Nations. Asked whether Turkey was going to join the organization, he cautiously replied, “conditionally.” He stressed a need for improvement of the organization: “The League’s error lies in that it sets up certain nations to rule, and other nations to be ruled. The Wilsonian idea of self-determination seems to be strangely lost.”¹

Mustafa Kemal’s opinion reflected not only the general feeling of the Turkish government and the wider elite in Turkey, it also fit into a global pattern. Elites from various colonized and semi-colonized countries in Africa and Asia had experienced a roller coaster of expectations regarding the post-World War I international order. Based mainly upon the wartime speeches of Woodrow Wilson, they welcomed the prospect of a global community consisting of independent and equal nation states. Such a community, they thought, would reduce the power asymmetries that had characterized the international order to that date. Their hopes for a new era of international organization² were soon shattered. They realized that the League and its system of mandates would perpetuate the great powers’ imperialistic designs. The reactions of Turkey’s elite to this disappointment are the central theme of this article.

Historical scholarship has paid considerable attention to the enthusiasm for Wilsonian ideas that emerged during World War I, and the repercussions and frustrations worldwide. Erez Manela’s pivotal study of Wilsonianism in Egypt, India, China, and Korea showed how failed hopes for national self-determination incited local resistance to external influence and manifestations of anti-colonial feeling.³ Other books touch upon the disappointment and engagement of elites in existing and former colonies with the League of Nations itself.⁴ The gap that still exists in the literature about such feelings towards the League in Turkey is worth filling.

¹ Isaac F. Marcossou, “Kemal Pasha,” *Saturday Evening Post*, September 20, 1923, 145.

² The use of the term “international organization” in the singular form emphasizes the role of internationalism within the international order. In this article, it specifically refers to Geneva-based “liberal” internationalism.

³ Erez Manela, *The Wilsonian Moment. Self-Determination and the International Origins of Anticolonial Nationalism* (Oxford: Oxford University Press, 2007), 221, 224.

⁴ E.g. Thomas W. Burkman, *Japan and the League of Nations. Empire and World Order 1914–1938* (Honolulu: University of Hawai’i Press, 2008); Thomas Fischer, *Die Souveränität der Schwachen. Lateinamerika und der Völkerbund 1920–1936* (Stuttgart: Franz Steiner, 2012). See also works that

Works that adopt a postcolonial perspective on interwar internationalism have proven valuable for our general understanding of international organizations. They identify the colonial structures and the ideas that shaped international organizations in the nineteenth century. They document those organizations' enduring legacies and their evolution into the League of Nations and the United Nations.⁵ Asking how “non-Western” actors made sense of, dealt with, and even challenged imperialistic internationalism helps us to broaden the narrative beyond a simple dichotomy between inclusion and exclusion. That is the goal of this article. It sheds light on the attitude of Turkish officials towards internationalization⁶ in the 1920s and particularly towards the League of Nations.

The 1920s were the first decade for both the League and postwar Turkish nation-building. It was the seminal period in the internationalization of the “new Turkey.” Drawing mainly upon the archives of the League of Nations, as well as diplomatic documents and published treatises, this article reveals how Turkish actors tried to reshape the terms of internationalization to their advantage. It investigates their strategies for challenging the colonial asymmetries that were inherent in the League and preserving Turkey's sovereignty as it sought to integrate itself into the international community.

It is true that Turkey and the Ottoman Empire – apart from certain Mediterranean islands and its former provinces in North Africa and Arabia – never fell under direct European colonial rule. Nonetheless, Turkey was the target of imperialistic infiltration and colonial scheming from the nineteenth century up into the post-1918 years. International bodies played a major role in those colonial schemes. Consequently, the reaction to those colonial schemes, as

discuss petitions to the League Mandate Commission as a means for questioning colonial rule: Caroline Authaler, *Deutsche Plantagen in Britisch-Kamerun. Internationale Normen und lokale Realitäten 1925 bis 1940* (Köln: Böhlau, 2018); Susan Pedersen, *The Guardians. The League of Nations and the Crisis of Empire* (Oxford: Oxford University Press, 2015).

⁵ Madeleine Herren, “Internationale Zwangsverwaltungen. Perspektiven einer postkolonialen Geschichte internationaler Organisationen,” in *Zwangsadministrationen. Legitimierte Fremdverwaltung im historischen Vergleich, 17.–21. Jahrhundert*, ed. Fabian Frommelt (Berlin: Duncker & Humblot, 2014), 143–162; Mark Mazower, *No Enchanted Palace. The End of Empire and the Ideological Origins of the United Nations* (Princeton: Princeton University Press, 2009); Pedersen, *The Guardians*.

⁶ Like Madeleine Herren, I understand “internationalization” as the implementation of an internationalization strategy, i.e. a foreign policy agenda promoting participation in multilateral, cross-border schemes of cooperation and the integration of state structures into international organizations. Cf. Madeleine Herren, *Hintertüren zur Macht. Internationalismus und Modernisierungsorientierte Außenpolitik in Belgien, der Schweiz und den USA 1865–1914* (München: Oldenbourg, 2000), 14.

this article demonstrates, had much to do with the way Turks approached the League and other international organizations in the 1920s. The article takes its inspiration from postcolonial perspectives on the history of international organizations, but also discusses the limits of such a perspective in this particular case. It advances the argument that asymmetries at the international level were linked to asymmetries within Turkey that were influenced by nationalism – hence the title “intersecting asymmetries” is appropriate.⁷

So far, research into Turkey’s foreign relations in the 1920s has not strayed far from the paths of diplomatic history. Surveys focus on bilateral and multi-lateral relations, but pay little attention to international organizations.⁸ Most studies that do include Turkey’s relations with international organizations focus exclusively on the League and its constituent bodies, the Council, the Assembly, and the Court.⁹ The League Secretariat, on the other hand, with its many specialized commissions, remains largely undiscussed. So does the plethora of other organizations with which Turkey was involved.¹⁰

As a result, one gains the impression from the literature that for Turkey, internationalization really began only a few years prior to 1932, the year Turkey became a member of the League. The 1920s, on the other hand, are depicted as an almost non-internationalist period, when a phase of initial distrust of the League resulting from postwar peace-making evolved into a full retreat from internationalism after the League’s decision to hand Mosul over to Iraq in 1926.

⁷ Similarly, Jane Cowan speaks of a “dynamic of mirrored asymmetry” in her paper on the League of Nations’ minority protection regime. Cowan discusses contradictions between national claims for international justice and minority rights. See Jane Cowan, “Justice and the League of Nations Minority Regime,” in *Mirrors of Justice. Law and power in the post-Cold War era*, ed. Kamari Maxine Clarke and Mark Goodale (Cambridge: Cambridge University Press, 2010), 270–290.

⁸ Mehmet Gönlüböl and Cem Sar, *Atatürk ve Türkiye’nin Dış Politikası (1919–1938)* (Ankara: AYK, 2013); William Hale, *Turkish Foreign Policy 1774–2000* (London: Frank Cass, 2000).

⁹ Özden Zeynep Alantar, “Türk Dış Politikasında Milletler Cemiyeti Dönemi,” in *Türk Dış Politikasının Analizi*, ed. Faruk Sönmezoğlu (Istanbul: Der Yayınevi, 1994), 99–129; Dilek Barlas, “Milletler Cemiyeti’nde Türkiye: İyimserlik ve Kuşku Arasında,” *Uluslararası İlişkiler* 14, No. 55 (2017): 93–111, doi: 10.33458/uidergisi.513523; Yücel Güçlü, “Turkey’s Entrance into the League of Nations,” *Middle Eastern Studies* 39, No. 1 (January 2003): 186–206, doi: 10.1080/00263200412331301637. Without mentioning, Güçlü frequently cites an earlier study: *Turkey and the United Nations*, prepared under the auspices of the Institute of International Relations of the Faculty of Political Sciences at the University of Ankara for the Carnegie Endowment for International Peace (New York: Manhattan Publishing Company, 1961).

¹⁰ On the historiographical turn towards international bureaucracies see, Madeleine Herren, “Introduction. Towards a Global History of International Organization,” in *Networking the International System. Global Histories of International Organizations*, ed. Madeleine Herren (Heidelberg: Springer, 2014), 1–14.

Later, a phase of rapprochement emerged at the close of the decade, leading to Turkey's membership in the League.¹¹

As regards the reasons for Turkey's declining to join the League until 1932, scholars usually cite the League's response to the Mosul Question. The decision as to whether the oil-rich Ottoman province should belong to British-controlled Iraq or to Turkey was made by a League fact-finding commission and the League Council. They decided in favor of the British – a decision that enraged the Turks. Turkey's sensitive relations with the leadership of the Soviet Union, which opposed the capitalist global power the League supposedly embodied, is another frequently invoked reason for its hesitancy.¹² To explain the later rapprochement with the League, most historians point to a warming of relations with the European powers, but also to the rising threat of Italian expansionism, which goaded the Turkish government to seek collective security.¹³ Overall, Turkish foreign relations during the period before 1932 were believed to be determined by its national preferences, bilateral relations, geopolitical disputes, and security interests. As important as these factors are, in my opinion, they still do not suffice to explain fully not only Turkey's bustling internationalist activities in the 1920s, but also the complex relationship between the Kemalist elites and the League.

It is beyond the scope of this article to offer a comprehensive survey of internationalist ventures undertaken by Turkish actors or even just by the Turkish government. Nor can it claim to deliver an in-depth study of all of Turkey's motives for embracing internationalism. The most it can hope to do is to sketch out the contours of an alternative framework for analyzing Turkey's internationalization in the 1920s. The first chapter situates the "new Turkey's" internationalization in the broader history of imperialistic internationalism since the nineteenth century. As the second chapter goes on to show, the asymmetric international integration of the prewar Ottoman Empire had a profound impact on the Kemalists' incentives and strategies for internationalization after World War I. I argue that their goal was "symmetrical internationalization." Understanding that helps us rethink the question of Turkey's League membership in

¹¹ Şayan Ulusan's (largely descriptive) article contrasts this impression mentioning Turkish involvement in various early activities of the League of Nations. Şayan Ulusan, "Türkiye'nin Milletler Cemiyeti'ne Girişi. Öncesi ve Sonrası," *Çağdaş Türkiye Tarihi Araştırmaları Dergisi* 7, No. 16–17 (2008): 237–258.

¹² Barlas, "Milletler Cemiyeti'nde Türkiye," 98; Güçlü, "Turkey's Entrance," 190, 198; *Turkey and the United Nations*, 19.

¹³ Barlas, "Milletler Cemiyeti'nde Türkiye," 99; Hale, *Turkish Foreign Policy*, 72.

the 1920s, which is the topic of the third chapter focusing on Turkey's dealings with the League Secretariat and the ILO Bureau.

In chapter 4, the ideological framework of Turkish nationalism comes to the fore. Focusing on the highly influential theories of Ziya Gökalp, I highlight the ideological premises behind the Kemalists' attitude to internationalism.¹⁴ Revealing how nationalism and internationalism converged in Kemalist thinking, I suggest that anti-imperialist nationalism should be understood as an ambiguous internationalization strategy, which manifested internal power hierarchies. Taking this discussion further, I close with some remarks on potential problems raised by a postcolonial reading of Turkey's relationships with international organizations.

I. Imperialistic Legacies and International Asymmetries

The new government that was formed in Ankara in April 1920 by the National Movement took an ambivalent stance towards the League of Nations. The League had endorsed the much-detested Treaty of Sèvres, which was the nationalists' prime obstacle in their fight to gain independence and control of the Turkish state. Charged with implementing several of the Treaty's stipulations, the League had supported the conversion of former Ottoman territories into British and French mandates.¹⁵ Even worse, it had endorsed the division of Anatolia – the nationalists' homeland – into spheres of European and Greek influence and an independent Armenian state. Equally alarming to the nationalists was the general assumption that under Sèvres, the League would continue the western imperialism that the Ottomans had experienced in their progress toward internationalization. In the past, the Ottoman Empire had participated in several of the international organizations that preceded the foundation of the League after World War I. However, it had never managed to negotiate a level playing field in those organizations. On the contrary, its international commitments had paved the way for increased European encroachment on Ottoman sovereignty.

¹⁴ Since the 1990s, cultural histories of international relations have stressed the role of culture and ideas in the formation of politics. Questions of political power are answered by reference to discourses and modes of perception. For a recent example of such a discussion see Patrick Finney, "Anglo-American International History after the Cultural Turn," in *Internationale Geschichte in Theorie und Praxis / International History in Theory and Practice*, ed. Barbara Haider-Wilson, William D. Godsey, and Wolfgang Mueller (Vienna: ÖAW, 2017), 231–252.

¹⁵ On mandates in general, see Pedersen, *The Guardians*.

The nineteenth century in the Ottoman Empire was not only an era of reform and modernization, but also of internationalization. Unlike most other Muslim countries at that time, the Ottomans entered onto the international scene as an independent state. The government maintained permanent diplomatic missions in the capitals of Europe,¹⁶ and the Congress of Paris (1856) confirmed its membership in the European Concert of Powers.¹⁷ Besides these diplomatic achievements, the Ottoman government also participated in many of the specialized international organizations that originated during the latter half of the century. The Sublime Porte joined public international unions such as the International Telegraph Union (1865) and the General Postal Union (1874).¹⁸ The establishment of the Red Crescent in 1868 signaled Turkey's early alignment with the Red Cross Movement.¹⁹ Ottoman representatives also attended all of the International Sanitary Conferences convened between 1851 and 1911, which aimed to curb cross-border epidemics. The Turks even hosted the Sanitary Conference of 1866 in Istanbul.²⁰ By 1914, the Empire was a member of more international organizations than China or Japan, which had previously made a similar opening to the West.²¹ Taken together, this list of examples underlines the early and comprehensive *inclusion* of Ottoman representatives in the new world of international organizations.

However, Maurus Reinkowski's remark about Ottoman-European-relations – that the Ottoman Empire occupied a contradictory position between internationally recognized power and “semi-colonial status”²² – is equally true

¹⁶ By the mid-1830s, in London, Paris, Vienna, and Berlin. See Ömer Kürkçüoğlu, “The Adaption and Use of Permanent Diplomacy,” in *Ottoman Diplomacy. Conventional or Unconventional?* ed. A. Nuri Yurdusev (Basingstoke: Palgrave Macmillan, 2004), 131–150.

¹⁷ Fikret Adanır, “Turkey's Entry into the Concert of Europe,” *European Review* 13, No. 3 (2005): 395–417, doi: 10.1017/S1062798705000530.

¹⁸ *Documents diplomatiques de la conférence télégraphique internationale de Paris* (Paris, 1865), 7; Treaty Concerning the Formation of a General Postal Union, signed at Berne, October 9, 1874, Washington 1875, 16.

¹⁹ Mesut Çapa, “Kızılay,” *TDV İslam Ansiklopedisi*, Vol. 25 (Ankara: Türkiye Diyanet Vakfı, 2002), 544–546.

²⁰ Valeska Huber, “The Unification of the Globe by Disease? The International Sanitary Conferences on Cholera 1851–1894,” *The Historical Journal* 49, No. 2 (2006): 453–476, doi: 10.1017/S0018246X06005280; Nermin Ersoy, Yüksel Güngör, and Ashlhan Akpınar, “International Sanitary Conferences from the Ottoman Perspective 1851–1938,” *Hygiea Internationalis. An Interdisciplinary Journal for the History of Public Health* 10, No. 1 (2011): 53–79, doi: 10.3384/hygiea.1403-8668.1110153.

²¹ Turan Kayanoğlu, *Legal Imperialism. Sovereignty and Extraterritoriality in Japan, the Ottoman Empire and China* (Cambridge: Cambridge University Press, 2010), 109.

²² Maurus Reinkowski, “Das Osmanische Reich. Ein antkoloniales Imperium?” *Zeithistorische Forschungen/Studies in Contemporary History* 3, No. 1 (2006): 34–54, here 41; See also Ergil Doğu, “Development of Turkish Semi-Colonialism,” *Islamic Studies* 18 (1979): 183–229.

about the Ottomans' internationalization. While recognizing that the Ottoman Empire was becoming integrated into international organizations, one must add that this integration was profoundly asymmetric and was shaped by European imperialism.²³ Nowhere is this more evident than in the case of the Ottoman Public Debt Administration (OPDA). Founded in Istanbul in 1881 after the financial collapse of the Ottoman state, this bureaucratic apparatus served the ends of Turkey's European creditors, granting them considerable control over Ottoman state finances. The OPDA was not founded on an international agreement or staffed by foreigners with diplomatic status. It was formally an Ottoman state agency, not an international governmental organization. However, its board of directors was composed mostly of foreign nationals who represented the European creditors. They had the authority to hire the agency's staff (nearly two hundred Europeans worked in the higher ranks of the agency), who collected the Ottoman state's taxes and redistributed the revenue to its bondholders.²⁴ The agency was in fact an "international body"²⁵ that undermined the Ottoman Empire's sovereignty.

The international sanitary cooperation mentioned above was another domain where Ottoman sovereignty was yielded up in the course of its internationalization. At the Sanitary Conferences, British and French delegates branded the Middle East as an epidemiological threat to Europe and therefore insisted on extending their control in the region.²⁶ Under the same pretext and with the permission of the reform-minded Sultans, a Supreme Council of Health was established in Istanbul. By the year 1847, the majority of its staff were foreign experts from twelve European countries and the United States.²⁷

²³ On the imperialistic tendencies of international organizations in the nineteenth century, see Madeline Herren, "International Organizations, 1865–1945," in *The Oxford Handbook of International Organizations*, ed. Jacob Katz Cogan, Ian Hurd, and Ian Johnstone (Oxford: Oxford University Press, 2016), 91–112, here 94–95.

²⁴ Murat Birdal, *The Political Economy of Ottoman Public Debt. Insolvency and European Financial Control in the Late Nineteenth Century* (London: I. B. Tauris, 2010), 103–105; Şevket Pamuk, *Uneven Centuries. Economic Development of Turkey since 1820* (Princeton: Princeton University Press, 2018), 109–110.

²⁵ Herren, "International Organizations," 95. Herren adopts a broad definition of international organizations as networks that shape interactions between state agents and non-state actors, beyond the borders of the nation state.

²⁶ Huber, "The Unification of the Globe," 462. Also, Francisco Javier Martínez, "International or French? The Early International Sanitary Conferences and France's Struggle for Hegemony in the Mid-Nineteenth Century Mediterranean," *French History* 30, No. 1 (2016): 77–98, here 84–85, 98, doi: 10.1093/fh/crv035.

²⁷ Gül den Sarıyıldız, "Karantina Meclisi'nin Kuruluşu ve Faaliyetleri," *TTK Belleten* 58, No. 222 (1994): 329–376.

The Council exerted influence over internal Ottoman policies on behalf of its mainly European beneficiaries. Ersoy et al. speak of it as an “extension of Capitulations through the health care area.”²⁸ The Capitulations were a series of contracts between the Ottomans and European (later also American) governments that granted special rights to nationals of the contracting states living in the Ottoman Empire as well as to their Ottoman intermediaries. Comparing the Council of Health to the Capitulations, the authors stress that both institutions promoted foreign influence and commercial interests within an international framework.

The Capitulations were yet another example that illustrated how embracing internationalism was fraught with imperialistic pitfalls. Although the Capitulations themselves did not add up to an international organization as such, they did constitute an important element of international law that affected the Empire. Granting legal immunities and economic privileges, they were, in the words of Turan Kayanoğlu, a form of “legal imperialism.”²⁹ The Capitulations as well as the other examples of asymmetric internationalism cited above found a powerful justification in nineteenth century international law. The “standard of civilization,” was a concept invoked by European politicians and legal experts alike. It legitimized foreign intervention into non-Western societies that allegedly lacked civilization in the European sense and therefore did not merit respect as truly sovereign entities.³⁰

It is from this background of the Ottoman experience with prewar imperialistic internationalism that we gain deeper understanding of Turkey’s approach to internationalization in the 1920s. The League of Nations was a fundamentally new kind of international organization, but it was also connected with many prewar structures. The League’s Secretariat acted as a kind of switchboard for a whole spectrum of international cooperation already underway – political, humanitarian, and “technical.”³¹ The League’s broad field of activity enabled the

²⁸ Ersoy et al., “Sanitary Conferences,” 73. See also, Osman Şevki Uludağ, *Son Kapitülasyonlardan Biri Karantina* (Istanbul: Devlet Yayınları, 1938). The Supreme Council of Health functioned as the central body, with branch offices in Anatolia and the Balkans. The Council was also associated with similar institutions in Alexandria (1831), Tunis (1835), Tangier (1840) and Tehran (1868).

²⁹ Kayanoğlu, *Legal Imperialism*, 107.

³⁰ Gerrit W. Gong, *The Standard of Civilization in International Society* (Oxford: Clarendon Press, 1984). For the Ottoman case, see Rodogno, “European Legal Doctrines on Intervention and the Status of the Ottoman Empire within the ‘Family of Nations’,” *Journal of the History of International Law* 18, No. 1 (2016): 5–41, doi: 10.1163/15718050-12340050.

³¹ Susan Pedersen, “Back to the League of Nations,” *The American Historical Review* 112, No. 4 (2007): 1091–1117, 1108, doi: 10.1086/ahr.112.4.1091. In the Secretariat’s jargon, “technical or-

victorious powers who founded the League in 1919 to consolidate their previous imperialistic undertakings in one place. The League's mechanism for international territorial administration (mandates) allowed them to strip the Ottoman Empire of its sovereignty over parts of its former territory. Following the Paris Peace Conference, the Ottoman Arab provinces fell under British and French suzerainty in the form of League mandates. The League also secured international control over the Turkish Straits. In addition, the peacemakers in Paris discussed various schemes for internationalizing Istanbul and transforming the rest of Ottoman Anatolia – minus those territories that were to pass into Greek and Armenian sovereignty – into a mandate or some other sort of semi-sovereign protectorate under the auspices of the League.³²

In addition to territorial administration, the League Secretariat's technical organizations enabled more indirect ways of control. The old Supreme Council of Health, for instance, was continued according to the Sèvres Treaty under the auspices of the League and its Health Section.³³ So was the European Powers' humanitarian interference in favor of non-Muslim minorities. After being a vehicle for European influence in the Ottoman Empire since the nineteenth century, foreign interventionism was embedded in the League's protection of minorities as provided for in the Treaty of Sèvres.³⁴ At the same time, the League's efforts to support Ottoman refugees and minorities answered to a real humanitarian crisis, since the survivors of the Armenian genocide as well as Greeks and other Christians were in bitter distress after the war.³⁵ The Turkish nationalists, however, denied the humanitarian dimension and dismissed

ganizations" meant the League's specialized sections that dealt with cross-border issues such as refugees, epidemics, opium trafficking, and trade.

³² On partition plans involving the League, see the classics: Paul C. Helmreich, *From Paris to Sèvres. The Partition of the Ottoman Empire at the Peace Conference of 1919–1920* (Columbus: Ohio State University Press, 1974); Harry N. Howard, *The Partition of Turkey. A Diplomatic History 1913–1923* (New York: University of Oklahoma Press, 1966).

³³ Treaty of Sèvres, in *The Treaties of Peace, 1919–1923*, ed. Lawrence Martin (New York: Carnegie Endowment for International Peace, 1924), 801–802.

³⁴ On the prewar history, see Davide Rodogno, *Against Massacre. Humanitarian Interventions in the Ottoman Empire, 1815–1914. The Emergence of a European concept and International Practice* (Princeton: Princeton University Press, 2012).

³⁵ Among the growing literature on the topic, see Davide Rodogno, "Non-state actors' humanitarian operations in the aftermath of the First World War," in *The Emergence of Humanitarian Intervention. Ideas and Practice from the Nineteenth Century to the Present*, ed. Fabian Klose (Cambridge: Cambridge University Press, 2015), 185–207; Keith David Watenpugh, *Bread from Stones. The Middle East and the Making of Modern Humanitarianism* (Oakland: University of California Press, 2015).

international minority protection as an imperialist tool and a threat to national sovereignty.³⁶

The Allies also reinstated the Capitulations. Though the Capitulations involved the League only indirectly, their continuation was part of an overall strategy that was to erode Turkish sovereignty through the Treaty of Sèvres and within the League system.³⁷ Imperialist structures outlasted World War I, and so did the discourse that supported them. The “standard of civilization” was an undertone that resonated from the Peace Conference in Paris to the League of Nations in Geneva. The Allies justified their partition plans for the Ottoman Empire by allegations of the Turks’ incapacity to rule justly and their barbarousness, which they saw confirmed by past violence against minorities.³⁸

The Turkish nationalist leaders themselves used the term “Capitulations” as an epithet denoting all international agreements and organizations that they perceived as imperialist threats to Turkey’s sovereignty. At the Lausanne Conference in 1922–23, where Allied and Turkish representatives negotiated a new peace to supplant the Sèvres Treaty, the Turkish side categorically rejected all legal, sanitary, and financial “capitulations” as well as any extensive regime for protection of minority rights. In their eyes, these were issues “of a kind to impair Turkey’s sovereignty and independence.”³⁹ They were wary of perpetuating the asymmetric commitments of their Ottoman predecessors. Their insistence on national independence and sovereignty met with considerable success. The Treaty of Lausanne abolished – albeit with some compensations – the Capitulations, the Ottoman Public Debt Administration in its original form, and the Supreme Council of Health.⁴⁰ As a result, the Ankara

³⁶ Watenpaugh, *Bread from Stones*, 150–153. Unfortunately, the role of minority politics for the internationalization of Turkey can only be touched upon in this article, because it is so complex that I decided to dedicate a separate publication to it.

³⁷ While the League facilitated attempts to maintain former obligations that limited Ottoman sovereignty, it must be noted that such attempts also took place outside the League, for instance in the investment sector. On protectionist policies and the question of economic sovereignty, see Feroz Ahmad, “The Political Economy of Kemalism,” in *Atatürk. Founder of a Modern State*, ed. Ali Kazancıgil and Ergun Özbudun (London: C. Hurst, 1981), 145–163, 146–147, 149–150; Pamuk, *Uneven Centuries*, 169–170.

³⁸ “Allies Reject Turkey’s Plea,” *The New York Times*, June 27, 1919.

³⁹ Minutes of the Fifth Meeting, January 27, 1923, in *Lausanne Conference on Near Eastern Affairs. Records of Proceedings and Draft Terms of Peace* (hereafter *LCR*), presented to Parliament by Command of His Majesty, printed and published by His Majesty’s Stationary Office, London 1923, 595–596; Hüseyin Rauf to İsmet Pasha, December 17, 1922, in *Lozan Telegrafları I*, ed. Bilâl N. Şimşir (Ankara: Türk Tarih Kurumu, 1990), 233.

⁴⁰ The OPDA did not cease to exist, but it no longer controlled tax policies. In return for abolishment of the Capitulations, the government had to promise to rewrite its legal code within only

government had autonomous responsibility for defining a new legal framework for residency of aliens, debt repayments, and ensuring sanitary control along its coasts and borders. These areas of responsibility, which had hitherto been door-openers for imperialist infiltration, passed from a regime of asymmetric internationalization to national control. However, as we shall see in the next chapter, to the western-oriented Kemalists the alternative to asymmetric internationalization was not isolationism, but “symmetric” (i.e. self-determined and sovereign) internationalization.

II. From Asymmetric to Symmetric Internationalization

In the 1920s, internationalism was booming.⁴¹ The LONSEA database, which analyzes handbooks on international organizations published by the League of Nations, registers an increase in the number of international organizations and associations from 205 to 339 between 1921 and 1929.⁴² At the same time, the League Secretariat itself expanded, developing specialized substructures in fields like health, social welfare, transit, and opium control.⁴³ Turkey was part of the general trend. The graph below shows that the number of international organizations in which Turkey was a member doubled to 54 by 1929 and doubled again by 1938.⁴⁴

Turkish officials generally embraced international integration throughout the interwar decades. Not only did the young Republic inherit the international memberships of the Ottoman Empire, the government also agreed to join new ones. In 1924, only one year after the founding of the new Turkey, Turkish politicians joined several newly created international bodies, among them humanitarian organizations like the League of Red Cross Societies and the Save the Children Union, as well as technical organizations like the International Railway

five years. As regards sanitation, Turkey agreed to exchange relevant health information with international partners. The government also had to accept the internationalized status of the Straits as well as certain economic constraints. Treaty of Lausanne, in *The Treaties of Peace, 1919–1923*, ed. Lawrence Martin (New York, Carnegie Endowment for International Peace: 1924).

⁴¹ Glenda Sluga, *Internationalism in the Age of Nationalism* (Philadelphia: University of Pennsylvania Press, 2013), 9.

⁴² Madeleine Herren et al., *LONSEA – League of Nations Search Engine*, Heidelberg/Basel, 2010–2017, <http://www.lonsea.org>.

⁴³ Zara Steiner, *The Lights that Failed: European International History 1919–1933* (Oxford: Oxford University Press, 2005), 368.

⁴⁴ Since membership data is not available for all the international organizations listed in LONSEA, the number of organizations in which Turkey participated is only the minimum.

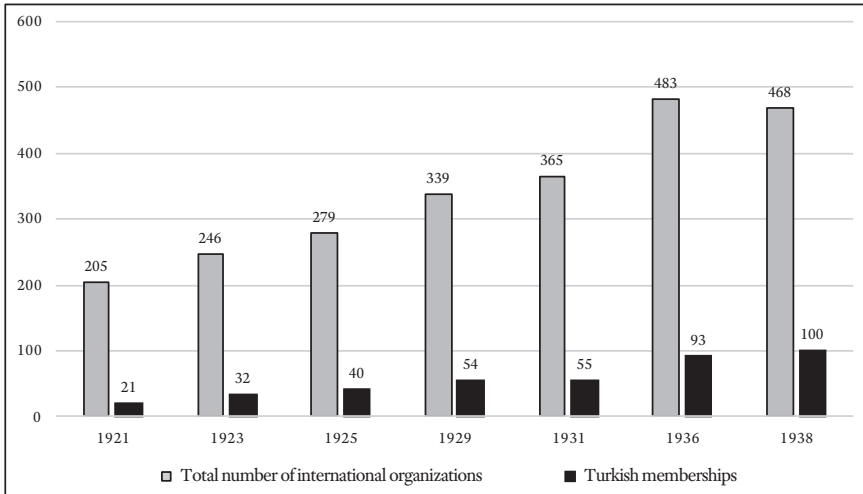


Figure 1: Turkey in International Organizations, 1921–1938

Union. Further accessions to membership in the 1920s included the International Chamber of Commerce, the International Council of Scientific Agriculture, the International Institute of Sociology and Social Reform, the International Touring Association and the International Association of Museum Officials.⁴⁵ These few examples alone illustrate the range of policy areas, from transport, the economy, and science to national culture, which the new republic’s elite was seeking to modernize.

At the same time, Turkish relations with the League and its Secretariat grew slowly. On the one hand, rapprochement was a necessity. Certain stipulations in political and humanitarian agreements involved the League and thus prompted communication by Ankara with Geneva, in particular with the League’s Political Section, Minority Section, and the High Commissioner for Refugees.⁴⁶ Besides, Turkish officials freely sought expertise from the Secretariat, especially from the Health Section and the International Labour Organization, in order

⁴⁵ Data based on LONSEA.

⁴⁶ Mads Drange, *Supervisor, Facilitator and Arbitrator. A Study of the Involvement of the Minority Section of the League of Nations in the Forced Population Exchange between Greece and Turkey in 1923* (M.A. thesis, University of Oslo, 2017); Keith David Watenpaugh, “The League of Nations’ Rescue of Armenian Genocide Survivors and the Making of Modern Humanitarianism, 1920–1927,” *American Historical Review* 115, No. 5 (2010): 1315–1339, doi: 10.1086/ahr.115.5.1315.

to build up their national institutions. What is more, they seemed ready to join the League officially. At the Lausanne Conference 1922/23, the British delegate, Lord Curzon, pressured the Turkish delegation to finally take a stand and join the organization. In response, the Turkish delegate and Foreign Minister, İsmet (İnönü) Pasha, assured Curzon that “Turkey would be happy to enter the League of Nations upon the conclusion of peace.”⁴⁷ Both İsmet Pasha and the government back in Ankara agreed with that.⁴⁸ They sent two Turkish delegates to the League Secretariat in order to obtain information about the organization on the spot.⁴⁹ In January 1923, İsmet Pasha was expecting an official invitation from the British government to join the League at any time and discreetly consulted a British conference delegate as to how soon Turkey could do so.⁵⁰ Later, in November, a Foreign Office official and Turkey’s former Consul in Geneva, Cemil Selman (Tiyenşey), sent a confidential letter to League Secretary-General Eric Drummond inquiring about how much Turkey would be expected to pay in membership fees.⁵¹ In short, in 1923–24, Turkish membership in the League seemed to be imminent to all sides involved.

The League Secretariat was following the situation closely. In the course of postwar peacemaking, its members had proved willing enough to help realize the European powers’ imperialistic designs on Turkey by means of promoting its internationalization. In 1919, Secretary-General Drummond and his staff even supported the Allied plan to separate Istanbul from Turkey. He proposed to put the city under League protection, thus catering to British interests.⁵² Even when the negotiations in Lausanne put an end to a broad scheme for imperialist internationalization, Secretariat members were eager to suggest compensations for the loss of European control over Turkish affairs. The League’s Health Director, Ludwik Rajchman, thought that the League should send international medical advisers to Turkey to substitute for direct control

⁴⁷ Territorial and Military Commission. Minutes of the Fifteenth Meeting, December 14, 1922, in *LCR*, 221.

⁴⁸ İsmet Pasha to Hüseyin Rauf, December 14, 1922, in *Lozan Telegrafları I*, 215–216.

⁴⁹ İsmet Pasha to Eric Drummond, December 6, 1922; reply by Eric Drummond, December 9, 1922, League of Nations Archives, Geneva (hereafter LONA), R1596 40-25113-24661.

⁵⁰ İsmet Pasha to Mustafa Kemal Pasha, January 26, 1923, Başbakanlık Cumhuriyet Arşivi (Republican Archives Ankara), 30.10.0.0, 218.472.29; Nevile Henderson to James Ramsay MacDonald, July 26, 1924 (FO E 6425/5281/98), in *British Documents on Foreign Affairs. Reports and Papers from the Foreign Office Confidential Print II* (hereafter *B DFA II*), Vol. 30, ed. Bülent Gökay (Bethesda: University Publications of America, 1997), 202–204.

⁵¹ Cemil Selman to Pierre Comert, November 10, 1923, LONA, R1596-40-32191-24661.

⁵² Eric Drummond to Philip Kerr, December 13, 1919, LONA, R564-11-2432-2432.

by the Supreme Council of Health.⁵³ Similarly, Helmer Rosting, who was a high-ranking official in the Secretariat's Minority Section, discussed ways the League could redefine and effectively continue the privileges formerly granted to Europeans and Americans by the Capitulations, by extending the scope of the Minority Treaties.⁵⁴ Both Rajchman and Rosting explored internationalist-friendly loopholes that would continue European influence in Turkey. They did so, however, within the limitations imposed by Turkish sovereignty, which they now had to accept.

The Secretariat soon adapted to the conditions created by Lausanne. It worked to forge stronger ties with Turkey and achieve its full membership.⁵⁵ For that purpose, the League's Information Section decided to hire a Turkish assistant to act as go-between with Turkish government officials. He was expected to read the press and report on attitudes in Turkey toward the League. Ziya Hüsnü, who had studied in Belgium and Switzerland and worked as a correspondent for an Istanbul newspaper in Geneva, became the Secretariat's freelance "liaison officer for Turkey" from 1923 to 1934.⁵⁶ At the same time, he was the Geneva correspondent of the newly founded Turkish state press agency, Anadolu Ajansı. With his influential role as a journalist and his familiarity with both the international milieu in Geneva and Turkish elite circles, he made an ideal intermediary for Geneva, Ankara, and the Turkish public. Turkish officials welcomed his connections and considered his journalistic activities a positive factor in strengthening public interest in the League in Turkey. In May 1924, the Turkish Consul in Geneva asked Drummond to provide Hüsnü with a permanent position, arguing that he could play an important role in Turkey's accession to the League, which he saw as soon to be realized.⁵⁷

What might seem contradictory at first – Turkey's enthusiasm for internationalization and its rejection of imperialistic international structures – was actually a careful balancing act between international entanglements and national sovereignty. Again, international health cooperation serves as an example. As

⁵³ Ludwik Rajchman, Memorandum, September 22, 1923, LONA, R1599 40-30417-28/80.

⁵⁴ Helmer Rosting, Report on a meeting with Alice Harun, November 22, 1922, LONA, R1596-40-24661-24661.

⁵⁵ Egon F. Ranshofen-Wertheimer, *The International Secretariat. A Great Experiment in International Administration* (Washington: Carnegie Endowment for International Peace, 1945), 358; Francis Paul Walters, *A History of the League of Nations*, 2nd edition (London: Oxford University Press, 1960), 561–562.

⁵⁶ Gwenllian Vera Ward to Jean Henri Bieler, July 4, 1924, LONA, Zia Husni, Personnel File. Information on Ziya Hüsnü in this paragraph are based on his personnel file.

⁵⁷ *Ahmet Rüşti* to Eric Drummond, May 22, 1924, LONA, Zia Husni, Personnel File.

previously mentioned, the Turkish delegation at Lausanne had opposed the continuation of the Istanbul Supreme Council of Health. They rejected euro-centrism and European scientific superiority, arguing that Istanbul was no more of an epidemiological threat than Marseille or Genoa, and that Turkey itself had sufficiently qualified health experts who could take over the fight against epidemics.⁵⁸ The Turks' insistence on their own autonomous health policies marked the beginning of renewed but now self-determined internationalization. Already in late 1923, Turkish authorities asked Rajchman, as Director of the Secretariat's Health Section, for expertise and help to expand the Turkish national health services.⁵⁹ Rajchman, somewhat paternalistically, considered sending foreign medical advisers to Turkey, but he ultimately acknowledged the Turks' autonomy. He admitted that "strengthening of the sanitary administration of a country is the surest means of combatting epidemics in the long run."⁶⁰

In mid-1924, a British diplomat showed a keen understanding of Turkish sensitivities towards international cooperation. He spoke of two conflicting motives in Ankara: securing a strong nation-state on the one hand, and internationalizing it on the other. He noted that the Turks had recently refused to participate in the Conference of Naval Experts, but had willingly taken part in the Conference on Communications and Transit. Both conferences were held under the auspices of the League. One addressed disarmament, the other international transport and traffic. In his view, Turkey's participation in the politically less sensitive Transit Conference signaled its fundamental desire for international alignment, but its refusal to participate in a conference on international disarmament stemmed from its "unwillingness to get entangled in anything which might tend to hamper her freedom to develop her armed forces."⁶¹ Military strength is certainly the most forceful expression of sovereignty, but guarding national sovereignty also shaped Turkey's internationalization policy in other areas. In sum, the Kemalist approach towards international organization was neither isolationist nor unconditionally integrationist. It is better described as a balancing act aimed at the symmetric internationalization of the sovereign nation-state in the making.⁶² This had two contradictory effects. While national sovereignty was

⁵⁸ Economic and Financial Commission. Minutes of the Fifth Meeting, January 27, 1923, in *LCR*, 595–597.

⁵⁹ Riza Nur to Ludwik Rajchman, September 6, 1923, LONA, R853 12B-31283-26249.

⁶⁰ Ludwik Rajchman, Memorandum, September 22, 1923, LONA, R1599 40-30417-28/80.

⁶¹ Nevile Henderson to James Ramsay MacDonald, July 26, 1924 (FO E 6425/5281/98), *BdFA II*, Vol. 30, 202.

⁶² The end of international control did not render Turkey uninterested in foreign affairs. On the contrary, having regained formal sovereignty in 1923, the Turkish government started using their

a prerequisite for equal international cooperation, the national interest tended to alienate Turkey from some kinds of international engagements, for example, from international efforts toward disarmament and the League of Nations' Minority System.⁶³

III. The Question of (Non-)Membership Reconsidered

The initial optimism about imminent Turkish membership in the League suddenly nosedived in 1925–26 when the League took up the Mosul Question and decided it in favor of the British Government. Since Mosul had been part of the territorial claims of the National Movement, the League's decision irritated the Turkish public. A British diplomat in Turkey, Reginald Hoare, reported that both the press and the government felt that the League "was the debauched handmaid of Great Britain."⁶⁴ Existing research identifies the Mosul Question as the main reason for Turkey's relatively late accession to the League.⁶⁵ This is undoubtedly true, but I see fit to add two observations.

First, it might be more accurate to say that the League's decision on Mosul was not so much the main reason for Turkey's hesitancy to join the League, but rather it confirmed the Kemalists' general mistrust of the power asymmetries in international organizations. Ever since Turkey's foundation, its leaders had not only voiced their intention to join the League, but also their discontent regarding the League's asymmetric structure. The Turkish government, the press, and parliamentarians in Ankara all criticized the Council – the League's decision-making body – in particular.⁶⁶ Foreign diplomats assumed quite rightly

increased bargaining power in order to achieve favorable trade deals and other international agreements e.g. those relating to international disarmament and the opium trade. See William B. McAllister, *Drug Diplomacy in the Twentieth Century. An International History* (London: Routledge, 2000), 37, 67, 92; and Yahya S. Tezel, *Cumhuriyet Döneminin İktisadi Tarihi (1923–1950)* (Ankara: Yurt Yayınları, 1986), 139–143, 148–150.

⁶³ Since it perceived international efforts to protect minorities as a vestige of nineteenth century imperialist interventionism as well as a threat to its goal of homogenizing its population, the Turkish government remained uncooperative. See Lerna Ekmekçioğlu, "Republic of Paradox. The League of Nations Minority Protection Regime and the New Turkey's Step-Citizens," *International Journal of Middle East Studies* 46, No. 4 (2014): 657–679, doi: 10.1017/S0020743814001007. Nationalist policies in the economic sector were another reason for its alienation, see Pamuk, *Uneven Centuries*, 195–196.

⁶⁴ Reginald Hoare to Austen Chamberlain, March 31, 1926 (FO E 2189/2189/44), *BdFA II*, Vol. 30, 396–397.

⁶⁵ Barlas, "Milletler Cemiyeti'nde Türkiye," 98; *Turkey and the United Nations*, 19.

⁶⁶ *TBMM Zabıt Ceridesi* (Proceedings of the Grand National Assembly of Turkey) 4/1, Meeting 2, Vol. 1 (May 9, 1931), 25; *TBMM Zabıt Ceridesi* 4/3, Meeting 28, Vol. 2 (July 15, 1931), 133. Other

that the Mosul decision destroyed Turkey's trust in the Geneva organization.⁶⁷ Nevertheless, Turkish officials did not fully retreat from their plan to join the League. Instead, they started to negotiate.

After 1926, Turkish officials repeatedly used public events and their meetings with diplomats and members of the League Secretariat to announce that a seat on the League's Council was the *sine qua non*⁶⁸ for their accession.⁶⁹ In an interview with the press in Berlin in spring 1929, Tevfik Rüştü (Aras), Turkey's Foreign Minister from 1925 to 1938, declared that Turkey was prepared to participate in the work of the League. "We will, however, certainly not seek admission to the League," he added, "until complete equality of the rights of nations is established."⁷⁰ Behind closed doors, however, Tevfik Rüştü admitted to Secretary-General Drummond that he himself desired League membership. Even so, he explained, the League's image with the Turkish public and Parliament was still suffering from the Mosul decision. He therefore needed a convincing argument – the guarantee of a seat on the Council.⁷¹ In the 1920s, Turkey's membership was largely a question of achieving a relatively equal starting position with the dominant powers in an asymmetric organization.

Second, we should be careful not to mistake postponement of membership for a full retreat from internationalism. Existing scholarship suggests that the Mosul decision led Turkey to distance itself from the League and conclude a renewed Treaty of Friendship with the Soviet Union.⁷² While that is true with regard to Turkey's reaction on the diplomatic level, it overlooks that its reaction on the level of internationalization was quite different. After 1925, the Kemalists did not turn to the Communist International, but to an organ of the League:

countries at the periphery of international power also criticized the League and its unequal internal structure. See Fischer, *Die Souveränität der Schwachen*, 270–271; Sally Marks, "The Small States at Geneva," *World Affairs* 157, No. 4 (1995): 191–196.

⁶⁷ Neville Henderson to James Ramsay MacDonald, July 26, 1924 (FO E 6425/5281/98), *BDEFA II*, Vol. 30, 203.

⁶⁸ George R. Clerk to Austen Chamberlain, June 8, 1927 (FO E 2614/17/44), *BDEFA II*, Vol. 31, 10.

⁶⁹ Statement cited in Ronald Lindsay to Austen Chamberlain, June 9, 1926 (FO E 3624/3624/44), *BDEFA II*, Vol. 30, 403–404; George R. Clerk to Arthur Henderson, October 10, 1929 (FO E 5266/5266/44); William Edmonds to Arthur Henderson, December 18, 1929 (FO E 6691/5266/44), *BDEFA II*, Vol. 31, 336, 359.

⁷⁰ Passages from the interview quoted in Horace Rumbold to Austen Chamberlain, April 24, 1929 (FO E 2118/92/44), *BDEFA II*, Vol. 31, 312–313.

⁷¹ Discussed in George R. Clerk to Austen Chamberlain, April 30, 1928 (FO E 2381/43/44), *BDEFA II*, Vol. 31, 176; George R. Clerk to Arthur Henderson, January 14, 1930 (FO E 323/323/44), *BDEFA II*, Vol. 32, 1.

⁷² *Turkey and the United Nations*, 34.

the International Labour Organization (ILO).⁷³ It is remarkable that, at the very same time Turkish relations with the League turned sour, the Turks' relationship with the International Labour Organisation and its office in Geneva gained momentum. In September 1925, Albert Thomas, the director of the International Labour Office (the ILO bureau), met with the Turkish Foreign Minister and his Berne envoy, Mehmet Münir (Erteğün). Now that accession to the League of Nations had become somewhat hypothetical, Thomas concluded that relations between his office and Ankara should play an important role. Although Turkey did not have ILO membership, its relations were handled in more unofficial ways "under the pretext of field studies or information."⁷⁴ The next spring, a delegation of the International Labour Office paid a visit to Ankara and Istanbul in order to learn about the socioeconomic policies of the Turkish government and to set the course for future relations. The lead delegate, Fernand Maurette, reported that the mere mention of the League made his hosts angry. As a result, Maurette made every effort to stress the ILO's autonomy from the League. The Ministers he met were eager to cooperate with the ILO. Foreign Minister Tevfik Rüşti, Maurette said, even inquired about the possibility of joining the ILO independently of the League.⁷⁵

The visit turned out to be a success for both sides. It marked the start of a mutual information exchange and the participation of Turkish observers in the Labour Conferences. The Istanbul correspondent of the newspaper *Le Temps*, who followed the events, wrote an enthusiastic letter to Albert Thomas. He encouraged the ILO, because "it is more free to act in Turkey than the L.o.N.," to take over the task of establishing itself "in Turkey in the spirit of Geneva"⁷⁶ and make the "new Turkey" part of the international alliance for progress. For the Turkish government, intensified relations with the ILO served as more than just an ersatz liaison with the League. Rather, the ILO's mission dovetailed with the Kemalists' socioeconomic agenda in the 1920s. Broadly speaking, this was a mixture of capitalism and state control. It was an agenda aimed at building up a strong national economy and overcoming potential class strife through national solidarity. The ILO, which promoted the solution of social questions within the capitalist system, was ideologically compatible with the solidarist – and

⁷³ On the ILO, see Antony Alcock, *History of the International Labour Organisation* (New York: Palgrave Macmillan, 1971).

⁷⁴ Albert Thomas, Report about the Meeting, September 21, 1925, International Labour Organisation Archives, Geneva (hereafter ILOA), CAT 5-73/1/1.

⁷⁵ Fernand Maurette, Report about the Mission to Turkey, March 24, 1926, ILOA, CAT 5-73/1/3.

⁷⁶ Paul Gentizon to Albert Thomas, March 25, 1926, ILOA, CAT 5-73/1/3.

anti-communist – leanings of the Turkish government.⁷⁷ As shown before, the Turkish approach to international organizations can be understood as an attempt to balance out asymmetric power relationships. At the same time, as the ILO example highlights, it implied a policy of openness to international ventures that were consistent with the Turkish government’s domestic agenda.

Cooperation with the Geneva-based international organizations remained a central goal of the Kemalists throughout the 1920s, even though they did not seek actual membership. The Secretariat’s sections and different fields of cooperation, as well as the ILO Bureau, provided the Turkish government with an indirect path to liberal internationalism. This was in line with Turkey’s cautious, balanced internationalization strategy, because it enabled the Turks to participate in the League without bowing to their internal hierarchies. In particular, the ILO’s relative autonomy from the League allowed the Turkish government to become involved with it, even shortly after the Mosul dispute, without abandoning its ostentatiously critical attitude toward the League. In the late 1920s, relations with the ILO slowly intensified in tandem with an increase in Turkey’s cooperation with the League. The Turkish government ratified several conventions initiated by the League and Turkish delegates participated in important League conferences, including the World Economic Conference (1927).⁷⁸ “Little by little she is drawing nearer,”⁷⁹ commented the British Ambassador in Ankara on Turkey’s relationship with the League during that time. In 1929, a fellow diplomat remarked that Turkey’s “desire for westernisation, which is at the root of her internal policy, carries her towards Geneva.”⁸⁰ As the next chapter reveals, there was in fact a common denominator of westernization and internationalization in the Kemalist mentality.

IV. Nation-building as an Internationalization Strategy

As I have tried to show, internationalization was just as important to the Kemalist leaders as preserving Turkey’s sovereignty within internationalist

⁷⁷ Ahmad, “Political Economy,” 151–152; On solidarism in Turkey, see Ertan Aydın, “Peculiarities of Turkish Revolutionary Ideology in the 1930s. The Ülkü Version of Kemalism, 1933–1936,” *Middle Eastern Studies* 40, No. 5 (2004), 55–82, here 66–67, doi: 10.1080/0026320042000265675.

⁷⁸ Cf. Société des Nations, *L’œuvre de la Société des Nations en matière de conventions internationales. Signatures, ratifications et adhésions concernant les Accords et Conventions conclus sous les auspices de la Société des Nations. Vingt et unième liste*, C. 25. M. 25 1943 V. Annexe, Genève le 10 Juillet 1944.

⁷⁹ George R. Clerk to Arthur Henderson, October 10, 1929 (FO E 5266/5266/44), *BDEFA II*, Vol. 31, 336.

⁸⁰ William Edmonds to Arthur Henderson, December 18, 1929 (FO E 6691/5266/44), *BDEFA II*, Vol. 31, 359.

structures. Stressing the link between the Kemalists' attitudes and the Ottoman experience of semi-colonial status *vis-à-vis* the western world, I suggest understanding the desire for symmetric internationalization as the basic rationale for Kemalist policies. It explains their determined effort to avoid asymmetric entanglements as well as their cautious cooperation with international organizations. However, it does not explain their later positive embrace of renewed internationalization. This chapter, therefore, discusses how internationalization was in fact a fundamental goal of the Kemalists in the first place. It highlights the structural and ideological connections between Turkish nation-building and liberal, i.e. Wilsonian, internationalism. One explanation for this, I think, can be found in the work of Ziya Gökalp.

Ziya Gökalp (1876–1924) is widely regarded as the key thinker of Turkish nationalism both in the late Young Turk times and in the time of the early Republic. His theories provided both inspiration and academic cachet for the Kemalist social engineering that transformed the multiethnic Empire into a secular nation state. Over the decades, scholars from different intellectual backgrounds have evaluated Gökalp's ideas. Some of them portray Gökalp as a promoter of authoritarianism and jingoism.⁸¹ Genocide scholars have accused him of ideological contributions that justified systematic ethnic exclusion and violence in Anatolia.⁸² By contrast, other scholars stress his left-leaning concept of solidarity.⁸³ Still others interpret his synthesis of the Turkish Muslim identity and modernization as a postcolonial case of "multiple modernity."⁸⁴ It is fair to say that Gökalp was all that. His figure is just as ambiguous as the Turkish modernity he championed.⁸⁵ What most prominent works about him share in common, however, is a disregard for his conceptions of internationalism.⁸⁶ His most ardent

⁸¹ Most prominent is Uriel Heyd, *Foundations of Turkish Nationalism. The Life and Teachings of Ziya Gökalp* (London: Luzac and Harvill Press, 1950), 169.

⁸² E.g. Uğur Ümit Üngör, "Seeing like a Nation-state. Young Turk Social Engineering in Eastern Turkey 1913–50," *Journal of Genocide Research* 10, No. 1 (2008): 15–39, here 23, doi: 10.1080/14623520701850278.

⁸³ Taha Parla, *The Social and Political Thought of Ziya Gökalp 1876–1924* (Leiden: Brill, 1985).

⁸⁴ Andrew Davison, "Ziya Gökalp and Provincializing Europe," *Comparative Studies of South Asia, Africa and the Middle East* 26, No. 3 (2006): 377–390, doi: 10.1215/1089201x-2006-020; Jonathan A. Grant, "Crossing the Eastern Divide: Western Civilization and Islam in the Views of Chaadaev and Gökalp," *History Compass* 3, No. 1 (2005): 1–7, doi: 10.1111/j.1478-0542.2005.00127.x.

⁸⁵ A concise summary of the different elements in Gökalp's thinking appears in Hamit Bozarslan, "M. Ziya Gökalp," in *Modern Türkiye'de Siyasî Düşünce 1: Cumhuriyet'e Devreden Düşünce Mirası. Tanzimat ve Meşrutiyet'in Birikimi* (Istanbul: İletişim, 2001), 314–319.

⁸⁶ Notable exceptions are Taha Parla's book as well as a short paragraph in Banu Turnaoğlu, *The Formation of Turkish Republicanism* (Princeton: Princeton University Press, 2017), 170.

critic even claimed that Gökalp lacked “ideals of humanity and international co-operation.”⁸⁷ In fact, the contrary is true: Gökalp had a very clear idea of international cooperation even if it was an anti-individualistic and nationalistic one. Although I cannot delve deeply into his theories here, I hope to show that his thoughts on nationalism and modernity are bound up with a distinctive approach to internationalism.

In 1923, the founding year of the Republic, Gökalp published *Türkçülüğün Esasları* (The Principles of Turkism), which is his main theoretical and ideological work. There he articulated his belief that Turkey lagged “far behind the European nations” and should make every effort “to catch up with them in civilization.”⁸⁸ His view is characteristic of that of the Young Turk elite, who developed a repertoire of progressive, positivist, social Darwinist ideas.⁸⁹ However, similar to some of his Young Ottoman forerunners like Namık Kemal and Ziya Pasha, Gökalp warned his countrymen not to mistake the endeavor to catch up with European civilization for cultural assimilation.⁹⁰ Inspired by French and German sociology, in particular by Ferdinand Tönnies’s concepts of *gesellschaft* and *gemeinschaft*, Gökalp insisted that there is a fundamental difference between civilization (*medeniyet*) and culture (*hars*).⁹¹ In his definition, a civilization is a group of nations sharing – via imitation and exchange – similar social structures, concepts, technologies, and systems of knowledge. Similar to Tönnies’ definition of *gemeinschaft*, he defined culture as not only a functional form of socialization, but a natural community based on strong feelings of belonging. Gökalp defined culture as something essentially *national* that varies from nation to nation. Hence, he concluded, Turkey should take a dual path to modernity: it should adopt the institutions of “European civilization” and the model of the secular nation state, but at the same time cherish a distinct national culture based on a Turkish and Muslim identity. Gökalp’s cultural essentialism reveals the influence of idealistic thinkers like Johann Gottfried Herder, who relativized

⁸⁷ Heyd, *Foundations*, 169.

⁸⁸ Ziya Gökalp, *The Principles of Turkism*, transl. by Robert Devereux (Leiden: Brill, 1968), 75. Modern Turkish version: Ziya Gökalp, *Türkçülüğün Esasları* (Istanbul: Millî Eğitim Basımevi, 1970), 109–110.

⁸⁹ Şükrü M. Hanioglu, *Preparation for a Revolution. The Young Turks 1902–1908* (New York: Oxford University Press, 2001), chapter 10.

⁹⁰ Gökalp, *Türkçülüğün Esasları*, 110. On the Young Ottomans, see Christiane Czygan, “Reflections on Justice: A Young Ottoman View of the Tanzimât,” *Middle Eastern Studies* 46, No. 6 (2010): 943–956, doi: 10.1080/00263200903445714.

⁹¹ Ferdinand Tönnies, *Gemeinschaft und Gesellschaft. Abhandlung des Communismus und des Socialismus als empirische Culturformen* (Leipzig: Fues, 1887).

the cosmopolitan impetus of the Enlightenment by stressing the people's unique development.⁹²

We need to understand Gökalp's conceptual distinction between culture and civilization in order to make sense of his notion of internationalism (*beynelmileliyet*, also *beynelmileliyetçilik*). "Modern civilization," he wrote in 1913, "is on its way to create a new internationality."⁹³ The novelty of this internationality, as he saw it, was its secular and scientific character, which opened it up to non-Christian nations like Japan and Turkey, so long as they agreed on the same civilizational tenets. In Gökalp's view, internationalism coincided with European civilization. In his later work "Principles of Turkism," published after the League had come into existence, he refined his thoughts on the matter, fitting internationalism into his dual concept of civilization and national culture. Much the same as the "nation is the sum total of individuals who share a common culture," he wrote, internationalism is "the sum total of nations which share a common civilization."⁹⁴ "Thus, any particular internationality," he concluded, "includes a common civilization shared by all member nations, as well as a collection of the national cultures of those nations."⁹⁵ Gökalp considered the international order (and the League of Nations in particular) to be both essentially national and an institutional expression of European civilization. Hence, he declared internationalism to be the most natural setting for western-oriented Turkish nation-building: "This means that when we enter European civilization, we will inherit ... an *international* civilization."⁹⁶ In his eyes, Turkish nation-building was compatible with, even congenial to internationalism, because both of them were built upon European civilization and nationalism. "There is, however, no irreconcilable contradiction between Turkism and internationalism. Every Turkist [Türkçü, Turkish nationalist] is simultaneously an internationalist, because each of us lives two social lives, one national, the other international."⁹⁷

Gökalp's view of liberal internationalism as the alter ego of Turkish nationalism was widely shared among the Kemalist elite. It was popular in the emerging social sciences, in school curricula, in press coverage of international politics,

⁹² On Gökalp and romantic idealism, see Mihran Dabag, "Knowledge, Order and Formative Violence in the Middle East: On the Relation between Islam and the Nation State from the Ottoman Empire to the Present," in *Disasters of War: Perceptions and Representations from 1914 to the Present*, ed. Steffen Bruendel and Frank Estelmann (Paderborn: Wilhelm Fink, 2019), 33–56, 51.

⁹³ Ziya Gökalp, "Üç Cereyan," in *Türkleşmek, İslamlaşmak, Muasırlaşmak* (Istanbul, 1949), 13.

⁹⁴ Gökalp, *Principles*, 73 (Gökalp, *Türkçülüğün Esasları*, 106).

⁹⁵ *Ibid.*

⁹⁶ *Ibid.* (Gökalp, *Türkçülüğün Esasları*, 107). Italics added.

⁹⁷ *Ibid.*, 74 (Gökalp, *Türkçülüğün Esasları*, 108).

and in the Foreign Ministry itself.⁹⁸ In a session of Parliament, Foreign Minister Tevfik Rüştü declared that the League of Nations could almost be regarded “our own idea.”⁹⁹ The perceived need for modernization, nationalization, and Europeanization – a legacy of the Young Turks – was deeply embedded in post-war Turkish nation-building and in Kemalism.¹⁰⁰ The fact that the Kemalists identified ideologically with liberal internationalism had a profound impact on their stance towards “alternative” kinds of internationalism. Prior to the consolidation of the Republic of Turkey in 1923, Turkish nationalists participated in conferences held by the Socialist International and the Comintern and engaged in pan-Turkic and pan-Islamic conferences and networks.¹⁰¹ The Ankara government itself hosted pan-Islamic meetings and sent an official delegation to the Communist International’s 1920 Congress of the Peoples of the East in Baku.¹⁰² However, such internationalist ventures were only temporary and pragmatic in nature. They supported the National Movement’s short-term goal of preventing the implementation of the Sèvres Treaty.

The Kemalists’ actual ideological distance from such alternative forms of international organization showed itself in their severe control and oppression of communists, political pan-Islamists, and irredentist pan-Turkists in the 1920s.¹⁰³ The famous British historian Arnold Toynbee, who attended the Lausanne Peace Conference and also undertook a journey to Turkey, put it like this: “A definite and limited Turkish Nationalism is in the ascendant, while Pan-Islamism and

⁹⁸ Gökalp’s pupil, Necmettin Sadık (Sadak), who succeeded Gökalp as Chair of Sociology in Istanbul in 1920, also happened to be a prominent newspaper editor, the author of an influential school textbook on society and politics, and Turkey’s delegate to the League of Nations Assembly from 1932. See “Necmeddin Sadak,” in *Dışişleri Bakanlığı 1967 Yılığ*, ed. Hâmid Aral (Ankara, 1967), World Biographical Information System ID Q70197; Necmeddin Sadak, *Sosyoloji* (Istanbul 1938).

⁹⁹ *TBMM Zabıt Ceridesi* (Proceedings of the Grand National Assembly of Turkey) 4/3, Meeting 28, Vol. 2 (July 15, 1931), 133.

¹⁰⁰ Erik-Jan Zürcher, *The Young Turk Legacy and Nation Building: From the Ottoman Empire to Atatürk’s Turkey* (London: I.B. Tauris, 2010).

¹⁰¹ Carolin Liebisch, “Defending Turkey on Global Stages: The Young Turk Reşit Saffet’s Internationalist Strategy in 1919,” *New Global Studies* 10, No. 3 (2016): 217–251, doi: 10.1515/ngs-2016-0022; Alp Yenen, “The Other Jihad: Enver Pasha, Bolsheviks, and Politics of Anticolonial Muslim Nationalism during the Baku Congress 1920,” in *The First World War and its Aftermath: The Shaping of the Middle East*, ed. T. G. Fraser (London: Gingko Library Press, 2015), 273–293.

¹⁰² Ayla Göl, *Turkey Facing East: Islam, Modernity and Foreign Policy* (Manchester: Manchester University Press, 2013).

¹⁰³ Cemil Aydın, “The Muslim World’ Question during the Interwar Era Global Imaginary, 1924–1945,” *New Global Studies* 10, No. 3 (2016): 349; Bülent Gökay, *Soviet Eastern Policy and Turkey, 1920–1991: Soviet Foreign Policy, Turkey and Communism* (London: Routledge, 2006), 41–46; Jacob M. Landau, *Pan-Turkism. From Irredentism to Cooperation*, 2nd edition (London: Hurst and Company, 1995), 74–80.

Pan-Turanianism are markedly out of fashion.”¹⁰⁴ He stressed his belief that “The West, and not Russia, remains their [the Kemalists’] ideal; the western comity of nations, not the Third International, is the society into which they are seeking an entry.”¹⁰⁵ From the outset, the Kemalists’ cooperation with the Soviets, which continued throughout the interwar decades, was pragmatic in the sense that it served the reassertion of Turkish sovereignty and national interests, but did not share the Soviet vision of an ideal communist society.¹⁰⁶ As regards their own vision of the ideal socioeconomic structure, the Kemalists built on the Tanzimat tradition, which respected, but did not blindly imitate, the western European model of “civilization.”¹⁰⁷

Considering the ideological connections between Turkish nationalism and liberal internationalism, it seems plausible that not only particular developmental objectives were behind the Kemalists’ decision to cooperate with western organizations, but also their general drive toward nationalization, modernization, and “civilization.” Of course, when government officials asked the League Secretariat for medical expertise or the ILO for information on socioeconomic topics, they mainly did so in order to modernize their state institutions. However, modernization was part of a broader scheme aimed at becoming an equal partner in the community of modern states. The thought shared by the modernizing elites in the late Ottoman Empire and the Kemalist era was that building up a modern state was the surest means to thwart European imperialism. Nation-building, the logic went, would forge a modern, homogeneous nation-state, which would then be recognized as a part of civilization and whose sovereignty would be respected. In the same way, successful nation-building would immunize Turkey against the imperialistic potential latent in internationalism. The consolidation of a strong nation-state and its international recognition were, in the eyes of many, an indispensable precondition for internationalization.

“(W)hat advantage will we gain by entering the League of Nations until we have definitely entered European civilization?” Gökalp asked. He explained that a “nation that other nations desire to subject to political interventions and capitulations is a nation considered to be outside that civilization.”¹⁰⁸ While he saw liberal internationalism as the natural choice for the Turks, he – as well

¹⁰⁴ Arnold J. Toynbee, “Angora and the British Empire in the East,” *The Contemporary Review* 123 (January 1923): 684.

¹⁰⁵ *Ibid.*, 688.

¹⁰⁶ Göl, *Turkey Facing East*, 174–175.

¹⁰⁷ Pamuk, *Uneven Centuries*, 168–169.

¹⁰⁸ Gökalp, *Principles*, 47 (Gökalp, *Türkçülüğün Esasları*, 66).

as the Kemalist elite – found fault with the League for not living up to Wilsonian principles. Foreign Minister Tevfik Rüşti spoke of the League as two different things, an ideal and a real organization, and bemoaned the discrepancy between the two. In his and Gökalp’s view, Turkish nationalists were in fact better internationalists, because unlike European governments, they truly cherished the ideals of the League.¹⁰⁹ As a result, the Kemalists chose not to abstain from the League altogether, but to achieve a favorable position within the organization.¹¹⁰ In their eyes, this required that Turkey be recognized internationally as a civilized nation. Living up to the “standard of civilization” in the international community and becoming accepted as a modern state and a member of “European civilization” were the key goals of the Kemalists. Seen this way, the prominent reforms of the 1920s – from the Hat Reform to the adoption of the Swiss Civil Code – had more to do with international organizations than it may initially appear. In fact, one could say that reform contributed to the Kemalist internationalization strategy and its goal of equal, sovereign, balanced international integration.¹¹¹

V. Discussion: Intersecting Asymmetries and a Postcolonial Reading of International Organizations

Researchers who advocate a postcolonial reading of international relations generally highlight the role of western hegemony in shaping the discourses and structures of international politics. They then investigate how actors at the peripheries of global power interacted within this setting.¹¹² As regards the case of Turkey, such an approach delivers useful insights for expanding the

¹⁰⁹ Ziya Gökalp, “Milletler Cemiyeti,” *Cumhuriyet*, July 26, 1922, in Ziya Gökalp, *Makaleler IX: Yeni Gün, Yeni Türkiye, Cumhuriyet Gazetelerindeki Yazılar*, ed. Şefket Beysanoğlu (Istanbul: Kültür Bakanlığı Yayınları, 1980), 134–137; Tevfik Rüşti’s statement in *TBMM Zabıt Ceridesi* (Proceedings of the Grand National Assembly of Turkey) 4/3, Meeting 28, Vol. 2 (July 15, 1931), 133.

¹¹⁰ Cf. *Turkey and the United Nations*, 18.

¹¹¹ Yücel Bozdağlıoğlu, *Turkish Foreign Policy and Turkish Identity* (New York: Routledge, 2003), 51. Bozdağlıoğlu says, “The construction of a new identity through the Kemalist reforms provided the new political elite with the framework within which Turkish foreign policy was thenceforth to be formulated.” His brilliant study stands out among the literature on Turkey’s diplomatic history thanks to his constructivist approach and his emphasis on international organizations and cultural factors. However, the book does not cover the League and international organizations in the interwar period.

¹¹² See the overview by Jan Wilkens, “Postcolonialism in International Relations,” in *Oxford Research Encyclopedia of International Studies* (Oxford: Oxford University Press, 2017), 1–26, doi: 10.1093/acrefore/9780190846626.013.101. See also, Fabrice Argounès, “De l’usage des Subaltern studies en Relations Internationales,” *Dynamiques Internationales* No. 1 (2009): 1–24.

historiography of the country's internationalization. It shows that while Turkey's internationalization may have been driven by tactical concerns, multilateral constellations, and power interests, as well as by its developmental objectives, there is another dimension. Internationalization was also a strategy for dealing with European global hegemony.

As seen in the previous chapter, the Kemalist discourse of modernization as a sort of internal civilizing mission that would allow Turkey to "catch up" with "European civilization" was ingrained in their demand for symmetrical internationalization. The relation between Turkey and the League thus existed on a much deeper level than that of foreign affairs. Not only foreign policy, but the very process of building the nation was behind Turkey's participation in international organizations.¹¹³ The Kemalists' goal was to become part of "European civilization." They saw the League of Nations ideals (despite the shortcomings in their realization) as the institutional embodiment of that civilization. Nation-building aimed to transform Turkey into a "modern" nation-state that would be recognized as an equal and sovereign member of the international community. It was therefore an internationalization strategy, albeit an ambivalent one. It challenged the hierarchies of power that existed on the international level, but it also reinforced the power asymmetries within the new Turkish state, as discussed below.

Putting Turkey's internationalization in the 1920s into the context of imperialism and anti-imperialism is only half the story. The Kemalists' strong insistence on an ethnically exclusive form of nationalism imbued their approach to internationalism with an essentialist, nationalist, and anti-individualist spirit. Gökalp himself referred to his own conception of internationalism as the "antithesis of cosmopolitanism,"¹¹⁴ because he defined "a civilization" as constituted of national identities and not individual human beings. His interpretation tied in with that of his contemporaries, like the French sociologist Marcel Mauss and the Swiss international law expert Max Huber, who defined internationalism as the opposite of both cosmopolitanism and imperialism.¹¹⁵ The League represented a world order of national collectives, not global citizens. It respected

¹¹³ Influential works highlighting the international dimension of the nation-building process are Martha Finnemore, *National Interests in International Society* (Ithaca: Cornell University Press, 1996); Connie L. McNeely, *Constructing the Nation-State. International Organization and Prescriptive Action* (Westport: Greenwood Press, 1995); Anne-Marie Thiesse, *La Création des identités nationales, Europe XVIII^e-XX^e siècle* (Paris: Seuil, 1999), 18, 284–285.

¹¹⁴ Gökalp, *Principles*, 73 (Gökalp, *Türkçülüğün Esasları*, 106).

¹¹⁵ Max Huber, "Beiträge zur Kenntnis der soziologischen Grundlagen des Völkerrechts und der Staatengesellschaft," in *Jahrbuch des öffentlichen Rechts der Gegenwart* 4 (1910): 128; Marcel

the ultimately anti-cosmopolitan principle of the nation-state. Therefore it was acceptable to the Turkish nationalists.¹¹⁶ “Turkism,” Gökalp explained, “cannot be reconciled with any system that rejects the principle of nation.” The nationalist vision of Gökalp and the Kemalists by no means tolerated their country’s heterogeneity. At its core lay an exclusive Turkish-Muslim identity, not an inclusive concept of citizenship. Throughout the 1920s, the government fostered a homogeneous national culture.¹¹⁷ This included suppressing the political opposition (communists, liberals, and reactionaries) as well as civil society activists like trade unionists.¹¹⁸ At the same time, Kemalism worked to physically homogenize the population via drastic means, such as the so-called population exchange with Greece, the denaturalization of the survivors of the Armenian genocide, and the forced assimilation of the Kurds.¹¹⁹ Creating a religiously, ethno-linguistically, and ideologically uniform nation was an integral part of the Kemalists’ scheme for achieving a modern and sovereign state.

For future research, studies dedicated to the early history of Turkey’s foreign policy *vis-à-vis* international organizations might find it fruitful to elaborate upon the already existing works about its minority politics and their international dimension.¹²⁰ As Volker Prott argues in his book on the *Politics of Self-Determination*, local actors, confronted with the loss of territory after World War I, invoked their *ethnicity* in order to align their cause with the international discourse of national self-determination.¹²¹ Unlike Erez Manela, who considered Wilsonianism to be above all an anti-colonial moment, Prott

Mauss (1920), “La nation et l’internationalisme,” in *Œuvres 3: Cohésion sociale et divisions de la sociologie* (Paris: Les Éditions de Minuit, 1994), 626–634, 629–630.

¹¹⁶ Eric D. Weitz, “From the Vienna to the Paris System. International Politics and the Entangled Histories of Human Rights, Forced Deportations, and Civilizing Missions,” *American Historical Review* 113, No. 5 (2008): 1313–1343, doi: 10.1086/ahr.113.5.1313. See also, Sluga, *Internationalism*.

¹¹⁷ Yeşim Bayar, *Formation of the Turkish Nation State, 1920–1938* (Basingstoke: Palgrave Macmillan, 2014).

¹¹⁸ Stefan Plaggenborg, *Ordnung und Gewalt. Kemalismus, Faschismus, Sozialismus* (München: Oldenbourg, 2012), 164.

¹¹⁹ Üngör, “Seeing;” Sarah D. Shields, “Forced Migration as Nation-Building: The League of Nations, Minority Protection, and the Greek-Turkish Population Exchange,” *Journal of the History of International Law* 18, No. 1 (2016): 120–145, doi: 10.1163/15718050-12340054.

¹²⁰ E.g. Lerna Ekmekçioğlu, “Republic of Paradox: The League of Nations Minority Protection Regime and the New Turkey’s Step-Citizens,” *International Journal of Middle East Studies* 46, No. 4 (2014): 657–679, doi: 10.1017/S0020743814001007; Sarah D. Shields, *Fezzes in the River: Identity Politics and European Diplomacy in the Middle East on the Eve of World War II* (Oxford: Oxford University Press, 2011); Watenpaugh, “Rescue of Armenians.”

¹²¹ Volker Prott, *Politics of Self-Determination: Remaking Territories and National Identities in Europe, 1917–1923* (Oxford, Oxford University Press, 2016).

stressed the ethnification of Wilsonianism and how it contributed to violence. Our understanding of the Turkish case, I would argue, needs to follow up on Prott's reading. The Kemalists' attachment to liberal internationalism and the ideal of a community of sovereign nation-states cannot be dissociated from their use of force to create a homogenous, centralized nation-state that marginalized ethno-religious minorities and the political opposition. The Republican government claimed ultimate authority not only over internal affairs, but also over the internationalization of the "new Turkey." By asserting political authority, it suppressed the activities of Turkish communists and pan-Islamists and thus stifled their opposing versions of internationalism. Pursuing drastic population policies, it also prevented national minorities from articulating their rights and protesting discrimination at the international level.¹²²

"There was only one civilization ... and Turkey had to be a part of it in order to survive," Yücel Bozdağlıoğlu summarizes the Kemalists' ideological mindset. He adds that this policy "in turn led to the suppression of other identities, mainly ethnic and religious, and exclusion of them from the political process."¹²³ The downside of the Kemalist struggle for symmetrical integration into the international organization was the consolidation of a nation-state where the collective identity and sovereignty outranked the individual. Despite its numerous transnational activities, the League of Nations ultimately represented a system based on sovereign national entities that exercised political power over their populations. By acknowledging that the Kemalists were the elite of a highly centralized state who tried to force their interpretation of modernization, civilization, and internationalization on Turkish society, we encounter the limits of the postcolonial approach.

¹²² On the government's resistance to the League of Nations' minority rights regime see, Martin Scheuermann, *Minderheitenschutz contra Konfliktverhütung? Die Minderheitenpolitik des Völkerbundes in den Zwanziger Jahren* (Marburg: Herder-Institut, 2000), 345–370.

¹²³ Bozdağlıoğlu, *Turkish Identity*, 51. See also Ayşe Zarakol, *After Defeat. How the East Learned to Live with the West* (Cambridge: Cambridge University Press, 2011), 9.

EXAMINING FATE: THE DEBATE OVER CHILDREN'S IDENTITY IN THE BORDER AREAS OF INTERWAR EASTERN UPPER SILESIA

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Abstract

This article deals with two little-known disputes over the national identity of a population in the interwar border area of Eastern Upper Silesia. This area was transferred from Germany to Poland after World War I as a result of a plebiscite. Its local population, the Silesians, did not consider themselves entirely German or Polish, but still underwent a process of Polonization. The plebiscite took place in Upper Silesia in 1921, prompting international controversy and internal debate within the Polish state about how to define the nationality of the Silesians in the context of their internationally protected rights as a “minority.” As this article shows, the Silesians were utilized by Central and Western European politicians as objects of international diplomacy and by the Polish authorities to advance their internal policies. The story of “Maurer’s children” and Silesian children born out of wedlock illustrates the reaction of the Silesian population to the interwar politics of nationalization. These cases attracted international attention from 1926 to 1928 and brought questions of national minorities, bilingual children, and self-definition of nationality vis-à-vis the state’s requirements to the level of international debate.

Keywords: World War I; League of Nations; Poland; Upper Silesia; education; nation-building

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Introduction

This article aims to present and examine the national identities of two local populations during the interwar period, in the course of the unique and relatively unknown history of the Central European border area of Eastern Upper Silesia. Sovereignty over this area shifted from Germany to Poland after World War I and the local population underwent an intensive process of re-nationalization or “Polonization.” My study focused mostly on the former German city Kattowitz, or Katowice, which after the shift of the border became the capital of the new Polish Voivodeship of Silesia. The Silesians were required to decide their national affiliation, although for the most part they had never fully considered themselves to be either German or Polish. Therefore, after the shift of the borders, they became the target of an official process of Polonization.

I also focus on the interwar attempt to determine nationality in the two border areas based on the language skills of its inhabitants, which led to widespread international debate. I analyze this through the prism of two cases: “Maurer’s children” (who were so called because they had to undergo examinations of their knowledge of the German language that were supervised by a Swiss school inspector, Walter Maurer) and children born out of wedlock to Silesian mothers. Comparison and contrast of the two cases enables me to situate the two “micro-historical” cases within the “macro” history of Central Europe between the wars. The debate over nationality of the Silesians was conducted “from above” by the Silesian Voivodeship, German and Polish national activists, the League of Nations and the Court of Justice in The Hague, based on demands “from below” of the Silesian inhabitants for education of their children in one or the other of the two languages (and with the language, constructing a sense of national belonging).

Although I focus on the specific region of Eastern Upper Silesia and its capital, Katowice, the questions of national belonging and nationalization, of multi-national states and of the imposition of national, linguistic, and religious identities on minorities compared with their own self-definition were common in the successor states of Austria-Hungary during the interwar period. My methodology of examining “macro” history through “micro” history is highly useful with regard Silesia and other politicized areas with international importance. As Andreas Kappeler wrote in his 2009 article about the increasing importance of micro-historical studies on the one hand and what he termed “supranational” studies on the other: “History should not be treated only on the level of the nation and the state but also on sublevels such as towns, villages and regions,

families and individuals. Microhistorical studies are one of the blossoming fields of contemporary research ... On the other hand, supranational levels are becoming much more important in transnational history.”¹

Therefore, I trace the process of nationalization from “above” in the daily life of the minority inhabitants of border areas of Silesia. I also examine the wider phenomenon of nationality and its creation, and its applicability not only to one specific successor state, Poland, but to many other areas of Europe.

My article deals with the flexibility and uncertainty of the nation-building process, and its dependence upon international political and diplomatic decisions in addition to the internal situation within the state. Its first two parts are dedicated to the development of institutions (mainly the educational system) and to the political background of Central Europe that influenced the debate over the nationalization of Silesian children. The second half of the article focuses on the reaction of the local Silesian population to attempts to influence its children’s sense of national belonging. The children learned to use the same arguments and rhetoric as the authorities used. In doing so, they “nationalized” themselves, in accord with the strategy created by the authorities.

My article also gives my sources a voice, adding a broader, transnational accent to the question of self-definition that other border societies were wrestling with in other successor states in Central Europe. My sources are mostly primary ones found in the State Archives of Katowice. Letters and correspondence written by German and Polish patriotic and nationalist organizations, the Silesian Voivodeship’s educational authorities, the German and Polish governments, the League of Nations, the Court of Justice in The Hague and last but not least, ordinary Silesian citizens, as well as official reports by multiple authorities and interwar periodicals, shed light on fascinating discussions of perceived nationality and national definition in the successor states and their newly created border areas.

Despite this article’s focus on Eastern Upper Silesia and its capital of Katowice, there were common issues in all successor states of the interwar period in terms of nationality and nationalization, of multinational states and of national, linguistic, and religious definitions of minorities, both by others and in their own self-definition. Focusing on the processes of nationalization and Polonization provides an opportunity to trace the influence each process had on the other.

¹ Andreas Kappeler, “From an Ethnonational to a Multiethnic to a Transnational Ukrainian History,” in *A Laboratory of Transnational History: Ukraine and Recent Ukrainian Historiography*, ed. Georgiy Kasianov and Philipp Ther (Budapest: CEU Press, 2009), 68–69.

My article contributes to an understanding of the influence of micro history on macro history, and the relations between minorities and ruling majorities in the nationality discourse of the twentieth century.

Although it was a part of one postwar successor state that was similar to other disputed Central European border regions, Upper Silesia nevertheless had its own special features. It was of major international importance because of its natural resources, its pro-regionalist minorities, and special treaties that had influence on minority rights. The unique character and legal status of Upper Silesia and its minorities sparked much debate in international bodies and in the Polish government. The postwar treaties did not entirely determine the borders of the newly created successor states, including Poland, based upon where various ethnic groups were settled. Therefore, some of these populations were divided by the new frontiers and the term “national minority” came into vogue. As a result of the peace treaties and agreements, the new minorities obtained special rights that allowed them to retain their own languages, customs, and religion within their new states. In Upper Silesia, through which the new German-Polish border passed, legislating minority rights took longer than in some other European border areas. According to the Treaty of Versailles, the final shape of the border could only be established after a plebiscite, which was to take place in March 1921, two years after the treaty was signed. Therefore, in the run-up to the plebiscite, both the German and Polish governments tried to “nationalize” the Silesian ethnic populations in accord with their own desires.

Several ethnic groups inhabited Upper Silesia. As the region industrialized and its rich coal mines were developed, the formerly rural local population began to identify in their workplaces with the German or German-speaking managerial teams, but also with Slavic-speaking workers migrating from the northern and eastern border areas of Prussia, Russia, and Galicia. Each group brought with it its own language or dialect. The coexistence and common work environment produced a special creole language, of which there were different versions in Silesia.²

² Marek Czaplinski, “Śląsk w 2. połowie XIX i na początku XX wieku (1851–1918),” in *Historia Śląska*, ed. Marek Czaplinski and Elżbieta Kaszuba (Wrocław: Wydawnictwo Uniwersytetu Wrocławskiego, 2007), 327–330, 355–365; Tomasz Kamusella, *Silesia and Central European Nationalisms: The Emergence of National and Ethnic Groups in Prussian Silesia and Austrian Silesia, 1848–1918* (West Lafayette, IN: Purdue University Press, 2007), 72–84, 272–274; Tomasz Kamusella, *Schlonszka mowa. Język, Górny Śląsk i nacjonalizm*, Vol. 2 (Zabrze: Narodowa Oficyna Śląska, 2006), 33–38, 67; Hunt T. Tooley, *National Identity and Weimar Germany: Upper Silesia and the Eastern Border, 1918–1922* (Lincoln, NE: University of Nebraska Press, 1997), 14–20;

Historians and anthropologists focusing on different areas in the world have examined the process of nationalization directed “from above” in industrialized areas in both theoretical and empirical ways. The “constructivist” research done by Ernest Gellner in the 1980s was dedicated to nationality as a construct, which arises as a reaction to the processes of modernization and industrialization of a society. Institutions, especially schools, played a significant role in the process of nationalization.³ Catherine Frost analyzed Gellner’s study (as well as many other studies focusing on different sources and aspects of nationality) in her book dedicated to nationalism in Ireland and Quebec.⁴ Frost emphasized two important phenomena on which, according to Gellner, modern nationality is based: the economic developments of the modern era and the development of the educational system, which went hand by hand with economic progress. In connection with the sense of national belonging “constructed” by the authorities, the new political and educational institutions, and their interrelation with Silesian society, which consisted mainly of industrial workers, it is important to mention the contributions of Benedict Anderson and of Eric Hobsbawm.⁵ Anderson’s concept of nationhood regarded the nation as an imagined political community.⁶ Along with Hobsbawm’s theory of modern power structures as agents of nationalization, Anderson’s work was a cornerstone for the work of a later generation of scholars who dealt with questions of nationalism and the nationalization process. For instance, Tara Zahra focused on the fight for education in the “national mother tongue,” and against bilingualism and Germanization of Czech children that was led by Czech nationalists in the Bohemian lands from the second half of the nineteenth century through the beginning of the twentieth century.⁷

Until recent decades, most research on Upper Silesia and its population was done either by Polish or by German historians, including Tomasz Falęcki and Ernst Bahr. In their studies, history was written lopsidedly: it was either

Tomasz Kamusella, *Schlonsko: Horní Slezsko, Oberschlesien, Górný Śląsk. Esej o regionie i jego mieszkańcach* (Zabrze: Narodowa Oficyna Śląska, 2006), 72–82.

³ Ernest Gellner, *Nations and Nationalism* (Ithaca: Cornell University Press, 1983); Ernest Gellner, *Culture, Identity and Politics* (Cambridge: Cambridge University Press, 1987).

⁴ Catherine Frost, *Morality and Nationalism* (London, New York: Routledge, 2006).

⁵ For instance, Eric Hobsbawm and Terence Ranger, eds., *The Invention of Tradition* (Cambridge: Cambridge University Press, 1983).

⁶ Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso Books, 2006).

⁷ Tara Zahra, *Kidnapped Souls: National Indifference and the Battle for Children in the Bohemian Lands, 1900–1948* (Ithaca, NY: Cornell University Press, 2008).

pro-Polish or pro-German and identified Silesians as either Poles or Germans.⁸ The methodology used in these studies was based on a pro-nationalist ideology that interpreted more than it observed. Population groups had to be fitted into norms that were dictated by state ideology.

However, in the last two decades a later generation of German scholars has started to deal with the history of Upper Silesia in a comprehensive, comparative, and informative way that is not exclusively pro-German. They are raising new research questions. Studies conducted by Kai Struve and Philipp Ther are examples of the new direction in German research. So is a book by the Polish-German historian Andrzej Michalczyk.⁹ These new contributions offer readers a broader and more objective picture of Upper Silesian history from a scholarly German point of view.

Another group of scholars who have dedicated themselves to researching Upper Silesian history have also come onto the scene: the Silesians themselves. The most prominent representative of this group is Tomasz Kamusella and his work on Silesian nationalism.¹⁰ Additional studies dedicated to the history of Upper Silesia have recently been written by the English-speaking scholars Timothy Wilson and James Bjork.¹¹ Wilson's book is a comparison of Upper Silesia and Northern Ireland, concentrated mostly on the plebiscite and the Silesian uprisings. The book by Bjork examines the Silesian community and its interaction with German and Polish societies, focusing on the religious life of the Silesians within Prussia until the end of World War I. Two additional studies published in 2015 by Peter Polak focused on the self-definition of Silesians after the borders shifted and their interaction with the German and Polish authorities,

⁸ Tomasz Fałęcki, *Niemieckie szkolnictwo mniejszościowe na Górnym Śląsku w latach 1922–1939* (Katowice: Śląski Instytut Naukowy w Katowicach, 1970); Stanisław Mauersberg, *Szkolnictwo powszechne dla mniejszości narodowych w Polsce w latach 1918–1939* (Warszawa: PAN, 1968); Ernst Bahr, *Oberschlesien nach dem zweiten Weltkrieg: Verwaltung, Bevölkerung, Wirtschaft* (Marburg: Herder-Institut, 1975).

⁹ Kai Struve, *Oberschlesien nach dem Ersten Weltkrieg: Studien zu einem nationalen Konflikt und seiner Erinnerung* (Marburg: Herder-Institut, 2003); Kai Struve and Philipp Ther, eds., *Die Grenzen der Nationen. Identitätenwandel in Oberschlesien in der Neuzeit* (Marburg: Herder-Institut, 2000); Andrzej Michalczyk, *Heimat, Kirche und Nation: Deutsche und polnische Nationalisierungsprozesse im geteilten Oberschlesien 1922–1939* (Köln: Böhlau, 2010).

¹⁰ Tomasz Kamusella, *Silesia and Central European Nationalisms: The Emergence of National and Ethnic Groups in Prussian Silesia and Austrian Silesia, 1848–1918* (West Lafayette, IN: Purdue University Press, 2007).

¹¹ Timothy Wilson, *Frontiers of Violence: Conflict and Identity in Ulster and Upper Silesia, 1918–1922* (Oxford: Oxford University Press, 2010); James Bjork, *Neither German Nor Pole: Catholicism and National Indifference in a Central European Borderland* (Ann Arbor: The University of Michigan Press, 2008).

in a case study of a borderland society's cultural and social dynamics.¹² Last but not least, in 2016 James Bjork, Tomasz Kamusella, Timothy Wilson, and I published a monograph dedicated to the nationalization process in Upper Silesia in the nineteenth and twentieth centuries.¹³

Historical Background of Upper Silesia: The Plebiscite and its Aftermath

In the Middle Ages, the region of Silesia belonged to several Polish rulers from the first Polish ruling dynasty, the Piasts. In the fourteenth century, Silesia became part of Bohemia, and in the sixteenth century it became part of the Habsburg domains. During the War of Austrian Succession in 1742, most of the region was incorporated into Prussia by King Frederick II, who called it the Province of Silesia.¹⁴ After World War I, the Treaty of Versailles mandated plebiscites in several disputed European regions. The aim was to stabilize borders according to the needs of local societies, clarifying which society would form the major population in each new successor state and which would become an official national minority.¹⁵

Of all the areas where plebiscites were to be conducted, Upper Silesia was the most significant because of its industrial importance. The question was

¹² Peter Polak-Springer, *Recovered Territory. A German-Polish Conflict over Land and Culture, 1919–1989* (Oxford, New York: Berghahn, 2015).

¹³ James Bjork, Tomasz Kamusella, Timothy Wilson, and Anna Novikov, eds., *Creating Nationality in Central Europe, 1800–1950: Modernity, Violence, and (Be)longing in Upper Silesia* (London: Routledge, 2016).

¹⁴ Robert J. W. Evans, *Austria, Hungary, and the Habsburgs: Central Europe c. 1683–1867* (Oxford: Oxford University Press, 2006), 123–124; Jolanta Tambor, *Oberschlesien – Sprache und Identität* (Hildesheim: Georg Olms, 2011), 30–31; Tooley, *National Identity and Weimar Germany*, 7–10; Gabriela Wąs, “Dzieje Śląska od 1526 do 1806 roku. Śląsk we władaniu Habsburgów, Śląsk pod panowaniem pruskim”, in *Historia Śląska*, ed. Marek Czapliński and Elżbieta Kaszuba (Wrocław: Wydawnictwo Uniwersytetu Wrocławskiego, 2007), 122–275.

¹⁵ Plebiscites were held in two other areas, one of which was the disputed region of northern Schleswig. After the plebiscite of 1920, the area was divided into North Schleswig, belonging to Denmark with a German minority resident there, and South Schleswig, belonging to Germany with a Dutch minority. The other plebiscite area comprised East and West Prussia. See Sarah Wambaugh, *Plebiscites since the World War*, Vol. 1 (Concord, NH: Rumford Press, 1933); Tooley, *National Identity and Weimar Germany*, 56; Karen M. Pedersen, “Die deutsche Minderheit in Dänemark und die dänische Minderheit in Deutschland,” in *Handbuch der mitteleuropäischen Sprachminderheiten*, ed. Robert Hinderling and Ludwig M. Eichinger (Tübingen: Günter Narr, 1996), 32–56. For more about the interwar plebiscite in Memel, see Ruth Leiserowitz, *Sabbat-leuchter und Kriegerverein. Juden in der ostpreußisch-litauischen Grenzregion 1812–1942* (Osna-brück: Fibre, 2010), 287–312.

whether the territory would be part of Germany or of the resurrected Polish state. Immediately after World War I, Upper Silesia became the focus of intensive international debate and tensions. These debates formed the background of the region's political and social development during the interwar period.

The victorious Allies decided that the plebiscite would be held on March 20, 1921, in the entire disputed area of the formerly Prussian Upper Silesia. In the run-up to the voting, both German and Polish nationalists used various tactics and propaganda to persuade voters in the region and strengthen national patriotism on their sides. German-Polish tensions increased, and they erupted into unrest and violence in the first two Silesian uprisings in 1919 and 1920. Nevertheless, the plebiscite took place as scheduled and almost 60 percent of the votes favored becoming part of Germany. The Allies were then supposed to make the final decision as to whether the territory would belong to Poland or Germany. A short time after the plebiscite, on May 3, 1921, a third Silesian Uprising broke out among partisans of the Polish cause. They hoped to sever the region from Germany and join the Polish Republic. In July, the issue of Upper Silesia was transferred to the League of Nations, which decided to partition the region.¹⁶ Thus the area then known as Eastern Upper Silesia became part of Poland, with Katowice (formerly Kattowitz) as its capital. The region obtained some autonomy in the 1921 Polish constitution.

On May 15, 1922, after the final partition of Upper Silesia, the League of Nations ratified the "Geneva Convention" between Poland and Germany, known as the Upper Silesian Convention. Poland and Germany agreed on economic and political arrangements in Upper Silesia and signed agreements on minority rights that were to be valid for fifteen years, until 1937.

In order to resolve disputes and complaints from both sides, a Mixed Commission was established. It received complaints submitted by the Polish population in Oppeln (Polish Opole) in the part of Upper Silesia in Germany, and complaints from the German population of the Silesian Voivodeship in Katowice, its capital. The representatives of the two national groups had the right to petition the League of Nations in case their rights were impaired. Among its duties, the Commission had to prepare letters for the Court of Justice in The Hague. The Commission consisted of two German members, two Polish members, and a president, who was to be neither Polish nor German.¹⁷ As a result, Upper Silesia had a special interna-

¹⁶ Wilson, *Frontiers of Violence*, 30, 105–107; Tooley, *National Identity and Weimar Germany*, 87–98; Tambor, *Oberschlesien*, 32–34.

¹⁷ Georges Kaeckenbeeck, *The International Experiment of Upper Silesia: A Study in the Working of the Upper Silesian Settlement 1922–1937* (Oxford: Oxford University Press, 1942), 573–575;

tional status, and both the Geneva Convention and the Mixed Commission played an essential role in resolving disputes between the German representatives in Polish Eastern Upper Silesia and the Polish state.

In order to avoid accusations of bias in the Mixed Commission, the League of Nations decided to nominate a person from a neutral state as president of the Commission. After some dispute and debate, Felix Calonder was nominated in a Polish-German agreement. Calonder had been the Swiss foreign minister in 1919–1920 and was President of the Swiss Confederation in 1918. In 1920 he left political life in his home country and agreed to take the position at the Mixed Commission. He moved to Katowice in Upper Silesia.¹⁸ For the League of Nations and the Court in The Hague, Katowice was the capital of an important region within a new successor state, Poland. It also symbolized respect for the postwar agreements to respect minority rights. It was not incidental, therefore, that Calonder chose the city as his new place of residence. After he moved to Katowice in 1922 (when the city was transferred to the Polish state, together with the entire region of Eastern Upper Silesia), Calonder headed the Mixed Commission for fifteen years, until 1937.

The pro-Poland inhabitants of the region and of Katowice questioned the choice of Calonder as president of the Commission. As a German speaker who did not know Polish, he was accused more than once of being pro-German and having contact only with the region's German-speaking population. In addition, Calonder's remuneration was a permanent target of criticism from the Polish inhabitants of Katowice, who referred to his "high endowment, castle and auto."¹⁹ Calonder's residence was indeed a castle. Located in Świerklaniec, the most prestigious suburb of Katowice, it belonged to one of the richest inhabitants of the area, Prince Henckel von Donnersmarck, who made it available to Calonder.²⁰ While serving in the position, Calonder had several confrontations with the Polish government, but the Polish side did not succeed in ousting him.

In November 1921, German activists in Polish Silesia founded the German-Upper Silesian National Association of Polish Silesia for Protection of Minority Rights (*Deutsch-oberschlesischer Volksbund für Polnisch-Schlesien zur*

Stanisław Komar, *Górnośląska Konwencja Genevska pomiędzy Polską i Niemcami 1922–1937* (Katowice: Wydawnictwo Instytutu Śląskiego, 1937), 14–15; Fałęcki, *Niemieckie szkolnictwo mniejszościowe*, 24–25; Jan Łączewski, *Michał Grażyński (1890–1965). Sylwetka polityka* (Częstochowa: Wydawnictwo Wyższej Szkoły Pedagogicznej, 2000), 44–45.

¹⁸ Paul Stauffer, *Polacy, Żydzi, Szwajcarzy* (Warszawa: PAN, 2008), 18–20.

¹⁹ Karl Scheurer, *Tagesbücher* (Bern: Hermann Böschenstein, 1971), 307.

²⁰ Stauffer, *Polacy, Żydzi, Szwajcarzy*, 27–28.

Wahrung der Minderheitsrechte, or Volksbund), which had its head office in Katowice. The organization sought to defend the interests of the German-speaking minority in the Silesian Voivodeship. It was particularly active in matters of education. The Volksbund also filed petitions with the League of Nations when it thought the rights of the German-speaking minority in Polish Eastern Upper Silesia were being impaired.²¹

Creation of the Educational System in Polish Silesia

After the Geneva Convention was signed, the Polish government, together with the government of the newly formed autonomous Silesian Voivodeship, launched the process of creating a new educational system.²² The character and future of the schools, one of the most important of state institutions, had already been discussed by members of the new government in 1918, when the Polish Second Republic was established.²³ As discussed below, how to unify the school system remained under discussion until 1922.²⁴

The process of creating a school system within the Polish state as a whole was extremely complicated, because it entailed combining three former school systems: Russian, Austro-Hungarian, and Prussian. These systems were inherited by the Second Polish Republic from the states that had governed its territory for so many years before it was established. An entire national school system had to be created and unified, but the issue in the Silesian Voivodeship was even more complicated than elsewhere in Poland because of its special political and legal status as an autonomous, formerly Prussian entity. The Polish March Constitution proclaimed Poland a democratic republic on March 17, 1921. It emphasized the equal rights of all Polish citizens, regardless of their

²¹ P. Kazet, "Niemieckie ugrupowania polityczne w Polsce," *Sprawy Narodowościowe*, No. 2 (1927): 112–113; Stanisław Mauersberg, *Szkolnictwo powszechne dla mniejszości narodowych w Polsce w latach 1918–1939* (Warszawa: PAN, 1968), 49; Matthias Kneip, *Die deutsche Sprache in Oberschlesien. Untersuchungen zur politischen Rolle der deutschen Sprache als Minderheitensprache in den Jahren 1921–1998* (Dortmund: Universität Dortmund, 1999), 59.

²² I have analyzed this process in my earlier work "Creating a citizen: Politics and the education system in the post-plebiscite Silesian Voivodeship," in *Creating Nationality in Central Europe*, ed. Bjork et al., 128–148.

²³ Bolesław Reiner, *Wyznania i związki religijne w województwie śląskim (1922–1939)* (Opole: Wydawnictwo Instytutu Śląskiego w Opolu, 1977), 228.

²⁴ Jolanta Szablicka-Żak, *Szkolnictwo i oświata w pracach Sejmu Ustawodawczego II Rzeczypospolitej* (Warszawa: Wydawnictwo Sejmowe, 1997), 53–54, 68–69; Reiner, *Wyznania i związki religijne*, 13–19; Wanda Garbowska, *Szkolnictwo powszechne w Polsce w latach 1932–1939* (Warszawa: Wydawnictwo Polskiej Akademii Nauk, 1976), 13.

nationality or religious confession. Article 111 stated: “Citizens are guaranteed freedom of conscience and confession. No one [citizen] can be restricted in his rights as enjoyed by other citizens because of his confession and religious convictions.”²⁵

The Silesian Voivodeship already had a well-organized and effective Prussian school system which, while it had some positive structural and organizational aspects, had to be transformed into a Polish-speaking system.²⁶ Under the Geneva Convention and the Little Treaty of Versailles, the Polish government had an obligation to support the education of minority populations throughout the country. Therefore, the matter of minority schools in the Silesian Voivodeship was of special concern. Establishing the German-speaking minority schools was one of the most hotly debated issues in the Silesian Voivodeship in the interwar period. It was more complicated than the creation of the Polish-speaking school systems because, in the interwar Second Polish Republic, the educational system was assigned a significant ideological role: even the German-speaking minority schools had to promote a pro-Polish ideology of citizenship among pro-German Silesian children.

The Eastern Upper Silesian schools were the last in Poland to be reformed, after formerly Russian schools in Eastern Poland, and even after similar former Prussian schools in Greater Poland (Wielkopolska) and Polish Pomerania (Pomorze Gdańskie, Pommerellen), which came under the supervision of the Polish Education Ministry in January 1920.²⁷ Before 1922, a large part of the state’s efforts had been directed toward modifying the school system in the former Polish Kingdom areas (*Królestwo Polskie*) and to some extent in the former Austro-Hungarian lands. Most of the well-organized Prussian structure of Upper Silesia was left unchanged until then.

In the Geneva Convention on Upper Silesia, Germany and Poland not only agreed on economic and political conditions for Upper Silesia, but also signed agreements concerning minority rights in the area for a span of fifteen years, up to 1937.²⁸ The Convention emphasized minorities’ right to implement their own educational systems. It stated that the minorities in both the German and the Polish parts of Upper Silesia “shall have an equal right to establish, manage and control at their own expense ... schools and other educational establishments,

²⁵ *Konstytucja 17 Marca 1921 R.* (Warszawa: Księgarnia Gustawa Szylinga, 1921), 21.

²⁶ Szablicka-Żak, *Szkolnictwo i oświata*, 17.

²⁷ *Ibid.*, 22.

²⁸ Geneva Convention, 1922, art. 64, as quoted in Kaeckenbeeck, *The International Experiment of Upper Silesia*, 601.

with the right to use their own language.”²⁹ In addition, it required that both countries provide a “public educational system ... in which a considerable proportion of Polish nationals of other than Polish speech are residents, [along with] adequate facilities for ensuring that, in the elementary schools, the instruction shall be given to the children of such Polish nationals through the medium of their own language.”³⁰

Therefore, from the very beginning of the Silesian Voivodeship, its school system was subject to the relevant articles of the Geneva Convention and sometimes, to a liberal interpretation of them.³¹ The Convention not only included an obligation to create a German-speaking minority school system in Poland, but also for the Polish government to accept that a large portion of the Silesians in the new Polish state would have to be recognized as German-speakers and would be raised as Germans. The existence of two sets of state schools separated children from the same society and the same area during the school day, and quickly created two different national affiliations among Silesians, Polish and German.

A short time after signing the Convention, the Polish state began the process of establishing minority schools in the Silesian Voivodeship. Even after the final ruling of the League of Nations and the signing of the Convention, the Polish authorities were ambivalent about opening up German schools in the sensitive border area, which had just been taken from Prussian rule and had yet to be Polonized. The authorities were concerned that opening minority schools would damage their “national interests.”³² For the local population, the schools would

²⁹ The whole paragraph reads: “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.” Geneva Convention, 1922, art. 68, as quoted in Kaeckenbeeck, *The International Experiment of Upper Silesia*, 604.

³⁰ Geneva Convention, 1922, art. 69, as quoted in Kaeckenbeeck, *The International Experiment of Upper Silesia*, 604–605. In these articles the two vague phrases, “a considerable proportion” and “other than Polish speech,” gave rise in the following years to multiple discussions and correspondence among the Polish authorities, the inhabitants of the area, pro-German and pro-Polish organizations, and the League of Nations. So did the next sentence in the same article: “This provision shall not prevent the Polish Government from making the teaching of the Polish language obligatory in the said schools.” Later on, this rather ambiguous sentence received a slightly different interpretation from the Polish government regarding the number of hours of Polish-language instruction in the minority schools.

³¹ For more on the meaning and interpretation of the Geneva Convention articles on the minority language, see Kneip, *Die deutsche Sprache in Oberschlesien*, 62–66.

³² A report from the Minorities’ Department (1923), 10, Archiwum Państwowe w Katowicach (State Archives in Katowice), Śląski Urząd Wojewódzki, Katowice (Silesian Governor’s Office, Kato-

symbolize failure of the state's pro-Polish policy, which, according to the official ideology, was the result of years of struggle to free Polish-speaking Silesian children from Germanization and German-language education.

The opening of the German minority schools created an additional problem for the Polish state: instead of producing new Polish citizens, they would fill the Polish Silesian Voivodeship with a new generation of German-speaking Silesian children who perceived themselves as Germans. Thus, the Polish state contradicted its own ideology by empowering the German minority. Figuratively speaking, it would be cultivating a large crop of Germans with its own hands, thereby damaging its interests in its sensitive western border area. The sources show that the process of opening the minority schools was not going to be easy – from the perspective of the central Polish government, the local authorities, or the local population.³³

The May 1926 Coup and Educational Policy in Polish Silesia

After the May 1926 coup d'état by Józef Piłsudski, a new government was installed in Warsaw. Already during the second half of 1926, the policy of Piłsudski's associates increasingly focused on strengthening the homogeneity of the Polish state. In September 1926, Michał Grażyński, a strong ally and companion of Piłsudski, was appointed to the post of Voivode of Silesia, which he occupied until September 1939. In a short time, Grażyński gradually began to restrict the autonomy of the Voivodeship, making it more Polish-oriented.³⁴

Grażyński's policy influenced the sphere of education, particularly in the minority schools. Between 1922 and 1927, the number of minority schools in Polish Upper Silesia increased from 60 to 100 (according to other sources, from 59 to 115).³⁵ Assuming that the number of Silesians who proclaimed themselves to be Germans during the plebiscite did not change, the growing number of schools presumably indicated an increasing anti-Polish, pro-German tendency among the Silesian population of the Voivodeship. Despite Polonization (or

vice, hereafter UWSL), No. 27, Wydział Oświecenia Publicznego (Department of Public Education, hereafter OP), No. 1120.

³³ Judy Batt and Katarzyna Wolczuk, *Region, State, and Identity in Central and Eastern Europe* (London: Frank Cass, 2002), 115.

³⁴ Albert S. Kotowski, *Polens Politik gegenüber seiner deutschen Minderheit 1919–1939* (Wiesbaden: Harrassowitz, 1998), 136–140; Łączewski, *Michał Grażyński*, 56–79.

³⁵ Fałęcki, *Niemieckie szkolnictwo mniejszościowe*, 36; Mauersberg, *Szkolnictwo powszechne*, 128, 140; Zygmunt Stoliński, "Szkolnictwo niemieckie w Polsce," *Sprawy Narodowościowe*, No. 3 (1928): 239.

sometimes in reaction to it), a large number of Silesian parents preferred to identify their children as German-speakers and send them to the minority schools. Apparently, they believed that children educated in Polish-speaking schools had a less promising future than those educated as German-speakers. That consideration, together with the tradition of schooling in the German language before the region was transferred to Poland, influenced Silesian parents to send their children to minority schools. Such considerations clearly had nothing in common with the nationalistic or linguistic considerations prescribed by the Polish and German authorities and by the League of Nations. The gap between the population's official nationality and its actual self-definition led to a clash in the second half of 1926.

In September of that year, Polish authorities rejected most of the almost nine thousand new applications to study in the minority schools. The reason was the children's insufficient knowledge of German, which indicated to the government that they were of Polish rather than German nationality. In reaction, the Volksbund sent a petition to the Mixed Commission.³⁶ The authors of the petition insisted that the children were bilingual or spoke mostly Creole, and did not know either German or Polish well. The authors emphasized that it was the right of the individual to decide to which nationality he belonged.³⁷

The petition engendered a great deal of correspondence and debate about who should decide about a child's nationality, whether a Silesian child could be bilingual, and how to define Creole: was it Polish or German? The Silesian Voivodeship was one example of many Central European border areas where the local population did not conform to the new national-linguistic vision of the authorities. Defining nationality on a linguistic basis soon raised to the question of whether language was indeed the right tool for turning a multicultural society into a nation.

On December 15, 1926, the Mixed Commission published its ruling on the Volksbund's petition. In it, Felix Calonder gave his opinion on the petition at hand and the individual's right to self-definition of national identity in general. Calonder adduced a theory, called the "subjective principle," according to

³⁶ Mirolub, "Wyrok Stałego Trybunału Sprawiedliwości Międzynarodowej w sprawie szkół mniejszościowych na Górnym Śląsku," *Sprawy Narodowościowe*, No. 5 (1928): 513; Paul Stauffer, *Polacy, Żydzi, Szwajcarzy*, 37.

³⁷ Mirolub, "Wyrok Stałego Trybunału," 513–514; A complaint from the German government to the Permanent Court of International Justice in The Hague and the reaction of the Silesian Voivodeship Office in this matter (1928), 57–63, *Archiwum Państwowe w Katowicach*, UWSL 27, OP 1567.

which a person's nationality is not constant or objective but is instead flexible and depends only on the will of the individual at the moment.³⁸

This idea sparked opposition from the Polish government, which viewed membership in a national or linguistic group as both constant and objective. For them, an individual's national identification largely depended on his linguistic affiliation. Hence it was against the state's principles, as well as well as principles of good pedagogy, to send Polish-speaking children to German-speaking minority schools without sufficient knowledge of German that they could benefit from their studies.³⁹ Since the Polish government and the Mixed Commission could not agree about enrolling the presumed Polish-speakers' registration in minority schools, from 1926 to 1928 the issue underwent three stages of deliberation involving the Mixed Commission, the Council of the League of Nations, and the Permanent Court of International Justice in The Hague.

“Maurer's Children”

At the beginning of 1927, after the Polish government rejected both Calonder's “subjective principle” and the Mixed Commission's proposed solution, the Volksbund insisted on appealing the issue of school enrollment to the League of Nations. The authorities of the League were bound by the treaties to accept the appeal, but undoubtedly found themselves in a complicated situation, where any decision they made would be considered inappropriate. On the one hand, League member states did not agree with Calonder's “subjective principle” and did not favor the registration of Polish-speaking children in the German minority schools. On the other hand, according to the Geneva Convention, the authorities were not permitted to interfere and assess the credibility of the nationality claims of those who claimed to be “German-speakers.”⁴⁰ Therefore, in order to resolve the complex matter and avoid denunciation by one side or the other, the Council of the League of Nations had to employ considerable creativity. In March 1927 it reached a conciliatory decision: it would send an expert to the Voivodeship who would personally gauge the German-language proficiency of the minority schoolchildren whose enrollment had been rejected, and rule on

³⁸ Mirolub, “Wyrok Sądu Trybunału,” 514; A complaint from the German government, 7–8.

³⁹ Mirolub, “Wyrok Sądu Trybunału,” 514; A complaint from the German government, 5–9, 62.

⁴⁰ Mirolub, “Wyrok Sądu Trybunału,” 514.

their ability to study in the German-speaking schools.⁴¹ It seems that the League was attempting to display a neutral stance toward both Germany and Poland, while giving the Silesians themselves a voice in the matter.

In the same month it was decided to send a Swiss school inspector, Walter Maurer, to the Silesian Voivodeship to personally examine the German-language proficiency of each child whose enrollment in a minority school had been rejected. Altogether he examined about 1735 pupils.⁴² Presumably, it was an unpleasant experience for the children, which would heavily impact their future. Not too much is known about the personality or later activity of Walter Maurer, but his name eventually became infamous among the children who were examined by him and whose future depended on his decision.⁴³ “Maurer’s children” (as they were called) had to endure the pressure of their parents, the school authorities, and the foreign school inspector, and take an exam which would decide the course of their life: whether they would grow up as Germans and speak German as their mother tongue, or to grow up as Polish speakers and be Poles. In the event, their nationality was forcibly and traumatically imposed upon them.

Apparently, it was not entirely clear to the authorities how to conduct the exams. The foreign expert’s presence in both urban and rural schools frightened the local governments and the parents of the children to be examined. Their fears sometimes manifested themselves in absurd ways. For example, in several Voivodeship towns, by decree of the local authorities, attempts were made to bring the children to the exams by force – escorted by police. This stopped only after a specific injunction from the central school office in Katowice.⁴⁴ The exams attracted much international attention. They were a solemn and extraordinary event, and the school principal had to be present on the day of the exam in each school. Detailed specifications for the required equipment of the examination halls (pictures, paper, ink pens, and tissue-papers) were distributed to the school authorities.⁴⁵

⁴¹ Ibid., 514; A complaint from the German government, 6–9; Mauersberg, *Szkolnictwo powszechne*, 31–35.

⁴² “Sprawy Mniejszości Narodowych na 50-ej sesji Ligi Narodów,” *Sprawy Narodowościowe*, No. 3/4 (1928): 455.

⁴³ Although I have not found much information about the personality of Walter Maurer or his activity, more may be located in the local Swiss Education archives.

⁴⁴ German language exams executed by a delegate of the League of Nations in Wielkie Hajduki (1927–1928), 20, Archiwum Państwowe w Katowicach, UWSL 27, OP 1395.

⁴⁵ Ibid., 32.

According to the results of the exam, about 48 percent of the children did not know German sufficiently to carry out their studies.⁴⁶ Hence they had to transfer to the Polish-speaking schools, mostly against their parents' wishes. The Polish side accepted this ruling wholeheartedly. Polish authorities emphasized the poor knowledge of German among so-called "minority children" and insisted that the examined Silesian children were most similar to Polish children, if not actually Polish.

As far as both the Council of the League of Nations and the Polish authorities were concerned, the children who failed the exams had no choice but to transfer to the Polish-speaking schools. Early in their lives, then, "Maurer's children" got the impression that their Polish identity and language were the outcome of failure, and that they were less worthy than their German-speaking peers.

Among the other linguistic issues mentioned in the League of Nations protocol were those of bilingual children and speakers of the Silesian dialect. These issues sparked debate not only in the region itself but in the international arena as well. The Volksbund sought to categorize some of the Silesian children as "bilingual," speaking both Polish and German, or both the Silesian dialect and the German language. The Polish authorities maintained that there were no real bilingual children. A child's mother tongue was the language he spoke at home. Polish officials also criticized the idea of a Silesian dialect that could be regarded both as the mother tongue of many children and as a German dialect. They insisted that the Silesian dialect was the same as the Polish language, just somewhat "corrupted" during the years of Germanization and isolation from the linguistic source. According to this view, every Silesian child was in fact a Pole, whose dialect could easily be upgraded to proper Polish language.⁴⁷ This was not, of course, the view of the pro-German Volksbund, nor did Calonder share it.

In response to the repeated petitions of the Volksbund, the issue of "Maurer's children" was taken up by the Permanent Court of International Justice in The Hague. The Volksbund's petition to the court of December 31, 1927 was also backed by the German embassy in The Hague. The petition and the embassy's letter were based on quotations from the relevant Geneva Convention paragraphs about the rights and education of minorities. The Volksbund's interpretation of these paragraphs raised interesting questions about the national and linguistic affiliations of Silesian children. For instance, to avoid a sensitive definition of Silesian children as Germans per se, the authors of the petition chose to present

⁴⁶ Łączewski, *Michał Grażyński*, 146.

⁴⁷ A complaint from the German government, 5–9, 11–12, 20–24, 30–31, 37–40.

them as no less than a distinct race of people. They also represented the history of the Silesian people as part of German history.⁴⁸ Although the authors admitted that the Silesian language was a “special Slavic dialect,” they emphasized the differences between it and the “literary” Polish language, which was unknown to the children and was difficult for them to learn. Here the authors once again hinted at the “Germanness” of the Silesian children, asserting: “It is equally difficult or even more difficult for the Upper Silesian children to learn the Polish literary language as for the children born on the Lower Rhine, in Westphalia or in any other province ... to learn the Hoch-Deutsch.”⁴⁹ Moreover, according to the authors: “It is easier for a Polish child to learn German than for an Upper Silesian child to learn Polish literary language, because in studying the literary Polish language the child is disturbed by the similar expressions from his own language which have a different meaning, while the German language does not create any difficulty of this kind for an Upper Silesian child.”⁵⁰

However, the petitioners rather contradicted themselves by noting the closeness between the Polish and Silesian languages and the linguistic remoteness of German, a fact which weakened their own position. In response, the Polish authorities prepared a long and detailed attempt at refuting the arguments of their German opponents. They complained about Calonder’s pro-German attitude and again emphasized the Polish ethnic and linguistic affiliation of the Silesians.⁵¹

In addition, the Polish authors claimed that a person’s ethnic group was “easy to demonstrate by surname, historical research etc.,” and compared the ethnic affiliation of Silesians to the “Scots and Welsh in England, Normans and Bretons in France, Tatars and Armenians in Poland.” All of these “represent minorities, although they generally consider themselves as Englishmen, Frenchmen or also Poles.” They went on to say that “this concept is well known in Poland for centuries, where the type *natione Polonus gente Ruthenus* produced the most fervent patriots.”⁵² Continuing this rather idyllic representation of a perfect fit between ethnic and national self-definitions, the authors cited Jewish multilingual education in Poland (“Jewish schools with different languages of instruction teaching ... Polish, Hebrew and jargon of German origin”) as an example of the Polish state’s tolerance of various ethnicities and religions among its citizens.⁵³

⁴⁸ Ibid., 62.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Ibid., 12.

⁵² Ibid., 40.

⁵³ Ibid.

It is difficult to assess what role, if any, the petition and the response to it played in the ruling made by the Permanent Court. In any case, in April 1928 the Hague Tribunal ruled that self-identification was not sufficient to register a child in a minority school, dealing a blow to the Volksbund.⁵⁴

The case of “Maurer’s children” involved a clash between two ideologies in the mid-1920s, when the postwar treaties and consensus began attract criticism. The policy of the German side, backed by the Deutsche Volkspartei’s Gustav Stresemann, the pro-nationalist Volksbund, and Calonder, can be considered an attempt to revise or even abandon the framework of the minority treaties. Whereas to them belonging to a minority was a subjective decision, the Polish side invoked “objective reality.” This “objective” approach based membership in a minority on national, cultural, and linguistic criteria. It gained currency with the postwar minority treaties and subsequently relied upon them for support.⁵⁵ Poland, the Council of the League of Nations, and the Hague Tribunal all adopted it. Defining a minority according to rather vague ethnic and linguistic criteria, even if they were objective, led however to a call for revision of the minority treaties less than ten years after they were signed.

The desire to preserve the postwar status quo was not the only consideration guiding international peace organizations such as the League of Nations or the Court of Justice in The Hague. The postwar definition of minority would eventually come to harm some of those minorities’ members. However, the international organizations saw a much greater potential for harm in creating a precedent of individual interpretation that contravened the then-accepted norms. Allowing individuals to decide upon their minority status would reject the authority of postwar international law and damage the precarious balance established by the peace treaties.

As a result, the ruling in favor of an “objective” definition of minorities was in force until 1931. At that point, after repeated petitions by the Volksbund, the Hague Tribunal ruled that children could be enrolled in a German-speaking minority school even without knowing the German language. This ruling applied retroactively to those children who had been turned away from the minority schools in 1927. These pro-German Silesian children were now allowed to join the German-speaking schools in the fifth or sixth grade after several years of study in the Polish-speaking schools, even without knowing the language of

⁵⁴ Mirolub, “Wyrok Stałego Trybunału,” 512–533; “Sprawy Mniejszości Narodowych,” 453–454.

⁵⁵ Mirolub, “Wyrok Stałego Trybunału,” 514–533.

instruction.⁵⁶ After five years of being treated as Poles because of their “failure” in Maurer’s examinations, they were treated as Germans. The international political and social reality of 1931 in Western and Central Europe had so changed since 1927 that certain postwar laws and principles began to be reconsidered.

The nationality of Maurer’s children was constructed in a process which involved several years of international discussions, debate, and intervention by various international organizations and the authorities on various levels of power. It depended on the fluid, changing political situation in interwar Europe.

“Children Out of Wedlock”

At the same time that the issue of “Maurer’s children” was in controversy, petitions were submitted to the League by so-called “unmarried mothers” from the Silesian Voivodeship who wanted to enroll their out-of-wedlock children in the local German-minority schools. The issue emerged at the beginning of December 1924 when the Volksbund sent a petition to the Mixed Commission in which three unmarried mothers, who claimed to belong to the German-speaking minority, complained about the compulsory enrollment of their children in the Polish-speaking schools, against their will. The complaint was investigated for several years; meanwhile, similar complaints from other unmarried mothers in the same region were added to the petition.

Most of the abovementioned complainants had tried to enroll their children in minority schools, but their applications were rejected by the local authorities.⁵⁷ The rejections were based on the claim that the mother was not legally responsible for her child’s education and therefore could not determine his or her national affiliation or enroll him or her in any school. Since in most cases the father of the child was unknown or absent, responsibility passed by law to a local tutor. It seems that the tutors were chosen by the regional authorities without consulting the mothers, and in most cases they were pro-Polish patriots.

One can imagine then that such loyal Polish tutors took all measures necessary to avoid their pupils’ enrollment in minority schools, and that the children were directed into the Polish-speaking schools.⁵⁸ The mother’s opinion in these cases was not considered in light of their lack of legal responsibility but also of their low social status. In a traditional, religious society like Silesia, an

⁵⁶ Faleński, *Niemieckie szkolnictwo mniejszościowe*, 84; Łączewski, *Michał Grażyński*, 147.

⁵⁷ A report on school applications by unmarried mothers (1927–1928), 8–9, 12–14, Archiwum Państwowe w Katowicach, UWSL 27, OP 1568.

⁵⁸ *Ibid.*, 23.

unmarried woman with a child was usually viewed as “immoral,” and her behavior was deemed “suspicious.”

The authorities and the local population agreed on that point. In March 1928, the school authorities asked one of the regional police offices to gather information about the women who had signed the petition. Among the matters they were asked to investigate, along with the mother tongue of the children and the nationality of the mothers, was “the moral behavior of the mothers.” On this point, officials could conclude either that “despite the fact of having children out of wedlock, the behavior of the mother could be considered moral” or that “she [the mother] behaves in an immoral way.”⁵⁹

After weighing the petition in 1927, the Mixed Commission decided to give the unmarried mothers the right to enroll their children in schools as they wished. Even though this ruling was based on the Geneva Convention’s paragraph about the right of minority children to be registered by the person responsible for their education (*la personne responsable de l’éducation*), it encountered obstacles posed by the Polish authorities.⁶⁰

According to the former Prussian law in the area, as well as the contemporary German law, mothers were responsible for their children’s education. Polish law, as mentioned earlier, did not allow that. This fact created disagreements between the Volksbund, which supported the German legal tradition, and the Polish authorities.

Another issue that was debated among Polish officials concerned a mother’s rights regarding her child. According to Polish law, a mother was not permitted to take responsibility for her child in “public” matters. Yet a mother had the right to be responsible in the “private” sphere of raising her child, particularly when it came to providing for immediate necessities.⁶¹ Thus, the decision of the Mixed Commission caused the Polish side to reconsider this rather philosophical question: whether a child’s education should be the private domain of his or her mother or the public domain of the state, represented by the state-appointed tutor.

On May 29, 1928, Michał Grażyński himself brought the debate to an end by ruling in favor of the Mixed Commission’s decision and the German side of the controversy. After reviewing the matter in a rather one-sided fashion, he decided

⁵⁹ An interesting point is that most of the petitions on out-of-wedlock children were for children born during or shortly after World War I. Hence, one cannot exclude the possibility of sexual violence conducted by soldiers against the local women.

⁶⁰ A report on school applications by unmarried mothers, 8–9, 13, 46.

⁶¹ *Ibid.*, 23.

that in case of disagreement between the unmarried mother and the tutor about the school in which the child should be enrolled, the mother's decision would prevail.

Grażyński's decision implied a de facto right of unmarried mothers to register their children as they wished, without subservience to the state. Presumably, this decision also entailed a certain concession by the Polish authorities that education and language matters were part of the individual, subjective sphere of life rather than the public or objective sphere.

Such a sudden, sharp shift in favor of the German minority by a pro-Polish official might not have been accidental. Grażyński's ruling was published and sent to all authorities nine days after a fifth round of elections took place in Germany on May 20, 1928. In these elections, the left-wing parties (the SPD and the KPD) did well. A short time later, the new German government presented its foreign policy positions. They included proposals to return the Saar area to Germany and for foreign troops to evacuate the Rhineland.⁶² Some rumors about these plans presumably reached the Polish government and prompted concerns about Eastern Upper Silesia, whose borders could be revisited as well.

Apparently, the results of the German elections, together with considerations of the balance of power between Germany and Poland, were among the factors which led the Polish government (which itself had just held elections in March 1928) to make some concessions to the German minority in Poland.

Conclusion

This article examines the use of a particular educational system as a mediator of nationality. On the one hand, it reflects the day-by-day process of creating a national identity at the micro level of Eastern Upper Silesia. On the other hand, it uses the educational system to assess the influence of local controversies on the macro level of international diplomacy. The debate about the educational system in the Silesian Voivodeship involved some sensitive interwar European political issues that concerned the peace treaties and their significance. These issues lurked behind the controversies over the rights of minorities and the nationality of bilingual children in Upper Silesia.

⁶² Zara Steiner, *The Lights That Failed: European International History 1919–1933* (Oxford: Oxford University Press, 2005), 458–459; Klaus Hildebrand, *Das vergangene Reich. Deutsche Außenpolitik von Bismarck bis Hitler 1871–1945* (Stuttgart: Deutsche Verlags-Anstalt, 1995), 496–497.

In light of the fact that post-Prussian Eastern Upper Silesia enjoyed autonomy as a Polish Voivodeship and was an area protected by international law under League of Nations supervision, the two cases of “Maurer’s children” and the children born out of wedlock clearly demonstrate the close link between the micro-level of the local population and the macro-level of the state and international politics during the interwar period. The cases enable us to examine fascinating controversies about national and linguistic identity within the international diplomatic milieu. Finally, they facilitate tracing the political tensions and questions which underlay contemporary debate about individual rights.

Moreover, the Polish authorities on the one hand and the Swiss and German authorities on the other took different positions on the vague, complex question of membership in a national and linguistic group. The objective or subjective treatment of the question of nationality depended on the political tradition of the states involved. Therefore, Germany and Poland created their own solutions for the mismatch between the objective, official nationalities of the Silesian population and their self-definition according to their own tradition. The two states’ political aims paid little attention to the individual interests of the “German” minority in Poland, however defined.

Here again, issues of minority rights, nationality, and language, which were meant to benefit the minority itself, were taken out of their primary context. In most cases, minorities’ nationality issues were exploited as questions of frontiers and power were settled; the local Silesian population was left in the position of a useful hostage. The dynamic between the institutions of power and the minority population that were nationalized in the borderlands supports several hypotheses of Gellner’s constructivist theory, as well as those of Anderson and Hobsbawm. The post-World War I discussions about nationality in the successor state of Poland were conducted in an industrial border area with a creole population, which lacked a clear self-defined nationality that coincided with the desires of the new authorities in power. The population adapted itself to the nationalist rhetoric of the authorities and demanded its rights using their rhetoric – a linguistic definition of nationality – not because they entirely so defined themselves, but in order to survive in the uncertain postwar reality of a newly created state. This happened not only to the population of Eastern Upper Silesia, but also to almost every other minority whose national-linguistic identity, which sometimes was inculcated by force, became a tool of international or domestic politics, and for achieving its own aims.

This article advances a broader, transnational interpretation of the questions of self-definition that were common to border societies within the successor

states in the whole area of Europe, but especially Central Europe. It traces the inculcation of nationality from “above” in the daily life of a border minority. In so doing, it examines the phenomenon of nationality and how it is created, taking into account the flexibility and uncertainty of the nation-building process and its dependence on both international political and diplomatic decisions and the internal situation within the state. The lessons of this case study are applicable not only within the specific successor state, Poland, but in many other parts of Europe.

Questions of self-definition, when that is different from the national authorities’ definition, and of state-enforced inculcation of nationality are relevant to many regions of the world. This article has sought to shed light on the sources of conflict in Europe in the interwar period, examining one case, that of Upper Silesia, in depth. It has also clarified how national identity is self-defined, and how it originates from motives that are far from clearly national and ideological.

THE EVOLUTION AND DESIGN OF POWERS AT THE UN COMMISSION ON HUMAN RIGHTS: THE COMPLEX LEGACY OF ANTI-APARTHEID ACTIVISM

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Abstract

The development of mechanisms to target specific countries for human rights abuses was part of the campaign against apartheid at the UN in the 1960s. This campaign led to reform of the UN Commission on Human Rights, which turned it from a purely “promotional” or precatory body into one with an active mandate to protect individuals from human rights abuses perpetrated by their own state. The institutional politics of human rights at the Commission was plagued by claims of “double standards” and inter-bloc defensiveness. This article argues that the reform of the Commission in the 1960s and the way that its mechanisms were used in the 1970s defined the Commission’s politics in a way that led to its eventual demise in the early 2000s.

Keywords: apartheid; decolonization; human rights; Third World; UN General Assembly; UN Commission on Human Rights

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Introduction

The history of the UN Commission on Human Rights, which was eventually dissolved in acrimonious circumstances in 2006 and replaced by the UN Human Rights Council, demonstrates how the international campaign against apartheid in South Africa shaped international organizations. The role of the anti-apartheid campaign in driving institutional reform is evident from many General Assembly and Commission on Human Rights resolutions. Collective action by the newly independent states of Africa and Asia, which joined the UN after gaining their independence, led to a reshaping of the institutional structure of the UN Commission on Human Rights and the development of the first “name-and-shame” international mechanism. It also forced the creation of the first mechanism that allowed individuals to directly petition the UN with claims that their rights were being abused.

The campaign against apartheid is an under-recognized moment in human rights history, which for many years had revolved around highly Eurocentric milestones of intellectual and institutional history.¹ Samuel Moyn argued that anti-colonialism does not really “fit into” the “historiography of human rights.” He saw the African nations’ struggle for independence from colonial rule as being outside the Western tradition of civil and political rights, which focused on the rights of the individual rather than collective rights such as national self-determination.² This view has come in for some criticism. Beyond criticizing Moyn, other historians have considered decolonization in the mid-twentieth century as a major historical factor that drove the institutional reform of human rights.³ Steven Jensen’s history of decolonization, for example, explores how newly

¹ For orthodox histories of the treatment of human rights, rooted in the tradition of natural rights, see Lynn Hunt, *Inventing Human Rights: A History* (London: W. W. Norton & Company, 2008), 113–145. Institutional histories of human rights often focus on developments at the end of the Second World War. See Mark Mazower, “The End of Civilization and the Rise of Human Rights: The Mid-Twentieth Century Disjuncture,” in *Human Rights in the Twentieth Century*, ed. Stefan-Ludwig Hoffman (Cambridge: Cambridge University Press, 2011), 29. Some have tried to write non-western nations into these accounts of the history of human rights. See Mary Ann Glendon, “The Forgotten Crucible: The Latin American Influence on the Universal Human Rights Idea,” *Harvard Human Rights Journal* 16, No. 1 (2003): 27–39.

² Samuel Moyn, “Imperialism, Self Determination and the Rise of Human Rights,” in *The Human Rights Revolution: An International History*, ed. Akira Iriye, Petra Goedde, and William I. Hitchcock (Oxford: Oxford University Press, 2012), 159–178, here 160.

³ See Christopher McCrudden, “Human Rights Histories,” *Oxford Journal of Legal Studies* 35, No. 1 (2015): 179–212, doi: 10.1093/ojls/gqu020; See Micheline R. Ishay, *The History of Human Rights: From Ancient Times to the Globalization Era* (Berkeley: University of California Press, 2004), 173–243.

independent states sought substantive changes in the law of human rights and in the way human rights were treated in international relations.⁴ From 1962, Jensen argues, respect for human rights law became important for the development of friendly relations between states, and resulted in the Helsinki Final Act of the Conference on Security and Cooperation in Europe in the 1970s.⁵ These historical accounts have not focused much on the way the powers of relevant UN bodies evolved. Institutional histories of the UN have mentioned the campaign against apartheid that dominated the UN General Assembly for much of the 1970s, but only in passing.⁶ Other histories view the anti-apartheid campaign as more central to the history of the UN, but they have not offered a detailed analysis of its impact on the UN's institutional development.⁷

This article argues that the campaign against apartheid by the newly independent states resulted in institutional changes in the way the UN Commission on Human Rights operated, empowering it to investigate human rights abuses in various countries and allowing individuals to petition the Commission for redress of human rights abuses from which they were suffering. The Commission was originally created with an explicitly limited set of powers that did not include investigating human rights abuses. As the first two sections of this article describe, new mechanisms at the Commission emerged in response to apartheid, giving it broader powers.

The “rational design” theory of international organizations maintains that states construct international institutions in order to advance certain common goals. The design of the institutional structures then authorizes or encourages specific behaviors.⁸ This is different from the “rational institution” analysis of international organizations, which sees such organizations as helping states maximize their individual interests. The latter analysis focuses on how states use organizations for their own ends, rather than how an organization's powers are shaped.⁹ As Barbara Koremenos summarizes it, rational design theorists exam-

⁴ Steven Jensen, *The Making of International Human Rights: The 1960s, Decolonization, and the Reconstruction of Global Values* (Cambridge: Cambridge University Press, 2016).

⁵ *Ibid.*, 3–11.

⁶ See Meisler's work, which contains just three references to apartheid: Stanley Meisler, *United Nations: A History*, 2nd ed. (New York: Grove Press, 2011).

⁷ See, for example, Saul Dubow, “Smuts, the United Nations and the Rhetoric of Race and Rights,” *Journal of Contemporary History* 43, No. 1 (2008): 45–74, doi: 10.1177/0022009407084557.

⁸ Barbara Koremenos, Charles Lipson, and Duncan Snidal, “The Rational Design of International Institutions,” *International Organization* 55, No. 4 (2001): 761–799.

⁹ Kenneth W. Abbott and Duncan Snidal, “Why States Act through Formal International Organizations,” *The Journal of Conflict Resolution* 42, No. 1 (1998): 3–32.

ine how “states and other international actors shape institutions to solve the specific cooperation problems that they face,” meaning that “design variations are largely the result of rational, purposeful interactions.”¹⁰ As the second section of this article argues, the new mechanisms the Commission developed in the 1960s were specifically designed as a response to apartheid in South Africa. That meant that the Commission ran into difficulty when these mechanisms were invoked outside of the South African context in the 1970s and 1980s.

The latter parts of this article argue that at the Commission in the 1970s, states from different geographic and ideological groupings stymied the further use of its powers. What were called at the time “double standards” on human rights emerged in part because of the way Commission procedures were designed. Apartheid was framed as an impediment to post-colonial self-determination, not as an abuse of basic human rights. This meant that equivalent situations outside of South Africa were ignored or blocked from consideration, as can be seen from numerous contemporary accounts of the Commission’s work, some of which are discussed below. The Commission found that its investigative powers were caught up in Cold War power politics, and its ability to consider petitions from individuals was subject to the control of states voting in blocs. This had long-term consequences.

By the late 1990s, the Commission was being widely criticized for its ineffectiveness and politicization, and for the way influential states could block scrutiny of their allies. For example, by 2000 China had escaped censure of its human rights record several times, by relying on the protection of its allies, often secured by providing economic inducements to other states to support its positions. The 1989 Tiananmen Square massacre was never even considered by the Commission.¹¹ In a 2001 *New York Times* editorial, the Director of Human Rights Watch criticized the way “the world’s despots and tyrants” were able to “join the commission to protect themselves from criticism and to undermine its work.”¹² This article argues that one of the underdiscussed causes of the “credibility crisis” that crippled the Commission in its later years was the way the Commission’s powers

¹⁰ Barbara Koremenos and Allison Nau, “Exit No Exit,” *Duke Journal of Comparative and International Law* 21, No. 2 (2010): 81–119, here 86, <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1033&context=djCIL>.

¹¹ Penny Parker and David Weissbrodt, “Major Developments at the UN Commission on Human Rights in 1991,” *Human Rights Quarterly* 13, No. 4 (1991): 573–613, doi: 10.2307/762307; Michael Dennis, “Recent Developments: The Fifty-Sixth Session of the UN Human Rights Council,” *American Journal of International Law* 95, No. 1 (2001): 213–221, doi: 10.2307/2642062.

¹² Kenneth Roth, “Despots Pretending to Spot and Shame Despots,” *New York Times*, April 17, 2001, http://www.nytimes.com/2001/04/17/opinion/17iht-edroth_ed2_.html.

and procedures were designed and the way they shaped some states' behavior.¹³ Even though much of this happened in the 1970s, it established a set of expectations surrounding the Commission's operations which was to persist for the rest of its lifetime.

The Commission on Human Rights and the Context of its Powers in the UN

When the UN Charter was being drafted, western states were hostile to the idea of an independent human rights mechanism. The British and Australians successfully blocked proposals by the Philippines and Chile at the 1945 San Francisco conference to create an independent investigative organization with its own bill of rights.¹⁴ The Commission on Human Rights was set up in 1946 as a sub-body of the UN Economic and Social Council (ECOSOC). Its membership was decided upon by a "slate vote" of ECOSOC members, which meant that a list of countries proposed for membership by each of the UN's regional groupings was automatically approved by the other states. The Commission met annually in Geneva for six weeks. It was what legal scholars classify as a "political" organization in that it was comprised of state representatives, rather than independent experts, and depended on political processes and pressure rather than international legal obligations to guide its decisions.¹⁵ A sub-commission of the Human Rights Commission on the Prevention of Discrimination and Protection of Minorities (the Sub-Commission) was set up in 1947 to conduct studies and make recommendations to the Commission on preventing discrimination against minorities. It was comprised of twelve independent experts selected by the Commission, who were expected to act in their individual capacities, making it an expert, not a political body. In its first decade, the Commission spent much of its time drafting human rights covenants which turned the Universal Declaration of Human Rights (UDHR) into two binding international treaties: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

¹³ For this description of the Commission see Helen Upton, "The Human Rights Council: First Impressions and Future Challenges," *Human Rights Law Review* 7, No. 1 (2007): 29–39, doi: 10.1093/hrlr/ngl031.

¹⁴ Tom J. Farer, "The United Nations and Human Rights: More than a Whimper Less than a Roar," *Human Rights Quarterly* 9, Vol. 4 (1987): 550–586, here 555.

¹⁵ Laurence R. Helfer and Anne-Marie Slaughter, "Toward a Theory of Effective Supranational Adjudication," *The Yale Law Journal* 107, No. 2 (1997): 273–392, <https://digitalcommons.law.yale.edu/yjl/vol107/iss2/1>.

The Commission did accept complaints from individuals, but they had to be reviewed in complete confidence with no follow up action allowed. Most of these complaints took the form of petitions from individuals pleading in general terms for UN assistance. Information about the complaints received between 1951 and 1952 shows that the majority were from refugees from Eastern Europe who were concerned with religious liberties or political freedoms.¹⁶ Nothing could be done about these complaints, however, and they simply piled up at the UN's headquarters. In a 1951 article, Edgar Turlington, an American academic, described the Commission's functions as advancing the values contained in the UDHR by "teaching and education and by progressive measures."¹⁷ In the mid-1950s, a variety of proposals to expand the UN's power to enforce human right standards were mooted, including a proposal from Sri Lanka to create an international criminal court and from Uruguay to create a UN Attorney-General.¹⁸ The United States proposed some reforms to the Commission but these were dismissed by contemporary commentators as a "euphemism for inaction" driven by short-term political motivations.¹⁹ ECOSOC Resolutions in 1947 and 1959 on handling individual petitions affirmed that the Commission had "no power to take action," leaving the Commission and the Sub-Commission with no mechanism at all to advocate for or protect human rights within member states.²⁰

Prior to the late 1950s, African and Asian states were under-represented on the Commission, and colonies had no representation in the UN at all. From the late 1950s onwards, decolonization resulted in more states from Asia and Africa joining the UN. These newly independent states required a collective grouping to assert their own identities and promote their own policy agendas at the UN, where many crucial institutions were dominated by the former colonialist states.²¹ This grouping came to be known as the Third World bloc – although the use of the term "Third World" has been the subject of fierce debate because it has connotations of underdevelopment and inferiority and can be interpreted

¹⁶ John P. Humphrey, *Human Rights and the United Nations: A Great Adventure* (New York: Transnational Publishers, 1984), 20.

¹⁷ Edgar Turlington, "The Human Rights Commission at the Crossroads," *American Journal of International Law* 45, No. 3 (1951): 534–538.

¹⁸ Howard Tolley, *United Nations Commission on Human Rights* (Boulder: Westview Press, 1987), 32–34.

¹⁹ Norman Bentwich, "Human Rights in the Doldrums," *Contemporary Review* No. 1088 (1956): 76, 79.

²⁰ Manfred Nowak, "The Promotion and Protection of Human Rights by the United Nations," *Netherlands Human Rights Quarterly* 6, No. 1 (1988): 5–29, here 13.

²¹ Mohammed Ayob, "The Third World in the System of States: Acute Schizophrenia or Growing Pains?" *International Studies Quarterly* 33, No. 1 (1989): 67–79, doi: 10.2307/2600494.

as a semiotic endorsement of western supremacy.²² The term “Third World” was first used in 1952 by Alfred Sauvy, the director of France’s Institut National d’Études Démographiques. It was later popularized by the anti-colonialist scholar Frantz Fanon in his book, *The Wretched of the Earth*.²³ The 1955 Bandung Conference saw an early restatement of the collective ideology of what would later become the Third World bloc at the UN. At the conference, the Indian Prime Minister, Jawaharlal Nehru, stated that “Asia and Africa must play an increasing role in [the UN’s] conduct and destiny.” The final communiqué called for the newly independent states of Africa and Asia to be admitted to the UN and to be granted an “equitable geographical distribution” of Security Council seats. The communiqué situated institutional reform at the heart of the policies promoted by what would later become the Third World bloc.²⁴

In order to promote equal representation as its membership was rapidly increasing, the UN established a system of regional groupings in 1963. The largest wave of new entrants to the UN came between 1959 and 1962 as a result of decolonization in Africa. The system of regional groupings, which is still in existence today, divides UN member states into five geographic blocs: African, Asian, Latin American and Caribbean, Eastern Europe, and Western European and Other (a designation that includes North America). Member states from the blocs each control a proportion of the positions on UN bodies. Blocs often acted collectively, voting along common ideological lines in the General Assembly and in other UN bodies. Postcolonial states mostly belonged to the African and Asian blocs, while the former colonialist states generally belonged to the Western and Other bloc. The “Third World” bloc, as it came to be called, was an ideological grouping that consisted of the African and Asian blocs along with other states that occasionally shared its priorities. There are a wealth of contemporary sources that show that in the 1960s and 1970s the term “Third World” was used interchangeably with other names such as the “Group of 77” and the “Non-Aligned Movement” to describe the bloc of newly decolonized states in various UN bodies. Some historians have argued that the term “Third World

²² Arturo Escobar, *Encountering Development: The Making and Unmaking of the Third World* (New Jersey: Princeton University Press, 1995), 21–54.

²³ Bernard Greene, “Toward a Definition of the Term the Third World,” *Boston College Third World Law Journal* 1, No. 1 (1990): 23–37.

²⁴ Vijay Prashad, *The Darker Nations: A People’s History of the Third World* (New York: The New Press, 2007), 41; Final Communiqué of the Asian-African Conference of Bandung 24th April 1955, para F1, http://franke.uchicago.edu/Final_Communique_Bandung_1955.pdf; Carlos Rangel, *Third World Ideology and Western Reality: Manufacturing Political Myth* (New Jersey: Transaction Books, 1986), 43.

bloc” can be used to describe the shared ideological agenda of African and Asian states at the UN during this period. Hence the term “Third World bloc” was used to describe the ideological alignment of states from the African and Asian geographic blocs at the UN, rather than the term “Third World state,” which would reinforce inequality and colonial-era presumptions of inferiority.²⁵

How the Third World Bloc’s Anti-Apartheid Campaign Reshaped the Commission

The struggle against apartheid was one of the core issues on the Third World bloc’s agenda. South African apartheid first came before the UN in 1946, when the General Assembly voted in favor of a resolution demanding that South Africa treat its Indian citizens in conformity with the UN Charter.²⁶ The South African prime minister, Jan Smuts, argued that UN members had no obligations in regard to the protection of human rights that required the South African government to abolish apartheid. Between 1952 and 1954, the General Assembly repeatedly condemned apartheid as a form of racial discrimination contrary to the “higher interests of humanity.” It authorized the creation of an expert commission to investigate the situation relating to apartheid, but little came of such declarations.²⁷ Broadly speaking, the overall thrust of the General Assembly in the 1950s was to initiate a dialogue with the South African government to address the problems caused by apartheid laws, rather than exert some form of overt political pressure or condemn apartheid as a violation of international human rights standards.²⁸ Still, the South African government refused to engage

²⁵ Prashad, *Darker Nations*, xv.

²⁶ “Treatment of Indians in the Union of South Africa,” Resolution No. 44 (I), adopted by the General Assembly, 1st session, December 8, 1946, [https://undocs.org/en/A/RES/44\(I\)](https://undocs.org/en/A/RES/44(I)).

²⁷ “The question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa,” Resolution No. 616 (VII), adopted by the General Assembly, 7th session, December 5, 1952, [https://www.un.org/en/ga/search/view_doc.asp?symbol=A/2361%20\(supp\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/2361%20(supp)), 8–9; “The question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa,” Resolution No. 820 (IX), adopted by the General Assembly, 9th session, December 14, 1954, [https://www.un.org/en/ga/search/view_doc.asp?symbol=A/2890%20\(supp\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/2890%20(supp)), 9; “The question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa,” Resolution No. 917 (X), adopted by the General Assembly, 10th session, 1955, December 6, [https://www.un.org/ga/search/view_doc.asp?symbol=A/3116\(supp\)](https://www.un.org/ga/search/view_doc.asp?symbol=A/3116(supp)), 8.

²⁸ Newell M. Stultz, “The Apartheid Issue at the General Assembly: Stalemate of Gathering Storm,” *African Affairs* 86, No. 342 (1987): 25–45, here 29.

with the UN, claiming that any UN action constituted an interference with their sovereignty.

At the beginning of the 1960s, three things escalated the severity of the UN's approach towards apartheid. Firstly, African nations that had gained independence, in particular Ghana, took seats in the UN and began to advocate strongly for harsher sanctions against apartheid.²⁹ Secondly, General Assembly Resolution 1514 established the general principle of support for decolonization in international law. It was based on a general sense that minority rule in Africa was illegitimate from both a moral and legal perspective.³⁰ Finally, the events of early 1960 – British Prime Minister Harold Macmillan's "winds of change" speech, where he called on governments not to stand in the way of decolonization, and the massacre of protesters at Sharpeville in South Africa – led to increased criticism of South Africa.

General Assembly Resolution 1699 created a special committee for territories under Portuguese rule. In 1962, the General Assembly, after examining reports from this committee, passed a resolution "deploring the continued disregard by the Portuguese Government" for the liberation aspirations of the people in its African colonies. The General Assembly urged all states "to refrain forthwith ... from any assistance which would enable it to continue its repression."³¹ Some authors argue that General Assembly Resolution 2144 in 1966 was the turning point. It urged ECOSOC and the Commission to improve the UN's capacity to prevent human rights violations.³² Resolution 2144 was specifically framed in terms of the UN's "interest in combating policies of apartheid" and the preamble referred extensively to apartheid, minority rule and Portuguese colonialism.³³ Nine of the fourteen substantive points in the resolution

²⁹ Christable Gurne, "A Great Cause': The Origins of the Anti-Apartheid Movement, June 1959 – March 1960," *Journal of Southern African Studies* 26, No. 1 (2000): 123–144, here 127–128, doi: 10.1080/030570700108414.

³⁰ The UN had become distinctly anti-colonial by 1965. See Rupert Emerson, "Colonialism, Political Development and the UN," *International Organization* 19, No. 3 (1965): 484–503.

³¹ "Territories under Portuguese administration," Resolution No. 1807 (XVII), adopted by the General Assembly, 17th session, 1962, December 14, [https://www.un.org/ga/search/view_doc.asp?symbol=A/5217\(supp\)](https://www.un.org/ga/search/view_doc.asp?symbol=A/5217(supp)), 39–40.

³² Bertrand Ramcharan, *Contemporary Human Rights Ideas: Rethinking Theory and Practice* (Oxford: Routledge, 2008), 131–132.

³³ "Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories," Resolution No. 2144 (XXI), adopted by the General Assembly, 21st session, October 26, 1966, [https://www.un.org/ga/search/view_doc.asp?symbol=A/6316\(SUPP\)](https://www.un.org/ga/search/view_doc.asp?symbol=A/6316(SUPP)), 46–47; Newell M. Stultz, "Evolution of the United Nations Anti-Apartheid Regime," *Human Rights Quarterly* 13, No. 1 (1991): 1–23, doi: 10.2307/762456.

referenced apartheid and anti-colonialism. Only three of them referred, directly or indirectly, to the protection of human rights.

The anti-apartheid campaigns of the Third World bloc also had an impact on the rapid advancement of anti-racism measures in international human rights law, which culminated in the 1965 Convention on the Elimination of All Forms of Racial Discrimination (CERD). The 1963 General Assembly Resolution on the Elimination of All Forms of Racial Discrimination built on CERD, advocating independence for peoples living under colonial rule and condemning the racial discrimination underlying colonialism. It was strongly supported by states from the Third World bloc.³⁴ The speed with which CERD entered into force – it took less than four years for enough states to ratify the treaty for it to take effect – was indicative of the success of the concerted campaign run by the Third World bloc to enact CERD.³⁵ At the Commission, one major priority of the newly independent states was including the right to self-determination into the two human rights covenants – the ICCPR and the ICESCR. The covenants gave the right to be free of colonialism that was embodied in General Assembly Resolution 1514 additional legal force. By the late 1960s, the number of states in the Third World bloc had increased in all UN institutions. The political focus shifted to institutional reforms, which altered both the nature of the Commission and enhanced institutional opposition to apartheid overall.

Institutionalizing Anti-Apartheid: The 1235 Procedure

The first major reform of an existing institution that resulted from the Third World bloc's campaign against apartheid was ECOSOC Resolution 1235, passed in August 1967. The request to ECOSOC for action came from the Commission in early 1967. It was based on an expert report presented at the Commission's 23rd session, which was strongly supported by the Third World bloc states.³⁶ Under the final version of Resolution 1235, the Commission and the Sub-Commission were empowered to consider "violations of human rights ... including policies of racial discrimination and segregation and of apartheid" along with the power to

³⁴ "United Nations Declaration on the Elimination of All Forms of Racial Discrimination," Resolution No. 1904 (XVIII), adopted by the General Assembly, 18th session, November 20, 1963, [https://undocs.org/en/A/RES/1904\(XVIII\)](https://undocs.org/en/A/RES/1904(XVIII)).

³⁵ Theodor Meron, "The Meaning and Reach of the International Convention on the Elimination of All Forms of Racial Discrimination," *American Journal of International Law* 79, No. 2 (1985): 283–381, here 284, doi: 10.2307/2201704.

³⁶ Tolley, "United Nations Commission," 56.

investigate and study specific “human rights abuses.”³⁷ While it seemed inconsequential, the resolution for the first time granted the Commission the power to single out a specific state for committing human rights abuses against its own citizens.³⁸ It is debatable whether the reference to apartheid was meant to limit the procedure to human rights abuses in South Africa or whether this was merely an illustration of a situation where the Commission should act.³⁹ Article 3 of Resolution 1235 stated that the Commission’s investigatory powers were confined to cases such as those “exemplified by the policy of apartheid as practised in the Republic of South Africa.”⁴⁰ Except for one reference in paragraph 5, which stated that the new powers were meant to assist the Commission in “discharge[ing] functions in relation to violations of human rights and fundamental freedoms,” all of the other references to human rights in the text of Resolution 1235 linked their protection to “the policy of apartheid as practiced in the Republic of South Africa and in the Territory of South West Africa.”⁴¹

During the drafting process, Cameroon and Algeria had sided with the USSR, which argued that resolution should be limited to situations of colonial rule, but the final wording seemed to use apartheid as an inclusive, not an exclusive term. Nevertheless, the phrasing of the provision, in particular the specificity of the location the abuses – “the Republic of South Africa and in the Territory of South West Africa” – meant that some states could argue that investigations should not occur outside of that context. Resolution 1235 was still seen by some contemporary authors as a significant step forward, which allowed the consideration of human rights abuses in other countries. In October 1967, it was used to discuss the situations in Greece and Haiti.⁴² Other authors have considered 1235 as the start of a process of institutional reform at the Commission, which began to move it toward an institutional system for protecting individual rights.⁴³ It

³⁷ Ibid.

³⁸ See Conall Mallory, “Membership and the UN Human Rights Council,” *Canadian Journal of Human Rights* 2, No. 1 (2013): 1–38.

³⁹ Kevin Boyle, “The United Nations Human Rights Council: Origins, Antecedents, and Prospects,” in *New Institutions for Human Rights Protection*, ed. Kevin Boyle (Oxford: Oxford University Press, 2009), 11–49, here 24.

⁴⁰ Resolution No. 1235, adopted by the Economic and Social Council, 1967, June 6, UN Doc. E/4393 (1967), https://digitallibrary.un.org/record/214657/files/E_RES_1235%28XLI%29-EN.pdf, para 3.

⁴¹ Ibid., para 2 and para 5.

⁴² John Carey, “U.N. Response to Government Oppression,” *The International Lawyer* 3, No. 1 (1968): 102–108.

⁴³ Marc Limon and Hilary Power, *History of the United Nations Special Procedures Mechanism: Origins, Evolution and Reform* (Vorsoix: Universal Rights Group, 2014), 5–6, https://www.universal-rights.org/wp-content/uploads/2015/02/URG_HUNSP_28.01.2015_page_by_page.pdf.

definitely inverted the presumption in Article 2(7) of the Charter of the United Nations that UN bodies should not “intervene in matters which are essentially within the domestic jurisdiction of any state.”⁴⁴ Commenting on the impact of Resolution 1235 twenty-five years later, Thomas Buergenthal, a former member of the UN Human Rights Committee, praised the Commission for “pierc[ing] the veil of state sovereignty ... allowing for human rights protection.”⁴⁵

In 1967, the Commission membership had expanded to accommodate the many new states joining the UN. Now, with fourteen African and Asian member states and the added support of the twelve states from the Latin American and the Eastern European blocs that created alliances on an issue by issue basis, the Third World bloc could count on between 45% and 75% of the voting power on the Commission. From 1970 to 1980, around 8% of all Commission meetings focused on South Africa specifically. Counting meetings on the issues of racism and self-determination – issues which were proxies for attacking minority rule and apartheid in South Africa – the Commission cumulatively spent about a quarter of its time on apartheid.⁴⁶ Given the strong opposition to apartheid that members of the Third World bloc had expressed in the UN prior to the expansion of the Commission and the passage of Resolution 1235, it is difficult to conceive that the Commission would have departed from its purely “promotional” mandate without the growing urgency of apartheid as an issue. Yet the structure of Resolution 1235 led some states to argue that the Sub-Commission should not investigate matters outside South Africa and other minority-ruled territories in southern Africa, even though significant racial discrimination existed in other African states.⁴⁷ The 1235 procedure was bound to attract a degree of hostility. As Kevin Boyle observes, even though the Third World bloc had instigated the resolution, they proved as “reluctant as other states” for it to be used against them.⁴⁸ As Boyle goes on to note, there was a particular hostility to using the mechanisms “engineered [to tackle] apartheid, colonialism and Israel” against states that were members of the Third World bloc. The final paragraph

⁴⁴ Charter of the United Nations, signed 1945, June 26, Article 2(7), <https://www.un.org/en/sections/un-charter/chapter-i/index.html>.

⁴⁵ Thomas Buergenthal’s remarks at the 87th Annual Meeting of the American Society of International Law (2 April 1993) quoted in Surya P. Subedi, “Protection of Human Rights through the Mechanism of UN Special Rapporteurs,” *Human Rights Quarterly*, Vol. 33, No. 1 (1993): 202.

⁴⁶ Jack Donnelly, “Human Rights at the United Nations 1955–85: The Question of Bias,” *International Studies Quarterly* 32, No. 3 (1988): 275–303.

⁴⁷ Warren Weinstein, “Africa’s Approach to Human Rights at the United Nations,” *African Issues* 6, No. 4 (1976): 14–21, here 19, doi: 10.1017/S1548450500000664.

⁴⁸ Boyle, “The United Nations Human Rights Council,” 27.

of 1235 made it clear that ad-hoc study groups the Commission created would be nominally independent.⁴⁹ Despite this notional independence, their creation was under the control of the Commission, which itself was under the control of the member states elected to it. This allowed voting blocs to be gate-keepers of who would be subject to the 1235 procedure.

An Individual Petition Mechanism: The 1503 Procedure

The individual complaints procedure, known as the 1503 procedure, allowed individuals to send the Commission petitions or communications detailing human rights abuses by their governments, which would then be discussed in confidence at the Sub-Commission's annual sessions in Geneva.⁵⁰ The case for letting the Commission receive individual petitions had been made for many years, but ECOSOC had resisted granting it this kind of power.⁵¹ In July 1959, an ECOSOC resolution rejected allowing individual petitions, which were described by one contemporary source as "the most elaborate wastepaper basket ever designed."⁵² Support for individual petitions changed after 1960, when more African and Asian states joined the General Assembly and sought election to the Commission. However, as Roland Burke notes, their support was limited to their "two main preoccupations ... apartheid and colonialism."⁵³ There was considerable support from the Third World bloc for allowing the Committee on Decolonization (the Committee of Twenty-Four) to hear petitions. Campaigning by the Committee of Twenty-Four on the issue of apartheid and decolonization led ECOSOC to reconsider accepting individual petitions. During the drafting process of resolution 1503, Tanzania tried unsuccessfully to introduce provisions that would require the Sub-Commission to focus exclusively on colonial

⁴⁹ The control of the Commission over the agenda and consideration of the Sub-commission was already observed in 1967. See John P. Humphrey, "The United Nations Sub-Commission on the Prevention of Discrimination and the Protection of Minorities," *The American Journal of International Law* 62, No. 4 (1968): 869–888, here 886.

⁵⁰ For an overview of these procedures, see M. E. Tardu, "United Nations Response to Gross Violations of Human Rights: The 1503 Procedure," *Santa Clara Law Review* 20, No. 3 (1980): 559–602; Howard Tolley, "Decision Making at the United Nations Commission on Human Rights," *Human Rights Quarterly* 5, No. 1 (1983): 27–58.

⁵¹ Louis Sohn, "The Improvement of the UN Machinery on Human Rights," *International Studies Quarterly* 23, No. 2 (1979): 186–215, 202.

⁵² Humphrey, *Human Rights and the United Nations*, 28.

⁵³ Roland Burke, *Decolonization and the Evolution of International Human Rights* (Philadelphia: University of Pennsylvania Press, 2009), 69.

situations and apartheid.⁵⁴ Other states from the Third World bloc, along with Eastern European states, were critical of allowing any individual petition procedure outside of South Africa.⁵⁵ Most Third World bloc states on the Commission voted against the initial proposal for an individual petition mechanism for the Sub-Commission in 1968, but it passed the Commission by the narrowest of margins.⁵⁶ It was only after a successful Tanzanian proposal to have communications be considered in confidence, increasing the power of the Commission over their handling, that many states from the Third World bloc became supportive of the new procedure. This proved important to its eventual passage in ECOSOC in 1970, when Third World bloc states refused to join the Eastern European states in bloc voting to oppose the resolution.

Patrick Flood argues that the 1503 procedure was “designed to provide a way for the Sub-Commission to evaluate situations amounting to consistent patterns of gross violations” of human rights.⁵⁷ European human rights activists initially praised the 1503 procedure for providing a forum for individuals to petition against their governments’ human rights abuses. Yet, the procedure, while it provided an extensive mechanism for the processing of individual complaints, did not make the communications it received public until the end of the process, when recommendations were transmitted to ECOSOC. Nor did it actually make the individual victim a party to the proceedings; as Tardu notes, under the 1503 procedure the individual “plaintiff is an information transmitter” and there was no entitlement to have their communication considered.⁵⁸ The petitions were processed by an expert working group and then referred to the Sub-Commission for consideration – around six to eight petitions out of the hundreds received each year were processed during each Commission session. There was no mechanism for processing urgent petitions while the Sub-Commission was not in session. According to Tolley, this contributed to the Commission’s failure to process complaints received about the Greek military junta in 1974.⁵⁹ It was only in the final stage of consideration, after interstate dialogue had failed to yield results, that the substance of a communication could be made public by the Commission

⁵⁴ Draft Resolution, E/CN.4/L.991/ Rev.1 (1968).

⁵⁵ Patrick Flood, *The Effectiveness of UN Human Rights Institutions* (Westport, CT: Greenwood Publishing Group, 1998), 56.

⁵⁶ Tolley, “United Nations Commission,” 60.

⁵⁷ *Ibid.*

⁵⁸ Tardu, “United Nations Response,” 562.

⁵⁹ Howard Tolley, “The Concealed Crack in the Citadel: The United Nations Commission on Human Rights’ Response to Confidential Communications,” *Human Rights Quarterly* 6, No. 3 (1984): 420–462, here 441.

as a means of “shaming” the state in question for its human rights violations.⁶⁰ In summary, the enforcement powers under the 1503 procedure were entirely dependent upon what Bertrand Ramcharan has described as bringing the “international presence to bear upon a situation.”⁶¹

Shaming and political pressure at the international level can sometimes be effective at triggering human rights reform in individual countries. The shaming institutionalized in the 1503 procedure was designed to pressure states into making reforms to address their human rights violations.⁶² However, for this to work it required the 1503 procedure to be applied consistently and to all states where human rights abuses were taking place. Consistency in the application of powers is an important factor in the development of the content-independent legitimacy of an international institution – the notion that an institution is itself legitimate, regardless of the results or outcomes of its decisions.⁶³ The control that the Commission had over the 1503 process was applied in a manner that reflected the prevailing ideological consensus or collective interests of particular blocs. This control was enabled by the structure of Resolution 1503, which contained only one reference to “violations of human rights and fundamental freedoms” in its preamble and no other description of what would constitute behavior that would trigger consideration under the procedure.⁶⁴ Attempts by the United States in 1968 to introduce a list of practices which constitute human rights violations into the text of the procedure – such as “torture” or “violation of freedom of expression” – were not formally adopted

⁶⁰ “Procedure for Dealing with Communications Relating to Violations of Human Rights and Fundamental Freedoms,” Resolution No. 1503 (XLVIII), adopted by the Economic and Social Council, 1970, May 27, UN Doc. E/4832/Add.1 (1970) (hereafter Resolution No. 1503) <http://www.tebtebba.org/index.php/all-resources/category/140-2c-the-hr-council-and-its-subsidiary-bodies?download=730:resolution-1503xlviii-of-the-economic-and-social-council>.

⁶¹ Bertrand Ramcharan, *The Concept and Present Status of the International Protection of Human Rights: Forty Years After the Universal Declaration* (Dordrecht: Kluwer Academic Publishers, 1989), 138.

⁶² Thomas Risse and Kathryn Sikkink, “The Socialization of International Human Rights Norms Into Domestic Practices: Introduction,” in *The Power of Human Rights: International Norms and Domestic Change*, ed. Stephen C. Ropp, Thomas Risse, and Kathryn Sikkink (Cambridge: Cambridge University Press, 1999), 1–38.

⁶³ Allen Buchanan and Robert O. Keohane, “The Legitimacy of Global Governance Institutions,” *Ethics & International Affairs* 20, No. 4 (2006): 405–437, doi: 10.1111/j.1747-7093.2006.00043.x; Steven Wheatley, “On the Legitimate Authority of International Human Rights Bodies,” in *The Legitimacy of International Human Rights Regimes: Legal, Political and Philosophical Perspectives*, ed. Andreas Føllesdal, Johan Karlsson Schaffer, and Gier Ulfstein (Cambridge: Cambridge University Press, 2015): 84–116.

⁶⁴ Resolution 1503, Preamble.

by the Sub-Commission and hence did not make it into the final draft of the ECOSOC resolution.⁶⁵ This meant that the Commission could in effect interpret for itself what constituted a “violation” of human rights, as it was required to do under section 6 of the procedure for determining whether a violation was severe enough to require investigation or further action.⁶⁶ When the Commission’s membership was expanded in 1967, which as noted above increased the Third World bloc’s overall voting power, the Third World bloc wielded greater interpretative control over the procedure, increasing support for it to be used in the anti-apartheid cause even though it was not specifically mentioned in Resolution 1503.

How the Commission’s Procedural Reforms Shaped its Politics

The new legal structures of the UN, which were shaped by the Third World bloc’s anti-apartheid pressure in the late 1960s, influenced the Commission’s politics in the 1970s and early 1980s. During this time the politics of the Commission were criticized for being dominated by “double standards.” A double standard means that different criteria are applied to situations which are so similar that they merit equal treatment.⁶⁷ For example, Laurie Weisberg notes that at the Commission “no parallel was drawn between the exploitation of the Ethiopian peasant and the exploitation of the South Africa squatter,” even though both were exploited by their governments and denied political rights.⁶⁸ There was no obvious justification as to why human rights abuses committed by the Amin regime in Uganda were not worthy of the Sub-Committee’s attention, especially when other racist regimes were under investigation. As Onyeonoro Kamanu noted in the mid-1970s, attempts to argue that human rights abuses committed by the governments of some newly independent states against their own populations were somehow distinct from human rights abuses committed by the white regime in South Africa often ended up implicitly defending intra-racial domination of one group over another.⁶⁹

⁶⁵ Tolley, “United Nations Commission,” 60.

⁶⁶ Resolution 1503, Art 6.

⁶⁷ Laurie S. Weisberg, “Human Rights in Africa: Toward the Definition of the Problem of a Double Standard,” *African Issues* 6, No. 4 (1976): 3–13, here 5, doi: 10.1017/S1548450500000652.

⁶⁸ *Ibid.*, 67.

⁶⁹ Onyeonoro S. Kamanu, “Secession and the Right of Self-Determination: An OAU Dilemma,” *The Journal of Modern African Studies* 12, No. 3 (1974): 355–376.

While the political forces at the Commission were frequently accused of applying “double standards,” especially by contemporary commentators in the 1970s and 1980s, the term is too reductive.⁷⁰ Instead, it makes sense to distinguish three inter-related arguments about the application of the 1235 and 1503 procedures that were made by some states in response to how the Commission exercised its new powers. All of these arguments were linked to the design of the 1235 and 1503 procedures. They shaped the political template of the Commission for the future.

Restrictive Interpretation of the Commission’s Powers

The Commission’s powers were interpreted in the context of defensiveness about sovereignty in the Third World bloc, resulting in changes to international human rights law and the institutions designed to protect them. Anti-colonial independence movements made frequent appeals for protection of human rights. In a 1959 speech, Julius Nyerere said that independence was a fight “for our rights as human beings,” and that it was ludicrous to think that after independence Tanzanians were going to turn around and say “to hell with all this nonsense about human rights.”⁷¹ Human rights served as a useful rallying point in anti-colonial struggles, but the power to investigate human rights abuses was not fully institutionalized in an organization.⁷² As Meredith Terretta notes, decolonization engineered a tension between human rights activists and the governments of their newly independent states, which were determined to cement their newly acquired political authority.⁷³ Roland Burke observed that before and after the Bandung conference, representatives of Third World governments displayed little awareness of the “potential antagonism between rights and sovereignty.”⁷⁴ At the first World Conference on Human Rights held in Tehran in 1968, states

⁷⁰ For further illustrative examples from the 1970s, see Dana D. Fischer, “The International Protection of Human Rights,” *Proceedings of the Academy of Political Science* 32, No. 4 (1977): 44–55; *Uganda & Human Rights. Reports to the UN Commission on Human Rights*, ed. International Commission of Jurists (Geneva: International Commission of Jurists, 1977).

⁷¹ Julius K. Nyerere, “Individual Human Rights (September 1959),” in *Freedom and Unity: Uhuru na Umoja* (London: Oxford University Press, 1967), 70.

⁷² Meredith Terretta, “‘We Had Been Fooled into Thinking that the UN Watches over the Entire World’: Human Rights, UN Trust Territories, and Africa’s Decolonization,” *Human Rights Quarterly* 34, No. 2 (2012): 329–360, doi: 10.1353/hrq.2012.0022.

⁷³ Meredith Terretta, “From Below and to the Left? Human Rights and Liberation Politics in Africa’s Postcolonial Age,” *Journal of World History* 24, No. 2 (2013): 389–416.

⁷⁴ Burke, *Decolonization*, 25.

from the Third World bloc clearly associated defending their sovereignty with arguments about substantive reform of international human rights law.⁷⁵

At the Commission, sovereignty was a more complex issue. Many states could agree that there were some states that no doubt deserved to be targeted by the 1235 and 1503 procedures. However, they were more cautious about the expansive use of any of the Commission's new powers. A number of states consistently objected to the 1503 procedure on the grounds that it expanded the powers of a UN body in a manner that was inconsistent with the purposes of the UN and the protection of state sovereignty.⁷⁶ However, as Jakob Möller notes, the majority of states that were members of the Commission recognized that both procedures were "within the realm of Articles 55 and 56 of the [UN] Charter," which committed states to take action to achieve respect for fundamental principles such as human rights.⁷⁷ That did not stop states from contesting the Commission's competence when it was in their interest to do so. During the 1970s, as the Commission and Sub-Commission began to accept individual cases for consideration, some states such as Pakistan, India, and Ethiopia argued for restrictive approaches to utilizing the Commission's powers.⁷⁸ Other states from the Third World bloc, such as Senegal, were much more open to the Commission's use of its new powers.⁷⁹ In 1981, the Brazilian representative maintained that the Sub-Commission lacked the authority to criticize nations for their human rights records and that the role of the Commission was simply to receive information.⁸⁰ Article Six of Resolution 1503 does not explicitly give the Sub-Commission or the Commission the power to condemn states, and when it is read in tandem with Article Seven and Eight, which require investigative measures to be exercised in cooperation with the state in question and to keep any work confidential, it is hard to construct such a power.⁸¹

Yet, as Ton Gardeniers et al. have noted, by the early 1980s it was quite clear that the Commission had in effect adopted this understanding of its powers

⁷⁵ Roland Burke, "From Individual Rights to National Development: The First UN International Conference on Human Rights, Tehran, 1968," *Journal of World History* 19, No. 3 (2008): 275–296.

⁷⁶ Jakob Th. Möller, "Petitioning the United Nations," *Universal Human Rights* 1, No. 4 (1979): 57–72.
⁷⁷ *Ibid.*, 65.

⁷⁸ David P. Forsythe, "The United Nations and Human Rights, 1945–1985," *Political Science Quarterly* 100, No. 2 (1985): 249–269, here 255–256, doi: 10.2307/2150655.

⁷⁹ *Ibid.*

⁸⁰ Ton Gardeniers, Hurst Hannum, and Janice Kruger, "The UN Sub-Commission on Prevention of Discrimination and Protection of Minorities: Recent Developments," *Human Rights Quarterly* 4, No. 3 (1982): 353–370, doi: 10.2307/762223.

⁸¹ Resolution No. 1503.

under its new procedures.⁸² This was not a phenomenon that was specific to the 1503 procedure and the Commission; theorists of international organizations have noted that institutional structures often evolve beyond the parameters originally anticipated by the states that designed them.⁸³ This can especially happen when an organization has investigative or adjudicative functions. As Brian Simpson observes, it would have been a struggle to ratify the European Convention on Human Rights in the 1950s if states had foreseen a future where the European Court of Human Rights would be defined by its “intrusiveness into what were once viewed as purely domestic matters.”⁸⁴ Defending sovereignty, although it was a core argument in the Commission, was less important than arguments about where to apply the Commission’s new-found powers. There was a reasonable consensus that human rights abuses ought to be investigated but a dispute about which states should be the subject of such investigations.

Inter-bloc Shielding

Many who write about the behavior of the Third World bloc have noted the collective solidarity between its member states. This solidarity served both an ideological function, in that it sought to project a set of shared values, and an instrumental function, providing newly independent states with a system of support in international organizations.⁸⁵ Collective solidarity included what can be described as “inter-bloc shielding” – the use of formal mechanisms or rhetorical appeals to deflect or steer institutional procedures for protection of human rights away from fellow states in the same bloc. Rupert Emerson, writing in 1975, observed that systematic human rights abuses, such as the massacres in Rwanda in 1965 and forced deportations from Ghana, were overlooked, ignored and in some cases even defended by the Third World bloc at the Commission.⁸⁶ Delegates from the Third World bloc blocked discussion of discriminatory practices

⁸² Gardeniens, Hannum, and Kruger, “UN Sub-Commission.”

⁸³ Andrew Guzman, “International Organizations and the Frankenstein Problem,” *European Journal of International Law* 24, No. 4 (2013): 999–1025, doi: 10.1093/ejil/cht061.

⁸⁴ Brian Simpson, *Human Rights and the End of Empire: Britain and the Genesis of the European Convention on Human Rights* (Oxford: Oxford University Press, 2001), 4.

⁸⁵ See for illustration: S. D. Muni, “The Third World: Concept and Controversy,” *Third World Quarterly* 1, No. 3 (1979), 119–128; Steven K. Holloway and Rodney Tomlinson, “The New World Order and the General Assembly: Bloc Realignment at the UN in the Post-Cold War World,” *Canadian Journal of Political Science/Revue canadienne de science politique* 28, No. 2 (1995): 227–254.

⁸⁶ Rupert Emerson, “The Fate of Human Rights in the Third World,” *World Politics* 27, No. 2 (1975): 201–226.

in Ghana and Tanzania by the Sub-Commission.⁸⁷ This did not necessarily mean that states were always successful in blocking consideration of communications from citizens of Third World states. For example, in 1977 the Sub-Commission considered a petition from Jehovah's Witnesses in Malawi alleging that the government was attempting to ban them from practicing their religion. The Commission first received petitions alleging serious human rights abuses in Equatorial Guinea in 1974, which the Sub-Commission considered in confidence in 1975. But the skepticism of some states in the Commission delayed further action on the subject for over two years, during which time the Macias Nguema regime went on what can only be described as an unconstrained killing spree.⁸⁸ Eventually, in 1978, the Commission went public with some of the complaints that it had received from petitioners in states of the Third World bloc such as Ethiopia, Indonesia, Malawi and Equatorial Guinea. But there was little doubt, as Kevin Boyle noted, that bloc voting by members of the Commission was "restricting and frustrating its work."⁸⁹

The ability of the Commission to control the use of 1235 and 1503 procedures was only part of the picture when it came to inter-bloc shielding. More important were structural ambiguities in the instruments themselves. There was doubt about whether the express references to apartheid in 1235 were only examples of situations where the Commission could act or actual constraints on the Commission's power. Inter-bloc shielding actively supported the latter interpretation of the 1235 and a narrow interpretation of the situations where the 1503 procedure applied. When Uganda's forcible expulsion of its Asian community came before the Sub-Commission in 1972, the Nigerian delegate to the Commission attempted to block consideration of it, arguing that the situation "was not a human rights abuse."⁹⁰ A number of Commission delegates argued that they should not concern themselves with matters outside South Africa and other minority-ruled states, even though what was going on in Uganda was in fact systemic racial discrimination of the sort that the Sub-Commission had a direct mandate to investigate.⁹¹ In March 1977, the Sub-Commission was forced to abandon an investigation into systematic human rights abuses in Uganda, including the activities of government-sponsored death squads, in the face of political

⁸⁷ Weinstein, "Africa's Approach."

⁸⁸ Randall Fegley, "The UN Human Rights Commission: The Equatorial Guinea Case," *Human Rights Quarterly* 3, No. 1 (1981): 34–47, doi: 10.2307/762065.

⁸⁹ Boyle, "The United Nations Human Rights Council," 19.

⁹⁰ Weinstein, "Africa's Approach," 18.

⁹¹ *Ibid.*

resistance from other African members of the Commission.⁹² After a group of Nordic countries proposed a General Assembly resolution condemning Uganda in 1978, African states from the Third World bloc negotiated a compromise – the resolution would not be debated or put to a vote and the situation was referred back to the Sub-Commission for investigation.⁹³

The Identification of “Certain States” for Criticism

Control of the Commission’s agenda and blocking maneuvers in respect of the 1235 process were used not only to protect some states from criticism but also to single out certain states as human rights violators. Between 1967 and 1974, only South Africa and Israel were the subjects of direct action under the 1235 procedure.⁹⁴ Even there, care was taken to focus only on the situation within those two states and not on wider human rights issues. In a 1968 debate on Israeli policies in the occupied Palestinian territories, the executions of dissidents in other countries, such as Iraq, were rejected by States from the Third World bloc as being purely domestic matters and outside the scope of the Commission. The singling out of certain states (and exclusion of others) was a reflection of Cold War politics in many cases. In 1969, Morris Abram recalled one delegate to the Commission (from an unnamed state) saying, “we’d like to condemn the Soviet Union for its repression of intellectuals; we’d like to condemn the United States because of Vietnam ... we cannot afford to do either so we’ll support a condemnation of Israel.”⁹⁵ During the 1970s, this state of affairs only escalated. Some states were protected by their parent bloc; the United States, for example, insisted on changing the Commission’s approach to the right-wing regime in Argentina because of its Cold War concerns.⁹⁶

The advancement by the Commission of Third World priorities in other areas, such as economic and social justice, led to claims during the 1970s by Western powers (and from the United States in particular) that the Commission

⁹² Richard H. Ullman, “Human Rights and Economic Power: The United States versus Idi Amin,” *Foreign Affairs* 56, No. 3 (1978): 529–543.

⁹³ *Ibid.*

⁹⁴ Complaints about other states were raised in debates. See Henning Boekle, “Western States, the UN Commission on Human Rights, and the ‘1235 Procedure’: the ‘Question of Bias’ Revisited,” *Netherlands Quarterly of Human Rights* 13, No. 4 (1995): 367–402, doi: 10.1177/016934419501300402.

⁹⁵ Morris Abram, “The U.N. and Human Rights,” *Foreign Affairs* 47, No. 2 (1969): 363–374, here 366.

⁹⁶ Sandy Vogelgesang, “Diplomacy of Human Rights,” *International Studies Quarterly* 23, No. 2 (1979): 216–245.

was becoming “politicized.”⁹⁷ Arguments about politicization ultimately favored a narrow, American-backed “functionalist” view of international organizations, which held that the Commission’s competencies should be confined to the powers it was originally granted by the states that created it.⁹⁸ This would have meant rolling back the procedural innovations the Third World bloc had introduced. Accusations of double standards at the Commission provided cover for both the United States and the United Kingdom to dismiss the Commission’s actions and resist attempts to develop even more anti-apartheid international legal instruments in the late 1970s. Their stance may also have been a reflection of pro-apartheid sympathies among some in the governments of those states. During the Reagan administration in the 1980s, criticism that the Commission was “anti-Western” grew in strength. Many critics cited the growing power of the Third World bloc as proof.⁹⁹ This was, however, deeply cynical, because at the same time the United States advanced this criticism, it was openly supporting authoritarian anti-communist regimes in Latin America. Jeane Kirkpatrick, U.S. Ambassador to the UN, went so far as to praise authoritarian regimes that left “in place existing allocations of wealth, power [and] status” and were as a consequence “more compatible with U.S. interests.”¹⁰⁰

By the early 1980s, double standards at the Commission were evidently infuriating some UN officials. In a 1982 address to the 38th session of the Commission, the Director of the UN Human Rights Division, Theo van Boven, said that he found it “unacceptable ... [that a] gross violation of human rights in any country should not be discussed ... simply because other situations have not been taken up as well.”¹⁰¹ It was clear that the Commission could only act in the case of an individual country when that country did not belong to any of the different competing blocs. For example, the right-wing regime in Chile became increasingly isolated from some of the major powers at the UN. The Third World

⁹⁷ Gene M. Lyons, David A. Baldwin, and Donald W. McNemar, “The ‘Politicization’ Issue in the UN Specialized Agencies,” *Proceedings of the Academy of Political Science* 32, No. 4 (1977): 81–92, doi: 10.2307/1173993.

⁹⁸ *Ibid.*, 83.

⁹⁹ For an example of contemporary right-wing criticism, see Arie Eilan, *The General Assembly: Can It Be Salvaged* (New York: Heritage Foundation, 1984). For a historical assessment, see Paul Kennedy, *The Parliament of Man: The Past, Present, and Future of the United Nations* (London: Penguin Books, 2006), 188–191.

¹⁰⁰ Jeane Kirkpatrick, *Dictatorships and Double Standards: Rationalism and Reason in Politics* (New York: Simon and Schuster, 1982).

¹⁰¹ Address at the 38th session of Commission on Human Rights, Geneva 1 February 1982 in Thomas M. Franck, “Of Gnats and Camels: Is there a Double Standard at the United Nations?” *American Journal of International Law* 78, No. 4 (1984): 811–833, here 828, doi: 10.2307/2202197.

bloc have much sympathy with the Pinochet regime, because it had alienated itself from pro-Third World regimes in the Latin American region.¹⁰² From 1981 to 1985, the Commission issued a series of resolutions singling out Iran and Kampuchea (Cambodia), two states that had previously been defended by the Third World bloc, for engaging in systemic human rights abuses. However, this may have been a reflection of those states' specific internal politics rather than a change in the attitude of any of the blocs. The process of considering cases under the 1503 procedure remained in thrall to inter-bloc shielding.¹⁰³ Some states were able to escape consideration in confidential sessions altogether: from 1984 onwards Pakistan was highlighted as a cause for concern at Commission meetings but it managed to escape referral to the Sub-Commission for action for years. In a particularly grisly coincidence, in 1988 the Commission halted an investigation of Iraq under the 1503 procedure just four days before Saddam Hussein's government launched a nerve gas attack on Iraq's Kurdish minority.¹⁰⁴

Conclusion: The Long-term Impact on the Commission

By the end of the 1980s, the number of debates about apartheid decreased at the Commission as the South African regime began to collapse. However, the basic structure of politics at the Commission, with certain states being singled out for human rights criticism and others benefiting from inter-bloc shielding, began to evolve. In 1992, when the Commission again expanded in size, bloc voting continued to result in division. Condemnation of Cuba and Israel divided different factions. In the mid-1990s, disagreements over whether racism occurred in all societies or just in western societies sparked arguments about the mandate of the Commission's Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, and Xenophobia.¹⁰⁵ China was able to end the 1990s without ever having been subjected to a 1503 procedure. The United States defended Israel, but Israel was targeted by all other states. The independence of the Sub-Commission and the legitimacy of both its procedures was increasingly

¹⁰² Theo van Boven, "United Nations and Human Rights, A Critical Appraisal," in *UN Law/Fundamental Rights: Two Topics in International Law*, ed. Antonio Cassese (Berlin: Springer, 1979), 127–147.

¹⁰³ See Franck, "Of Gnats and Camels."

¹⁰⁴ David Weissbrodt, "Country-Related and Thematic Developments at the 1988 Session of the UN Commission on Human Rights," *Human Rights Quarterly* 10, No. 4 (1988): 544–558, here 550, doi: 10.2307/761920.

¹⁰⁵ Beate Rudolf, "The Thematic Rapporteurs and Working Groups of the United Nations Commission on Human Rights," *Max Planck Yearbook of United Nations Law* 4 (2000), 289–329, here 319.

questioned.¹⁰⁶ By 2006, eventual replacement of the Commission by the creation of a new UN Human Rights Council was seen by many commentators and scholars as the best response to the Commission's credibility problems.¹⁰⁷ However, criticism of the Commission's "politicization" in the 1990s missed the point.¹⁰⁸ All human rights, and human rights institutions, are political because creating an instrument to protect rights involves deciding which rights to protect and which rights not to protect.¹⁰⁹ The politicization of the UN Commission on Human Rights was structural. It originated in the way the 1235 and the 1503 procedures were designed in the 1960s and used in the 1970s. Applying the analytical framework of rational design – described in the introduction to this article – two features of the procedures highlight how the Third World bloc understood the politics of protecting human rights.

Firstly, both the 1235 and 1503 procedures reflected what is sometimes termed an "idiographic political assumption" about the roles of international law and international institutions. Commitment to and support for the 1235 and 1503 procedures demonstrated the social identity of the states that created them.¹¹⁰ In the case of the 1235 and 1503 procedures, condemning apartheid was part of the social identity of the newly independent states of Africa and Asia in the international sphere. Therefore, they were keen to support any institutional development that would undermine apartheid. What was less clear, however, was whether the scope of their political commitment included a broader commitment, either to the Commission as an institution or to human rights protection in general. During the debates in the drafting process of major human rights treaties such as the ICCPR in the 1960s, some of the same states that supported the 1235 and 1503 procedures opposed the development of the

¹⁰⁶ Michael Dennis, "The Fifty-Fourth Session of the UN Commission on Human Rights," *The American Journal of International Law* 93, No. 1 (1999): 246–252, doi: 10.2307/2997970.

¹⁰⁷ Philip Alston, "Reconceiving the UN Human Rights Regime: Challenges Confronting the New UN Human Rights Council," *Melbourne Journal of International Law* 7, No. 1 (2006): 186–225, doi: 10.2139/ssrn.907471; Thomas G. Weiss, *What's Wrong with the United Nations and How to Fix It*, 2nd ed. (London: Polity Press, 2012), 40.

¹⁰⁸ Jean-Claude Buhrer, "UN Commission on Human Rights Loses All Credibility: Wheeling and Dealing, Incompetence and 'Non-Action'," July 2003, *Reporters Without Borders*, <https://rsf.org/fr/actualites/un-commission-human-rights-looses-all-credibility-wheeling-and-dealing-incompetence-and-non-action>.

¹⁰⁹ Jean-Luc Nancy, "On Human Rights: Two Simple Remarks," in *The Meanings of Rights: The Philosophy and Social Theory of Human Rights*, ed. Costas Douzinas and Conor Gearty (Cambridge: Cambridge University Press, 2014), 15–38, doi: 10.1017/CBO9781139227124.003.

¹¹⁰ Christian Reus-Smit, "Politics and International Legal Obligation," *European Journal of International Relations* 9, No. 4 (2003): 591–625, here 610, doi: 10.1177/135406610394003.

individual petition procedure.¹¹¹ In 1977, Patrick Flood noted that Third World bloc states opposed the creation of a UN High Commissioner for Human Rights, after Soviet bloc countries actively lobbied them against the idea, “[playing] on ... sensitivities concerning their colonial past [in order] to portray the High Commissioner proposal as a neo-colonial Trojan Horse.”¹¹² In the 1980s, Manfred Nowak noted that despite a growing international consensus to oppose the use of torture, many states from the Third World bloc actively opposed setting up a Committee Against Torture.¹¹³ More powerful states, such as the Soviet Union (later Russia) and the United States, were also strongly opposed to any individual petition mechanism in principle, and only strategically supported such mechanisms when they would operate in their interests.

Secondly, there was the broader problem of how to construct an institutional mechanism that could engineer the naming and shaming of a state in which human rights abuses were taking place, commanding the support of other member states. At the regional level, international human rights protection regimes emerged in tandem with international organizations built around projects of political or economic integration. Organizations based on the latter type of political project offered different incentives to states in order to gain their initial commitment and acceptance of the organization’s power to protect human rights.¹¹⁴ At the international level, many states viewed the bodies set up by human rights treaties such as the ICCPR as mechanisms for externally signaling their commitment to human rights. For example, there was a surge in the number of states signing up to human rights treaties during the so-called “third wave of democracy” in the 1990s.¹¹⁵

For a body with a politicized membership tasked with overseeing investigative procedures, as was the Commission with its oversight responsibility for the Sub-Commission, the issue was how to survive in a world where the question of who is a human rights victim was always going to be a politically contested

¹¹¹ Burke, *Decolonization*, 72.

¹¹² Patrick J. Flood, *The Effectiveness of UN Human Rights Institutions* (Westport, Connecticut: Greenwood Publishing Group 1998), 120.

¹¹³ Manfred Nowak, “The Attitude of Socialist States towards the Implementation of UN Human Rights Conventions,” *Netherlands Human Rights Quarterly* 6, No. 2 (1987): 85–90.

¹¹⁴ B. Obinna Okere, “The Protection of Human Rights in Africa and the African Charter on Human and Peoples’ Rights: A Comparative Analysis with the European and American Systems,” *Human Rights Quarterly* 6, No. 2 (1984): 141–159.

¹¹⁵ Christine Min Wotipka and Kiyoteru Tsutsui, “Global Human Rights and State Sovereignty: State Ratification of International Human Rights Treaties, 1965–2001,” *Sociological Forum* 23, No. 4 (2008): 724–754, doi: 10.1111/j.1573-7861.2008.00092.x.

concept. This is the dilemma set out by Makau Mutua in the influential paper “Savages, Victims, Saviours.” Mutua argues that the concept of human rights is caught up in a “grand narrative” which uses institutional forms and structures to create and identify classes of human rights victims who are under attack by “savages” within their own society.¹¹⁶ Reform of the Commission in the 1960s took place in the context of directly targeting apartheid in South Africa and preserving post-independence self-determination for former colonies. From the perspective of the Third World bloc, the “victims” and “savages” implicit in the 1235 and 1503 procedure only included those suffering under the apartheid regime. The wording of both instruments encouraged this interpretation. They were not worded in a way that supported a broader concept of victimhood that would encompass all targets of governmental human rights abuses.

Double standards, as they were called, were a function of the way that the 1235 and 1503 procedures were designed, because the references to apartheid in them could easily be interpreted as exclusionary. The control that both procedures gave to the Commission was an incentive for blocs of states to seek Commission membership in order to control those procedures and defend their member states and their allies in other blocs from human rights scrutiny. In December 2004, the High-level Panel on Threats, Challenges and Change, which was tasked with evaluating existing UN institutions, concluded that too many states were seeking membership of the Commission “not to strengthen human rights but to protect themselves against criticism or to criticize others.”¹¹⁷ As one 2008 study concluded, during the last decade of the Commission’s existence, states with weak human rights records were more likely to get elected to the Commission than those with strong ones.¹¹⁸ None of these developments emerged in a vacuum. They were intimately linked with the way the Commission’s powers had been designed in the late 1960s. The campaign against South African apartheid was a powerful catalyst for institutional reform and development of human rights law, but some of the changes made at the time were expressly tied into the context of apartheid. Conflict over whether they were intended to usher in a broader-based set of institutional reforms cemented a politics of human rights at the Commission that ultimately led to its dissolution and replacement.

¹¹⁶ Makau Mutua, “Savages, Victims, and Saviors: The Metaphor of Human Rights,” *Harvard International Law Journal* 42, No. 1 (2001): 201–245.

¹¹⁷ *Ibid.*

¹¹⁸ Martin S. Edwards et al., “Sins of Commission? Understanding Membership Patterns on the United Nations Human Rights Commission,” *Political Research Quarterly* 61, No. 3 (2008): 390–402.

REVIEWS

Cass R. Sunstein, **The Cost-Benefit Revolution**. Cambridge MA: MIT Press, 2018, 188 pages. ISBN 978-0-262-03814-0

In a world where decision making is based entirely on evidence, facts are more important than values. Governments enact policies that will increase the well-being of the people by the largest measure, and those policies are correctly implemented and continually assessed for impact. Absolutely no action is taken unless its benefits justify its costs. What happens in the decision-making process might seem like it results from a boring and very complex technocracy, but there is one thing that backs it up: cost-benefit thinking. We don't live in that world yet.

Cost-benefit analysis (CBA) is a standard method of economic analysis. It has been systematically used by the U.S. government since 1981, often under the radar of many voters and even some politicians. Despite its acceptance by the scientific community, many people are *a priori* critical of the approach. In order to calculate a benefit-to-cost ratio (how many dollars in economic, social and environmental benefits are likely to be created by one dollar expended to fully implement a policy), economists quantify and then monetize all foreseeable benefits and costs, which, among other things, effectively requires putting a monetary value on human life (the estimates usually converge on USD 9 million).

This book argues why putting a monetary value on everything in our lives should not worry us, either morally or epistemologically, when we think about the effectiveness of a policy. It argues that it is actually necessary and desirable. The book explains why cost-benefit analysis is highly important in political decision-making, why it is a truly non-partisan approach that can defeat political tribalism, and why pushing the approach forward might have the effect of a political revolution.

Cass Sunstein, the co-author of *Nudge* (an influential book on behavioral science), engages the reader from beginning to the end. He does it partly with his provocatively smart writing skills and partly with deep arguments based on his long experience with policy making. Sunstein ran the White House Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget (OMB) during President Obama's administration. Among many other things, he was responsible for writing and implementing the President's executive order no. 13563, entitled "Improving Regulation and Regulatory Review."

That executive order cemented cost-benefit analysis into the political process and effectively gave the OIRA veto power over every proposed regulation above a certain threshold of impact. Looking back, if Sunstein's arguments are even partially correct, the positive impacts of Obama's executive order (along with two previous ones issued by Reagan and Clinton, which laid the institutional groundwork for Obama's) should have been extremely great.

At the beginning of his book, Sunstein describes two main problems with current politics. First, arguments about policies are often expressive (i.e., based on values) and many people don't really care about the consequences of a policy. Second, neither the public nor politicians listen to experts often enough. Experts can be wrong, but listening to them is good, mainly for two reasons – it helps us identify potential "failure modes" and helps us ask better questions.

In his first chapter, Sunstein elaborates on the history of introducing a cost-benefit approach into the American policy-making process. However boring that topic may sound, the reader should not skip this chapter. It gives us an important insight into how technocratic principles of governance silently triumphed and were incorporated into Washington's heart.

The second chapter discusses how and why cost-benefit analysis is distancing us all (voters, citizens, and politicians) from our misleading intuitions. This doesn't seem too controversial. In the next three chapters, Sunstein talks about three important concerns with the cost-benefit approach. He admits that those concerns are valid and that we need to keep them in mind when conducting cost-benefit analyses or implementing recommendations based on them. A reader can't help but to be sympathetic to his concerns.

Distribution effects are the first issue (Chapter 3). Basically, cost-benefit analysis fails to deliver accurate results when benefits flow disproportionately to the rich. An elegant solution proposed by Sunstein is to exclude the rich from receiving "transfers" based on redistributive regulations that aim to equalize the distribution of existing benefits. This is especially important in the case of judicial interventions, which are based on cost-benefit grounds, as the reader learns further in the book. Chapter 3 also elaborates on VSLY (Value of Statistical Life Year) and the problem of preserving individual autonomy when distributing welfare payments.

Sunstein's second concern is about the accuracy with which welfare is measured (Chapter 4). He says that proxies for welfare are important and monetizing various non-cash benefits is the best available proxy. Until we develop new methods of measurement or start a "welfare revolution," we will have to deal with imperfect measurements of welfare. Sunstein does however propose important adjustments in Chapter 4, which are based on behavioral science. He discusses how to include factors such as pleasure and a sense of purpose into cost-benefit analysis.

The third concern (Chapter 5) is the lack of knowledge (often in the form of a lack of data). In principle, the reader cannot expect Sunstein to find a remedy for that. Nevertheless, it is essential to discuss the problem because missing data-points can easily render even the most high-quality cost-benefit analysis incorrect, irrelevant or even harmful in its impacts. Sunstein discusses this issue in notable depth. He considers various knowledge-gathering methods such as public opinion research, RCTs (randomized controlled trials), retrospective analysis and "measurement to react."

Chapter 6 is more philosophical, dealing with moral commitments and including problems such as willingness to pay for adherence to our own moral standards. Often lacking in the relevant literature, this topic seems surprisingly important. It should not be omitted from any CBA that at least partially deals with moral aspects of policy making. This chapter, along with chapters 9 and 10 seem like the most important contribution of this book to the field of cost-benefit analysis.

Chapters 7 and 8 (Labeling and Court Rulings) are quite concrete. They are particularly interesting because they present case studies where CBA runs into multiple limitations but is nonetheless important to pursue. Discussing cost-benefit analysis in the field of national security and privacy (Chapter 9) and freedom of speech (Chapter 10) is very bold because those are probably the most difficult areas for applying CBA. The reasons

include the huge diversity of possible effects and limited experience in quantifying and monetizing things like various human rights, which everyone values very subjectively.

The two most important conclusions of the book are well summarized at the end. First, every cost-benefit ratio can only be a proxy for welfare effects. It almost never can paint a full picture of reality because of the knowledge problem. Cost-benefit analyses are predictions, and sometimes they turn out to be wrong. In an extremely complex world, unintended consequences are common, and we should be aware of that. Second, CBA is still far better than what preceded it, and if we focus more directly on the public welfare, what is coming will be better still. We need to understand that welfare.

In my estimation, both the problem of limited knowledge and distribution effects are being solved gradually as we speak. They don't seem to pose a lethal threat to the CBA-based approach to policymaking. Distribution effects are increasingly well estimated by new impact assessment methods and CBA methodological manuals are now warning its users about cases where they might be a problem. I have come across other possible solutions that Sunstein does not mention (e.g. adjusting benefits according to the marginal utility of income for people receiving the benefits). However, since the issue of distributional effects could deserve a whole study of its own, it doesn't seem like a big shortcoming of this book.

Lack of knowledge is being solved by new technologies, big data and artificial intelligence at a pace never experienced in the past. Sunstein proposes more RCTs, public comments and retrospective reviews as data-gathering methods. Hopefully, economists will be able to keep up, so that new analyses are not run on 10-year old data. Especially when it comes to issues that arise from fast-changing psycho-societal phenomena that have never been subjected to any CBA in the first place (take social media or online dating sites as an example). In those areas, finding an effective solution to lack of knowledge and then starting to solve the problem in 10 years' time seems to be far too little, too late.

The concern about measuring welfare seems to have no clear solution on the horizon. We don't really know what we mean by a person's welfare. Humans can't even formalize their own values in any meaningful way, let alone quantify them, monetize them and correlate them to feelings that can somehow be manifested as happiness. We can set up proxies, but some things just seem to be too abstract for that. Finishing a book review might create a sense of accomplishment or relief. How do these feelings translate to happiness? How do we monetize that?

This might be precisely the area where technocratic approaches fall short, even when it is in the supreme interest of all of us that they do not. There is really no good alternative to them. Policy making based on a cost-benefit approach seems to be extremely valuable and Cass Sunstein does a great job in letting us know about it.

Jan Kleiřha

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Distinguishing oneself from “the other” is an indispensable feature of the process of socialization. But negative stereotyping of races, ethnicities, religions and nations is out of fashion in mainstream Western public discourse, which is a natural consequence of the genocides of World War II and the emancipation of third world countries. Eva Hahnová examines a surprising Central European deviation from the norm in her new book *Češi o Čechách: Dnešní spory o dějiny* [*Czechs about the Czechs: Current Debates about History*].

Hahnová is a German historian of Czech origin. She has worked as a researcher, focusing primarily on Sudeten German questions at the Collegium Carolinum in Munich between 1981–1999. Since then, she has been an independent researcher in Oldenburg. She has dedicated her recent years to studying heterostereotypes about Czechs. After thoroughly describing the German and the English perceptions of Czech people in her two previous much acclaimed studies¹ she now turns her attention to the impact those two standpoints have had on how Czechs see themselves in their self-reflections. Her walk through the contemporary landscape of sweeping statements full of contempt, arrogance and disappointment is shocking, no less for their extreme right-wing provenance than because many of their propagators are recruited from the ranks of respected former dissidents who later became democratic politicians. Her study explains why the assumption that liberal democracy is exempt from losing itself in labyrinths of ideology and purposeful manipulation is fallacious. The link Hahnová identifies between Czechs’ derogatory self-stereotyping, which has been normalized over the past decades, and the current voting habits of the Czech electorate secures her book a place among the most significant studies dealing with the Czech identity in recent years.²

The book opens with what Hahnová calls a “lamentation gallery.” In 1997, Václav Havel declared war on Czech provincialism, isolationism, egoism, short-sightedness and chauvinism in his famous speech in Prague’s Rudolfinum auditorium. His skeptical view of his society, which expanded upon his earlier critique of the mentality of the submissive Czech greengrocer he had described in his book *The Power of the Powerless*, was widely shared by numerous journalists and commentators. His concerns found their symbolic fulfillment in the presidential election of 2013, when the division of Czech society was complete. In reaction to that misfortune, Hahnová sets off on a mission to uncover the roots of the repetitive negative discourses that characterized that election campaign.

The first part of the book elaborates on the content of two significant publications, the output of one author in particular, and the public reaction to the ideas found therein.

¹ Eva Hahnová, *Od Palackého k Benešovi: Německé texty o Čechách, Němcích a českých zemích* (Praha: Academia, 2014); and Eva Hahnová, *Dlouhé stíny předsudků: Německé a anglické stereotypy o Čechách v dějinách 20. století* (Praha: Academia, 2015).

² See Karel Hvizďala and Jiří Příbáň, *O české státnosti a identitě: Hledání dějin* (Praha: Karolinum, 2018); Stanislav Holubec, *Ještě nejsme za vodou: Obrazy druhých a historická paměť v období post-komunistické transformace* (Praha: Scriptorium, 2015).

Hahnová analyzes Jan Patočka's *Co jsou Češi? Malý přehled fakt a pokus o vysvětlení* [*What are the Czechs? A Brief Overview of the Facts and an Attempt at an Explanation*], *Češi v dějinách nové doby (Pokus o zrcadlo)* [*Czechs in the History of the New Age (An Attempt at a Mirror)*] by the authors' collective Podiven, and the writings of Václav Bělohradský. Her study provides a detailed state of the art of analyzing the Czech character. Hahnová chooses Patočka's posthumously published collection of letters as a springboard. The image of the Czechs that the famous phenomenologist depicted in the early 1970s clearly retains remnants of old racist and Sudeten German stereotypes. To mention only a few: we encounter stereotypes about Czechs as a "society of liberated slaves," Czech pettiness, the lack of Czech cultural independence, and the "breaking of the nation's spine" in 1938. Writing his letters to a German friend, Patočka evidently borrowed derogatory stereotypes from his addressee's national mental toolbox. The conformity of Patočka's views with those of his German correspondent unfortunately was not noticed by his followers, who later elaborated upon his ideas. Most prominently among them were Petr Pithart, Petr Příhoda and Milan Otáhal as co-authors of the above-mentioned *Češi v dějinách nové doby*. Patočka's unusual transformation of heterostereotypes into autostereotypes was thus obscured.

One of the central themes of Hahnová's book is the clash between two approaches commonly used to assess the past. Patočka's approach was a purely philosophical one – he consciously and deliberately followed a different epistemological tradition than the one historians usually follow and worked with the concept of "meaning." He was not looking for the "truth." Hahnová sees the fact that philosophers do not usually bother to rack their brains over historical facts as a perilous mistake. Her arguments against discounting the facts are based on her detailed knowledge of discursive continuities that she has unearthed in the philosophical literature. The core of her book explores the link between the anti-Czech stereotypes propagated in the 1930s and 1940s by the German National Socialists and derogatory stereotypes of Czechs formulated by Czech philosophers (and a few historians). In light of the importance of this previously neglected connection, it seems that Hahnová, a historian, wins this round of the debate over the philosophers. On top of that, she opens up enormous space for future research, which can focus on the psychological and sociological underpinnings of the ideas the Czech philosophers were transmitting.

It is, however, self-evident that neither historians nor philosophers, both of whom see themselves as sole custodians of historical wisdom, can reconcile the rift between them.³ Hahnová describes the main problems of the philosophical approach very well, even though it is debatable whether philosophers can be held responsible for the simplification and vulgarization of their thoughts by journalists and politicians, who are the primary actors who diffuse toxic stereotypes. What she cannot do is take a similarly

³ For a particularly telling example of this, see the debate "Nad knihou Evy Hahnové Češi o Čěších" organized by the revue *Literární noviny* on May 30, 2018, https://www.youtube.com/watch?v=n-5vcgy_NPNU.

detached view of her own field. She is an active participant in the post-1989 great debates in Czech historiography (mainly the one concerning the expulsion of Sudeten Germans after World War II). At the same time, it is important to point out that crude stereotyping is much less widespread among contemporary Czech historians than in the general public space.

While the first part of Hahnová's book focuses on the proponents of negative self-stereotypes in the late Communist era and after the Velvet Revolution, the second part covers many topics. A special chapter is dedicated to the First Czechoslovak Republic. It is a counterweight to the exceptional amount of energy that has been devoted to shallowly defaming the Republic, compared to other historical periods. The last chapter returns to the image of the Czechs produced during World War II. Hahnová makes one of her strongest points by demonstrating how dangerous an inconsistent reading of history can be. The great figures of Czech history have been misinterpreted countless times, not always intentionally. That has been the case with Edvard Beneš and Tomáš Garrigue Masaryk, as well as Emanuel Rádl and Josef Pekař.

Hahnová repeatedly emphasizes that any assessment of history should take into consideration a postmodern understanding of "normality." Applying that to her case study of the Czechs, she concludes that the Czechs are a diverse group of individuals who are not now and never have been any better or worse than any other nation. Similarly, the nineteenth century revival of Czech nationalism, which is often mocked for its allegedly chauvinist underpinnings, was no different from the struggle for self-determination of other European national communities. This logically brings her to another problem with generalizing statements – the need for a comparative approach. Very few studies of the Czech nation take developments in other countries in the region into consideration, not to mention in more distant countries.

Another extremely harmful feature of the public debate about the Czech character is relying on individuals to assess national character. The best example in Czech historiography of transferring distaste for one individual's behavior to the national profile is the stereotype of the "broken spine of the nation." According to Jan Patočka and his successors, Edvard Beneš chose "Czech smallness" over greatness in the Munich Crisis of 1938 and condemned his nation to eternal moral inferiority. A seemingly limitless variety of other stereotypes are linked to this theme, including the one about the Czechs' inability to understand democracy due to the influence of communism. To demonstrate how absurd this instrumentalization of a complex historical situation actually is, Hahnová compares the Czech case to its twentieth century German and Russian parallels. Did the acts of Hitler or Stalin determine the moral profiles of Germans and Russians? Hahnová contends that both features of the contemporary debate about the Czech national identity – questioning the normality of the nation and transferring the decisions of individuals onto the national mentality – are harmful to the development of a free and democratic society.

Češi o Čechách: Dnešní spory o dějinách is an extremely valuable publication which should spark a necessary dialogue between the academic and lay spheres of Czech society. From her position as a historian, Hahnová condemns Czechs' negative self-stereotypes

because of their extreme right-wing provenance, which unfortunately goes unrecognized by the propagators of those stereotypes and by their audiences. Her application of the general principles of postmodern social science to the historical and philosophical literature she examines increases the value of what otherwise would be only a well-done *tour d'horizon*. Her book's most powerful message is that the Czech nation should be considered normal and not an exceptionally good or bad one.

Johana Kudrnová

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