

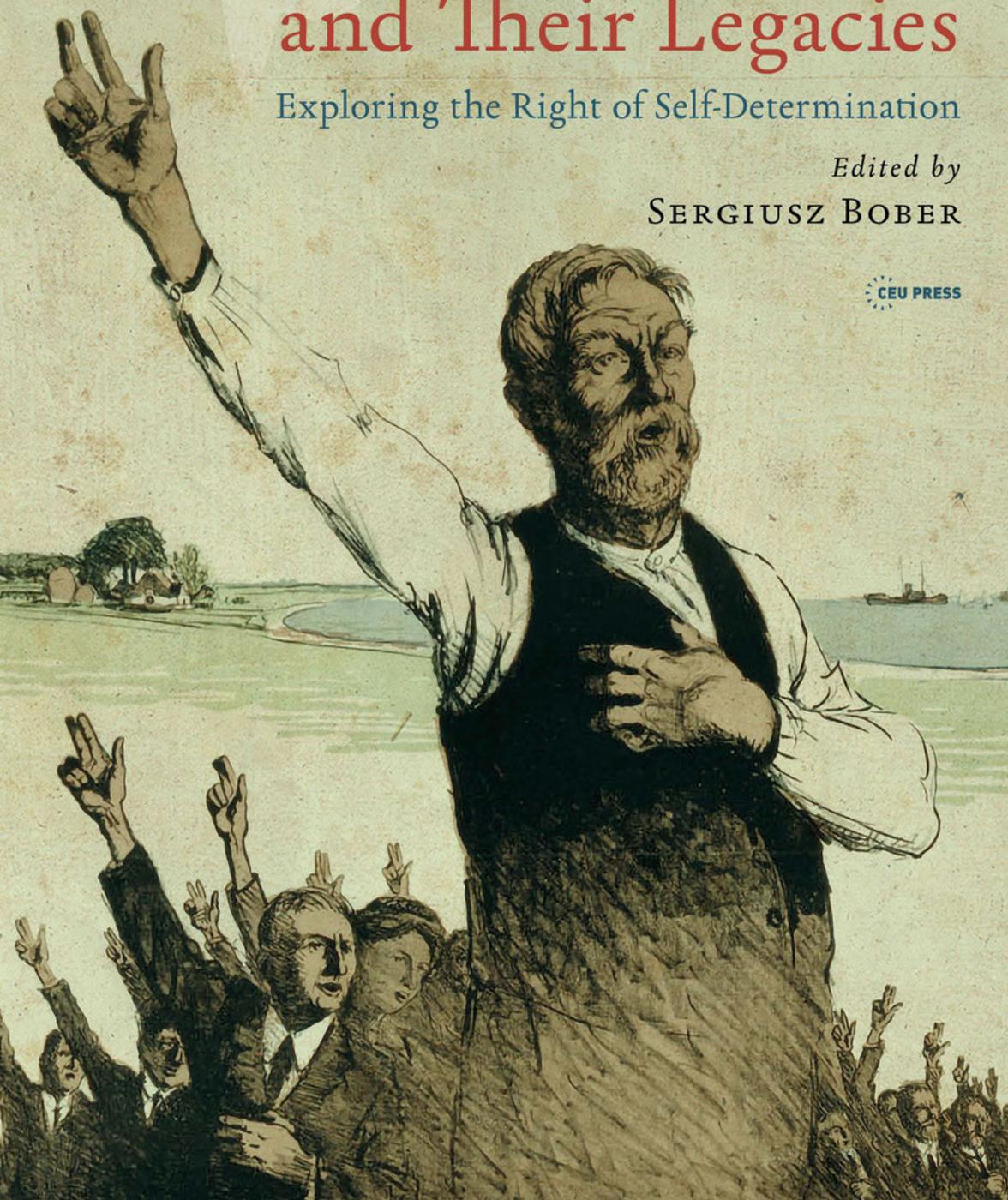
# Post-World War One Plebiscites and Their Legacies

Exploring the Right of Self-Determination

*Edited by*

SERGIUSZ BOBER

CEU PRESS



Post-World War One  
**Plebiscites**  
and Their Legacies

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# *I n t r o d u c t i o n*

## Between Plebiscites, Difficult History, and Minority Rights

S E R G I U S Z B O B E R



### Why the Current Volume?

The present book is firmly rooted in the socio-historical context of the Danish–German border region: the historical tensions and conflict between the two nation states, culminating in the post-World War I plebiscites<sup>1</sup> which established the present border, and life in the ensuing decades, among others, characterized by the presence of a Danish minority in Germany and a German minority in Denmark. The legacy of the above-mentioned prolonged conflict—marked by national antagonism, mutual recriminations, and revisionist initiatives and postulates—has been largely overcome through the bilateral initiatives of the two national governments (with the initial steps taken after World War II, in a favorable geopolitical context, as both sides belonged to the strategic alliance of Western countries); the implementation of complex mechanisms protecting the rights of national minorities on both sides of the border, resulting in the elimination of irredentist aspirations; and the subsequent top-down and bottom-up initiatives contributing to Danish–German reconciliation, symbol-

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1 In the present volume, the terms “plebiscite” and “referendum” are used interchangeably, as is frequently the practice in the English language. See Matt Qvortrup, “Plebiscites,” *Encyclopedia Princetoniensis*, <https://pesd.princeton.edu/node/571> (accessed: July 10, 2023) and Matt Qvortrup, *Referendums and Ethnic Conflict* (Philadelphia: University of Pennsylvania Press, 2014), 4. It should be noted that other authors argue for a clear differentiation between these concepts. According to Francesco Biagi, “a popular consultation would be considered a plebiscite *only as long as it refers to issues that are both ‘exceptional’ and ‘political’*” (emphasis in the original). If, on the other hand, such popular consultations are centered upon less extraordinary matters, they should be considered referendums. See Francesco Biagi, “Plebiscite,” *Max Planck Encyclopedia of Comparative Constitutional Law*, <https://oxcon.ouplaw.com/display/10.1093/law-mpeccol/law-mpeccol-e414?rskey=BW4bo0&result=225&prd=MPECCOL> (accessed July 10, 2023).

ized—among other things—by the creation of a cross-border region, Sønderjylland-Schleswig, and the increased cross-border mobility that accompanies it.

It was this particular context which inspired a group of researchers, primarily historians and political scientists from the European Centre for Minority Issues and the Danish Central Library for South Schleswig (*Dansk Centralbibliotek for Sydslesvig*), to co-organize the international scientific conference “Minorities and Self-determination—100th Anniversary of the Post-World War I Plebiscites,” initially planned for June 2020.<sup>2</sup> The conference was to become one of the many political, scientific, and cultural events celebrating the 100th anniversary of the Danish–German border settlement. The shared conceptual point of departure was the understanding that the Danish–German case—frequently considered to be an example of good practice in the field of minority rights protection, originating from the early-twentieth-century exercise in self-determination—deserves to be (re)examined alongside other, comparable, plebiscitary contexts characterized by clashes involving ethnicity, identity, or political loyalties in the period leading up to the conclusion of World War I.

It is important to mention that, like many other initiatives planned to commemorate the 1920 Schleswig plebiscite, the conference fell victim to the Covid-19 pandemic. Initially, the plan was to postpone it to 2021, but although the circumstances had improved significantly by then, the uneven pace of vaccine rollouts across different countries convinced us to hold the conference online instead. The virtually gathered academics approached the topic of the post-World War I plebiscites through a series of panels aiming to elaborate on such specific analytical angles as:

- (1) self-determination in its conceptual and historical dimensions;
- (2) plebiscites as a self-determination tool in the aftermath of World War I;
- (3) minority treaties as a consequence of the Paris Peace Conference;
- (4) post-plebiscitary territories as living spaces between the two World Wars;
- (5) plebiscites, referendums,<sup>3</sup> and self-determination in current contexts.

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2 For more information, see the conference website at: <https://www.ecmi.de/events/conference-2020> (accessed July 11, 2023).

3 As J. Tobin Grant and Yasuko Taoka observed, “[t]he pluralization of referendum is a perpetual orthographic conundrum,” with political scientists more likely to use “referenda” than “referendums.” At the same time, there is a rather convincing argument for “referendums” being the correct grammatical form. Since consensus with regard to the dominant form has not yet been established, both plural forms are allowable in the present volume, according to the individual contributor’s preference. For more on this issue, see J. Tobin Grant and Yasuko Taoka, “The Referendum Conundrum: Referenda or Referendums?,” *PS: Political Science & Politics* 44, no. 3 (2011): 563–64.

Fruitful scholarly discussions during the conference inspired the organizers to turn this scientific event into a book project, offering a broad panorama of the post-World War I plebiscites with clear comparative elements.<sup>4</sup> The central aspect justifying this book project is the unique, yet shared, experience of regions that held democratic self-determination plebiscites, related to the nexus between national belonging and international borders, in the immediate aftermath of World War I.<sup>5</sup> It can be argued, therefore, that the comparison of those referendums is feasible due to their shared conceptual origins,<sup>6</sup> temporal proximity, and the similarity of issues for decision resulting from a relative affinity of the dynamics on the ground.<sup>7</sup> In that sense, they can be considered as geographic and socio-political situations where the ideals of Wilsonianism were perhaps most prominently turned into practice. Importantly, in the broadest sense, Wilsonianism or Wilsonian idealism is understood here (following Tony Smith's interpretation) as an expression of American liberal internationalism, with its main goal being the promotion of democracy in the world as a means to achieving global peace and, consequently, American secu-

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- 4 It should be mentioned that the editor's ambition was to include stand-alone chapters discussing each of the five plebiscites held immediately after World War I. Unfortunately, this was not possible in the case of Upper Silesia. Despite the editor's best efforts and invitations to several potential authors, those plans were ultimately thwarted by overlapping deadlines or logistical difficulties in accessing the necessary sources. Eventually, it was decided to proceed without such a chapter to avoid further delays. Upper Silesia is nevertheless referred to in several of this book's chapters.
  - 5 Due to the somewhat narrower focus of the post-World War I plebiscites, it is important to differentiate between them and those referendums where pro-independence aspirations of nations residing in substate regions/states/provinces have been at stake (the most recent examples of this type of referendum include those held in Scotland in 2014, in Catalonia in 2017, in Bougainville in 2019, and in New Caledonia in 2021). As Brendan O'Leary observed, such aspirations provoke several questions concerning the implementation of the principle of self-determination, centered upon such issues as: who holds the right to self-determination; to what territory that right applies; what conditions (e.g., voting thresholds) have to be met in order to formally initiate the constitutional change; and how to guarantee the rights of minorities in a newly formed state so that a cascade of secessionist initiatives is avoided. See Brendan O'Leary, "The Elements of Right-Sizing and Right-Peopling the State," in *Right-Sizing the State: The Politics of Moving Borders*, ed. Brendan O'Leary, Ian S. Lustick, and Thomas Callaghy (Oxford and New York: Oxford University Press, 2001), 58.
  - 6 In the legal sense, their origins varied. Most of the plebiscites resulted from the Treaty of Versailles; however, those held in Carinthia and Sopron were provided, respectively, by the Treaty of Saint-Germain-en-Laye and the Venice Protocol of October 13, 1921.
  - 7 Despite the aforementioned similarities, the geographic areas addressed in this volume were—and this should not be forgotten—otherwise divergent in terms of historical dynamics, strategic significance, economic profiles, and other factors, which further highlights the book's central rationale of identifying differences and similarities. This can be exemplified by the economic characteristics of such regions as the Danish-German borderlands and Upper Silesia, with the former dominated by agriculture and the latter by heavy industry.

rity.<sup>8</sup> From the point of view of the present considerations, the most influential expression of Wilsonianism was formulated in the Fourteen Points introduced to the Congress by President Woodrow Wilson in January 1918, which summarized the main ideas of his vision of a peaceful global order in the aftermath of World War I while at the same time providing a theoretical basis for the plebiscites discussed in this volume.<sup>9</sup>

The unique shared experience of plebiscites was made possible by a series of tectonic shifts affecting the broader geopolitical context, with World War I resulting in the disappearance of, for instance, the Austro-Hungarian and German empires, a factor further highlighting the commonalities among the situations under consideration.<sup>10</sup> The geopolitical perspective makes the singularity of post-World War I plebiscites even more pronounced.<sup>11</sup> Firstly, in the context of other changes of a comparable scale, like those following 1945 and 1989, referendums were either much less frequent (if taking place at all) or of a different character (focusing on the independence of administrative units within wider

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8 See Tony Smith, *Why Wilson Matters: The Origin of American Liberal Internationalism and Its Crisis Today* (Princeton: Princeton University Press, 2017), 130. For an in-depth discussion of Wilsonianism and its intellectual inspirations, see, for example, Trygve Throntveit, "Wilsonianism," *Oxford Research Encyclopedias—American History*, <https://doi.org/10.1093/acrefore/9780199329175.013.34> (accessed July 10, 2023).

9 Wilson's Fourteen Points included aspects which can be divided into two groups, with the first concerning issues of a general nature, whereas the second focused on specific countries. In the former category, Wilson mentioned, for example, the principles of open diplomacy, freedom of navigation, free trade, and the need to create an international organization guaranteeing the territorial integrity and independence of states. The latter included the readjustment of Italian borders, the return of Alsace-Lorraine to France, and the reestablishment of an independent Polish state, among others. For a concise discussion of the Fourteen Points and their transcription, see "President Woodrow Wilson's 14 Points (1918)," National Archives, <https://www.archives.gov/milestone-documents/president-woodrow-wilsons-14-points> (accessed July 10, 2023).

10 Although plebiscites or referendums were not directly mentioned in Wilson's speech, its broader context clearly suggests that he indeed had popular consultations in mind. See Matt Qvortrup, *The Referendum and Other Essays on Constitutional Politics* (Oxford: Hart Publishing, 2019), 26.

11 While the aspect of uniqueness certainly characterizes the plebiscites discussed in the present volume, it should also be borne in mind that these were by no means the first instances of referendums held in Europe. In the preceding decades, the continent saw primarily right-sizing rather than secession referendums (on this terminology, see Qvortrup, *Referendums and Ethnic Conflict*, 11). One example from the first category is the referendum held in Savoy in 1860 with the question "Does the Savoie want to be reunited with France?" suggesting a change of borders. The Norwegian referendum of 1905 on dissolving the union with Sweden remains a unique example of an independence referendum in the decades immediately preceding World War I, with that possibility clearly implied in the complex wording of the question. For these cases, see *Indemnities, Plebiscites, etc.*, vol. 25 of *Peace Handbooks Issued by the Historical Section of the Foreign Office* (London: H.M. Stationery Office, 1920), 94–95 and 131. For broader considerations on the wording of referendum questions see François Rocher and André Lecours, "The Correct Expression of Popular Will: Does the Wording of a Referendum Question Matter?," in *The Routledge Handbook to Referendums and Direct Democracy*, ed. Laurence Morel and Matt Qvortrup (Abingdon and New York: Routledge, 2018).

politics, for example, rather than the adjustment of international borders).<sup>12</sup> Secondly, the direct experience of the post-World War I plebiscites remained unknown outside of Europe, while even within Europe they were much more frequently demanded than actually held. The impact of Wilsonian ideas inspired pro-plebiscite positions in such regions as, for instance, Fiume/Rijeka, South Tyrol, and Wilno/Vilnius.<sup>13</sup> Ultimately, however, those expectations did not lead to plebiscites. In Spain, which was neutral during World War I, Wilsonianism also found enthusiastic adherents, inspiring unfulfilled calls for national self-determination, among others, in Catalonia.<sup>14</sup> This influence was felt outside of Europe as well, most notably in China, Egypt, India, and Korea.<sup>15</sup> As Erez Manela observed:

Many in the colonial world who had followed Wilson's increasingly dramatic proclamations in the final months of the war, however, came to expect a more immediate and radical transformation of their status in international society. As the outlines of the peace treaty began to emerge in the spring of 1919, it became clear that such expectations would be disappointed and that outside Europe the old imperial logic of international relations, which abridged or entirely obliterated the sovereignty of most non-European peoples, would remain largely in place.<sup>16</sup>

Such an outcome is hardly surprising when confronted with Wilson's own inconsistencies with regard to the scope of application of the principle of self-determination. As famously evidenced by his discussions with British prime minister David Lloyd George, Wilson's reluctance to accept that a plebiscite should take place in Upper Silesia was motivated by political considerations aiming, primarily, to weaken post-war Germany.<sup>17</sup> From the very beginning, therefore, the principle of self-determination proved to be highly popular and influential, while at the same time being theoretically elusive, unevenly distributed, and prone to falling victim to power politics. In this light, the geographic

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12 See also Jørgen Kühl's chapter in this volume, 265–66.

13 See also Volker Prött's chapter in this volume, 42.

14 See Pol Dalmau, "Catalans and Rifis during the Wilsonian Moment: The Quest for Self-Determination in the Post-Versailles World," *Contemporary European History* 32, no. 1 (2023): 131–45.

15 Erez Manela, *The Wilsonian Moment: Self-determination and the International Origins of Anticolonial Nationalism* (New York: Oxford University Press, 2007).

16 Manela, *The Wilsonian Moment*, 5.

17 Volker Prött, *The Politics of Self-Determination: Remaking Territories and National Identities in Europe, 1917–1923* (Oxford: Oxford University Press, 2016), 139.

coherence of the present volume reflects the aforementioned complexities and resulting lack of willingness to implement the principle of self-determination more courageously and across a broader range of geographical contexts by the winners of World War I.

There have been very few books published in English that look at the post-World War I plebiscites from a broader perspective and that involve comparative aspects. In that sense, the volume's ambition is to follow in the footsteps of what is still perhaps the most comprehensive analysis of the post-World War I plebiscites available in English, namely, Sarah Wambaugh's *Plebiscites since the World War: With a Collection of Official Documents*, published in 1933.<sup>18</sup> Despite its continued usefulness, the passage of time has rendered this publication largely outdated, as its interpretative layer excludes the 90 subsequent years of scholarly research in various areas where plebiscites were held and beyond. For more recent efforts on the post-World War I plebiscites, inspired by similar initial premises (covering multiple geographic contexts, taking comparative approaches, etc.), the reader needs to look primarily at publications in languages other than English. For example, Nina Jebesen published *Als die Menschen gefragt wurden: Eine Propagandaanalyse zu Volksabstimmungen in Europa nach dem Ersten Weltkrieg* in 2015. This study offers a nuanced analysis of motives used in propaganda materials (e.g., posters, postcards, postage stamps) produced in the context of plebiscites in Burgenland, Carinthia, East and West Prussia, Schleswig, and Upper Silesia.<sup>19</sup> Another example is the Danish-language publication *Grænsen er nået: Afstemningsplakater fra grænselandet 1920*, authored by Elsebeth Aasted Schanz and Nils Arne Sørensen.<sup>20</sup> This relatively short book also addresses the issue of propaganda posters used in the context of the post-World War I plebiscites in Europe, but its main focus is on the Schleswig plebiscites, with only shorter chapters looking at other plebiscite areas. The same year also saw the publication of the richly illustrated *Volksabstimmungen und andere Grenzlösungen nach dem Ersten Weltkrieg*, a volume edited by Claudia Fräss-Ehrfeld, which is conceptually closest to the present book;<sup>21</sup> however, it is a broader effort, with chapters addressing various plebiscites and other processes leading to post-World War I border

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18 Sarah Wambaugh, *Plebiscites since the World War: With a Collection of Official Documents* (Washington, D.C.: Carnegie Endowment for International Peace, 1933), two vols.

19 Nina Jebesen, *Als die Menschen gefragt wurden: Eine Propagandaanalyse zu Volksabstimmungen in Europa nach dem Ersten Weltkrieg* (Münster and New York: Waxmann, 2015).

20 Elsebeth Aasted Schanz and Nils Arne Sørensen, *Grænsen er nået: Afstemningsplakater fra grænselandet 1920* (Copenhagen: Gads Forlag and Dansk Plakatmuseum i Den Gamle By, 2020).

21 Claudia Fräss-Ehrfeld, ed., *Volksabstimmungen und andere Grenzlösungen nach dem Ersten Weltkrieg* (Klagenfurt am Wörthersee: Verlag des Geschichtsvereines für Kärnten, 2020).

changes. Texts discussing the Austrian borderlands are especially well-represented, with the Carinthian case being the most comprehensively covered; this is hardly surprising given the academic interests of the book's editor. In addition, one of the chapters discusses the issue of plebiscites through the prism of international law. While primarily discussing the Upper Silesian plebiscite of 1921, the recently published volume *Die Volksabstimmung in Oberschlesien 1921: Nationale Selbstbestimmung oder geopolitisches Machtspiel?*, edited by David Skrabania and Sebastian Rosenbaum, also contains a final section which provides a comparative background to the main topic.<sup>22</sup> This includes contributions covering other plebiscites, such as those held in Carinthia and Sopron, as well as developments in other border regions in the aftermath of World War I. As a result, the present volume hopefully has the potential to not only fill the linguistic gap identified above but also to meaningfully contribute to existing studies while inspiring the further reinvigoration and consolidation of research on the post-World War I plebiscites.

### What Does This Book Offer?

The volume approaches the topic of post-World War I plebiscites through various analytical angles inspired by the disciplinary backgrounds of the contributors. These include history, law, and political science. As a result, it is methodologically plural and combines elements of different approaches spanning historical, political, sociological, and legal analyses, not infrequently within the framework of a single chapter. Thanks to this multidisciplinary dimension, and the fact that individual chapters are based on the newest literature concerning the respective sub-topics, the volume aspires to provide a dynamic and up-to-date analysis accessible to a global audience—as it is published in English—and to reach a broad group of readers interested in such topics as self-determination, referendums in both historical and contemporary contexts, European politics in the aftermath of World War I, and practical aspects of direct democracy.

It may be noted that, although there are significant overlaps and continuities, the present volume is not a perfect reflection of either the structure or the personnel involved in the original conference that inspired it. For this reason, the topics are regrouped into four parts, followed by a concluding chapter, which

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<sup>22</sup> David Skrabania and Sebastian Rosenbaum, eds., *Die Volksabstimmung in Oberschlesien 1921: Nationale Selbstbestimmung oder geopolitisches Machtspiel?* (Paderborn: Brill Schöningh, 2023).

tries to place the post-World War I plebiscites within the context of the most recent debates concerning the practical aspects of the right to self-determination.

The following paragraphs provide brief summaries of each chapter, highlighting some of their key aspects, which together constitute the broader interpretative layer of the book.

In the opening chapter of the first part of the book, **The right to self-determination and plebiscites**, Matt Qvortrup offers a broad analysis of right-sizing referendums—that is, referendums held for the purpose of changing existing state borders to match the national or ethnic preferences of groups living within a given territory. His analysis shows that although such referendums still contribute to the set of political tools used to resolve such disputes, their actual application has become less frequent with time. This is due to various factors, of which two stand out in particular: First, so-called right-sizing referendums tend to take place primarily in the aftermath of major changes in the global political system, as these tectonic shifts create a window of opportunity for resolving some of these conflicts. Given that such major shifts are very infrequent, the space for applying this tool is very narrow. Second, as many of the longstanding ethnic conflicts have been resolved in the western world (through border adjustments, decentralization, non-territorial autonomy arrangements, etc.), the need for plebiscitary solutions is fairly limited; in other parts of the world, on the other hand, referendums represent a threat to geopolitical stability, and stability is understandably prioritized. The chapter also signals the need to put referendums in perspective: they can potentially lead to legitimate and longstanding solutions, but in most cases they are only an initial step in a process toward a broader normalization.

In the second chapter, Volker Prott zooms in on the plebiscites held immediately after World War I, with the aim of assessing whether they comprehensively contributed to the creation of a lasting peace. According to the author, the results are mixed at best. On the one hand, because the referendums were anchored in the principle of self-determination, a relatively large group of people were able to democratically express their preference—a method of trying for lasting peace significantly different from those previously used. With time, this resulted in sustainable solutions to some border conflicts, although the plebiscites usually strengthened national antagonisms (e.g., in Schleswig) in the beginning. On the other hand, the self-determination approach was hardly consistent; in some other territories, like those of the defeated Ottoman Empire, the Allies resorted to more traditional tools of conflict resolution involving limited groups of decision-makers and arbitrariness. Plebiscites were not always in line

with the Allies' broader strategic interests, or they were compromised by conflicting views among the Western powers. Issues such as the limited military and economic resources on the part of the Allies also played a role, as the organization of popular consultations required prolonged and substantial military and/or administrative presence in a given territory.

The second part of the book, **Plebiscites and minority rights in the aftermath of the Paris Peace Conference**, turns to more specific issues concerning the plebiscites, first with Ryan Gesme's reconstruction of the reception of Wilsonian ideals and its geographic consequences both within Schleswig (internally) and with regard to Schleswig (from an external perspective). His chapter paints a dynamic picture of the debates within the Danish camp and the resulting divide between the North Schleswig Electoral Association (*Nordslesvigske Vælgerforening*) and the Dannevirke Movement (*Dannevirke-Bevægelse*). The former focused primarily on the democratic resolution of the issue of North Schleswig, although it did not exclude the possibility of a vote in the central part of the region; the latter, however, argued for the border to be moved even further to the south (the line of the Kiel Canal), and this without resorting to a plebiscite. Those positions were contested by German-oriented groups, primarily through arguments highlighting the economic damage the separation would inflict on the otherwise densely interconnected region. The international press, without being excessively interested in the Schleswig-Holstein question, largely reflected the Danish debates concerning Schleswig and linked them to the strategic interests of the Allies and/or the ethnic composition of the region. Ultimately, the voting area included only the northern and central parts of Schleswig, since the Danish government felt the southern part of the region was not Danish enough. Absorbing southern Schleswig into Denmark would, they argued, result in a sizeable German minority within the country, representing a potential source of internal instability in the future.

To a certain degree, chapter four by Peter Thaler continues the discussion on some of these same topics, but places them in a directly comparative perspective by looking at the specific cases of the cities of Flensburg and Klagenfurt in the contexts of the Schleswig and Carinthia plebiscites, juxtaposing the Danish and Yugoslavian approaches to plebiscitary geography. Copenhagen took a cautious approach to potential territorial gains, focusing on areas with solid support for Denmark. The Yugoslavian side, on the other hand, chose a more expansionist approach by critically assessing the available census data. This ambition resulted in a negative outcome for Yugoslavia, whereas, as Thaler argues, a more cautious position might have created conditions theoretically favorable for limited terri-

torial gains. In that sense, the chapter confirms the overall importance of electoral geography. It also highlights similarities between the designs of the two plebiscites, with the Allies in each case relying on a limited pool of experts to navigate the plebiscitary areas in an informed manner.

In chapter five, Kristin Henrard turns the reader's attention to the topic of minority treaties by interpreting their legal aspects comparatively and through the prism of legal and substantive citizenship. The minority treaties in focus were agreed upon by the Principal Allied and Associated Powers with Poland; Czechoslovakia; the Kingdom of Serbs, Croats, and Slovenes; Romania; and Greece. The main idea was to guarantee high standards of minority rights protection within the newly established states, with alternative solutions—such as plebiscites—considered impossible within their specific contexts. As a result, the treaties were conceptualized as legal instruments guaranteeing members of various minorities full membership in their new national societies, while at the same time protecting their distinct identities. Henrard's analysis strongly suggests that the treaties indeed offered legal citizenship to members of minority communities and thus protected them from statelessness, while at the same time allowing individuals to relocate to another country (generally their kin-state) if they preferred to do so. Regarding substantive citizenship, the minority treaties offered similarly comprehensive guarantees concerning, for instance, the protection of life and liberty; equality before the law; equal enjoyment of civil and political rights; rights related to minority languages; and autonomy in the field of education and religion. Consequently, it could be argued that these interwar legal frameworks were of high quality, and any problems that did arise were more associated with actual implementation (although this falls outside the scope of the chapter).

Béla Rásky's text opens the third part of the book, **Post-plebiscitary territories as living spaces between the two World Wars**, which expands the volume's scope by also discussing how matters developed in the period after the actual voting. The chapter focuses on the complex process leading first to the Sopron plebiscite of 1921 and subsequently to the delimitation of the border between Austria and Hungary. Granted to Austria by the Treaty of Saint-Germain-en-Laye, the territory of Western Hungary (including Sopron) soon became the focus of Budapest's revisionist actions, culminating in a pro-Hungarian military insurrection and the establishment of a short-lived independent republic (late 1921). Subsequent Italian mediation resulted in most of Western Hungary becoming part of Austria, while at the same time opening a path for a plebiscite in Sopron. In this sense, the origins of the plebiscite are significantly different from those concerning, for example, Schleswig, while the position of the ex-

ternal powers toward the region was inconsistent and heavily conditioned by changing political dynamics in both countries. It is hardly surprising, then, that a plebiscite arising from such circumstances was not entirely free of irregularities. The process of border demarcation was formally concluded in 1927, but this did not prevent the emergence of influential—and in most cases mutually exclusive—narratives highlighting the region as “historically” belonging either to Austria or to Hungary.

Ideological narratives around a territory divided by a plebiscite were not alien to the region of Marienwerder either. Following the plebiscite of 1920, the bulk of the region became part of Germany, with only a small area awarded to Poland. As Harald von Keudell’s contribution (chapter seven) shows, despite rather pragmatic Polish–German cooperation on several technical issues resulting from the demarcation of the new border, as well as subregional and temporal variations in the level of Polish–German antagonism, the region had consistently been the focus of a propaganda war, and remained so until the end of World War II. The revisionist narratives on the German side were rooted in references to the Teutonic Order and the perception of the region’s inhabitants as continuing the Order’s commitment to defending its boundaries against the neighboring Slavic people. Further enhanced by fears centered upon the region’s geostrategic and demographic vulnerability, these narratives were channeled into media discourses, popular literature, educational efforts, and so-called border excursions, which showcased—to local and international guests—the alleged injustice inflicted upon the region by the Treaty of Versailles. Those efforts found their culmination in the “reunification” of the region with Nazi Germany following the outbreak of World War II. As a result, the interwar developments clearly show that the plebiscite in Marienwerder neither contributed to the creation of a stable border nor put a definite end to bilateral grievances and tensions.

Chapter eight closes the third part of the book, with Tina Bahovec bringing to the fore another highly important analytical angle: the gender dimension of the plebiscite in Carinthia. The discussion is built around the biographies of Angela Piskernik (1886–1967) and Milka Hartman (1902–1997). Piskernik, through her involvement in the Association of Women’s Societies in Carinthia (*Zveza ženskih društev na Koroškem*), campaigned to mobilize pro-Yugoslavian female voters ahead of the plebiscite, making her a prominent figure in circles usually reserved for men. Hartman, on the other hand, played an important role in the period following the plebiscite, with her activities focused on the Slovene minority in Austria. Such efforts significantly contributed to the increase in political activism and awareness among women; however, as Bahovec

observes, both Piskernik and Hartman achieved this through largely traditional approaches to the role of women within families and society more broadly. Political efforts to address such issues as the preservation of national identity, language maintenance, and active participation in elections were therefore centered upon private homesteads, where the position of women was considered particularly influential and thus strategic from the point of view of the national interest. Even this cautious approach met with resistance, both within and outside of the Slovenian community, due to its alleged immoral or anti-Austrian character. Such reactions indirectly confirm how important the political mobilization of minority women in Carinthia became around the time of the plebiscite and in subsequent decades.

As the title of the fourth part of the book, **The post-World War I plebiscites in the *longue durée*** suggests, the aim of these chapters is to comment on the long-term consequences of the plebiscites. In the first contribution, Martin Klatt returns to the plebiscite in Schleswig, placing his considerations in the context of the broader history of border drawing in Europe and referendums as a tool for resolving disputes involving borders or aspirations to sovereignty. In relation to Schleswig, he highlights several factors frequently overlooked when designating the Danish–German border region as a model of peaceful conflict resolution, with successful accommodation of national minorities within the host states. First, revisionist tendencies vis-à-vis the new border were present in both countries and within their respective minorities (in Germany they remained consistently strong until 1945; in Denmark they gained in strength around the time of the plebiscite and again immediately after 1945). Second, for a long time, historical narratives concerning the Danish–German border settlement tended not to take the economic consequences of the division into account. A longer temporal perspective allows one to see that the normalization of bilateral and interethnic relations in the plebiscite regions has taken several decades, with the relaxation of the latter being relatively recent. Similarly, narratives focusing on successful and peaceful border delimitations may be ignoring the fact that severing existing economic ties could have led to the peripheralization of the divided regions.

The long-term evolution of interethnic relations is also the focus of chapter ten. In Robert Knight's view, the Carinthian "right-sizing" referendum was followed on the Austrian side by various attempts to "homogenize" or "right-people" the region. As this chapter shows, the positive outcome of the plebiscite for Austria had been presented, not entirely accurately, as the result of military heroism. This post hoc militarization of the plebiscite would soon be followed by assimilationist pressure directed at the Slovenian minority. Similar to the case

of Marienwerder, such discursive efforts and actions were significantly intensified under Nazi rule in Austria: kindergartens and schools became the arena for Germanization, with the Slovenian minority targeted on political and economic fronts as well. As for the post-World War II period, Carinthia provided inadequate protection for the Slovenian community in such areas as access to bilingual education, bilingual placenames, or the collection of census data. Although this pattern is being broken by symbolic acts (like President Alexander van der Bellen's recent formal apology to members of the Slovenian minority) or increasingly positive approaches to both Slovenian language and culture in the region, the legacy of past interpretations of the plebiscite and Austro-Slovene relations in Carinthia is still somewhat present in the regional public discourse and related memory culture. In that sense, the region's difficult history continues to cast a shadow, even if it is getting shorter.

With Detlev Rein's considerations on the situation in Greece and Turkey in chapter eleven, the volume again turns to the legal perspective and offers an alternative approach to the consequences of World War I in the field of minority rights protection. Although the Treaty of Sèvres of August 1920 envisaged a plebiscite in the area around the city of Smyrna (today's İzmir in Turkey), it never took place. This was because the existence of substantial Greek and Turkish minorities in Turkey and Greece, respectively, was largely resolved through a population exchange between the two countries (involving elements of coercion). Importantly, Muslim inhabitants of Western Thrace (in Greece) were not covered by the resettlements, and their minority rights were to be protected by Greece. Using a legal case within this community, Rein shows how minority rights regulations contained in multilateral and bilateral legal instruments introduced in the aftermath of World War I remain significant to this day. In this particular case, the boundaries between Sharia law and the Greek Civil Code in relation to succession cases within the minority community of Western Thrace were only clarified in early 2018, and following lengthy court proceedings. Here again, the legacy of a difficult history continues to be palpable.

The volume's concluding chapter highlights the contemporary dimension of the book by asking the crucial question: can plebiscites, like those held in the aftermath of World War I, contribute to a peaceful resolution of current conflicts related to (among other things) ethnicity? Jørgen Kühl links this specifically to the ongoing war in Ukraine, as Russia partly justified its invasion by alleging discrimination against the Russian-speaking community there. This inspired some voices in Denmark, as well as internationally, to suggest Schleswig-style plebiscites as a potential solution to the issue. Unsurprisingly, the plebiscites or-

ganized between 2014 and 2022 in Russia-occupied parts of Ukraine are considered by the author to be “pseudo-plebiscites.” For such initiatives to be legitimate consultations based on the principle of self-determination, they would have to be based on guarantees concerning future minority communities and respect for international law. Taking into account Russia’s denial of Ukrainians as a separate nation and of Ukraine as a sovereign state, widespread assimilationist practices in the occupied territories, and disrespect for minority rights, it is hard to imagine such a scenario, especially since making these guarantees in Ukraine might inspire minorities within Russia itself to press for similar rights, potentially leading to destabilization closer to home.

### Some Interpretative Remarks

The editor of the present volume believes that it offers several interesting interpretations concerning post-World War I plebiscites, made visible thanks to the conceptual point of departure of the book: combining the plethora of cases with various temporal frameworks and methodological approaches.

Overall, the post-World War I plebiscites remain unique in approaching ethnic conflicts in Europe through the principle of self-determination and direct democracy, facilitated by relatively frictionless cooperation among major international actors (with the losers in the Great War largely excluded). This complex interplay of favorable internal and external factors should reaffirm the status of plebiscites as an infrequent solution to ethnic conflicts. In that sense, they can hardly be considered a ready-made and easily transferrable model to similar tensions occurring elsewhere, even if some popular discourses around plebiscites tend to smooth out the rough edges.

As was already mentioned, it is also important to remember that just five plebiscites took place immediately after the war (the case of Eupen-Malmedy has to be treated differently), and all of them in Europe. As a result, globally a very limited number of individuals were exposed to the practical experience of self-determination, even though the language and ideas of Wilsonianism traveled far and wide. This further highlights the previously discussed complexities concerning the implementation of the self-determination principle. It was possible for the Allies to reach consensus in relation to some of the areas where plebiscites were considered as having potential to resolve conflicts, but beyond that, self-determination ideals fell victim to other principles as well as to strategic interests and calculations. Consequently, it can be argued that the “Wilsonian moment” (to use Erez Manela’s term) did unleash two parallel and multifaceted processes.

Hence, in areas where the plebiscites took place, the new socio-political situations resulted in complex questions concerning what should be done after the voting. Taking the above into consideration, the conflict resolution potential of referendums based on the principle of self-determination needs to be put into perspective. As all of the cases discussed in the book show, the plebiscites contributed to resolving some problematic issues (e.g., delimitation of borders), while at the same time resulting in the creation and/or strengthening of others (enhanced ethnic strife, emergence of revisionist and irredentist positions, military insurrections as in the highly polarized Upper Silesia). Their peace-building potential can be more clearly assessed from a long-term perspective, in which the post-World War I plebiscites should be seen as initial building blocks within a broader toolkit for a successful reduction of ethnic tensions. For them to be effective, plebiscites had to be supplemented—usually across many decades—by the introduction of complex legal frameworks linked to minority rights protection, with consideration for such aspects as non-discrimination, equal opportunities, possibilities for political participation, education in minority languages, visibility of minority communities in their areas of settlement (e.g., through the introduction of multilingual topographical signs), and initiatives aimed at minority-majority reconciliation. Nor should favorable geopolitical circumstances or bilateral dynamics (as in the Danish-German context) be forgotten. It can therefore be argued that the plebiscites themselves added another layer of complexity to the difficult histories of the regions where they took place, while at the same time creating an opportunity to overcome those legacies over a longer period. Whether this has been definitively achieved in all of these regions—including those where borders established as a consequence of the plebiscites no longer exist—is an entirely different question. It is needless to add that to unlock their positive potential, it was necessary for the plebiscites to meet high democratic standards in the first place in order to legitimize them in the eyes of the competing sides. The binary logic of the plebiscites, resulting from exclusive narratives focused on ethnic belonging, seems to have paradoxically created one more window of opportunity: such broad democratic consultations can potentially create spaces for hitherto less frequently (or never) heard voices. Emerging plurality within the main ethnic groups involved—illustrated by the increased political agency of women in the context of the Carinthian plebiscite—can be considered a distant predecessor of the bottom-up political activism unleashed in the context of both the Scottish and Catalan independence referendums.

As for the second of those processes, the disillusionment resulting from the patchy and superficial implementation of the principle of self-determination in

the post-World War I period (or the second wave of decolonization<sup>23</sup>) contributed to the strengthening of anticolonial discourses and interrelated debates on the conceptual aspects of self-determination and its potential legal dimension. Although some of those discussions are ongoing, they found their practical expression primarily in the post-World War II wave of decolonization. When looked at from this perspective, the plebiscites discussed in this volume form part of the global history of self-determination. In this sense, some of their core aspects remain relevant in the contemporary context where referendums on border adjustments or national sovereignty are proposed and (much less frequently) held. They inspire questions of universal importance:<sup>24</sup> Why organize referendums? How should they be geographically designed? Who is eligible to vote? How to guarantee that deliberations preceding the voting are truly inclusive? How to accommodate newly created minorities? And, ultimately, how can their results be made sustainable so that they lead to a long-term peaceful solution to a given conflict?

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23 On waves of decolonization, see, for example, Dane Kennedy, *Decolonization: A Very Short Introduction* (New York: Oxford University Press 2016), 8–24.

24 See footnote 5 above.

*P a r t   O n e*

The Right to Self-Determination  
and Plebiscites



## Chapter One

# Schleswig Safe for Democracy?

## A Comparative Perspective on Right-Sizing Referendums

MATT QVORTRUP



“The plebiscite was so fair and excellently administered that the Schleswig question, which caused three wars in the nineteenth century and rent the councils of Europe for some seventy years, has ceased to exist.”<sup>1</sup> The referendum in Schleswig in 1920 was praised as an example of how to solve conflicts through direct democracy. This case was, it seemed, an eminent example of President Woodrow Wilson’s stated aim of “making the world safe for democracy.” But was it? And perhaps more importantly, why were this and similar referendums held? Were they conducted with some sinister motive or for genuinely idealistic reasons?

It is nice to read about success stories. Yet, there is something in the account that seems slightly rose-tinted. One gets the impression that all was near perfect after the vote. It was not. In fact, it led to the so-called Easter Crisis (*Påskekrisen*), one of the deepest crises in modern Danish history. But we are getting ahead of ourselves, so let us take a step back.

The aim of this chapter is not to provide a blow-by-blow historical account of the Schleswig referendum, but rather to see it from the comparative perspective of other so-called “right-sizing” referendums (see below). The aim is nomothetic theory generation, and not an ideographic account of micro-details. However, the former is not credible without at least some elements of the latter.

Hence, allow me to begin with a brief illustration of the “Schleswig Problem.”

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<sup>1</sup> Sarah Wambaugh, *Plebiscites since the World War: With a Collection of Official Documents* (New York: Carnegie Endowment for International Peace, 1933), 98.

## The Schleswig Issue

Traveling to Southern Denmark to give a lecture, I stopped to get petrol in the small Danish town of Christiansfeld. Having driven from Germany, I spoke German to the man, realizing too late that I had just crossed the border into Denmark.

The man seemed relaxed about it. “*Kein Problem*” (no problem), he said in perfect German, and then continued in flawless Danish, “It’s a bit of a mix here. [The Danish town of] Aabenraa, just north of the border with Germany, is more German than the German city of Flensburg, just south of the border.”

And so I found. In the former, citizens read *Der Nordschleswiger* newspaper in German. South of the border, the large Danish minority community sends their children to the Duborg-Skolen school (which teaches in Danish) and the daily newspaper is the *Flensborg Avis*, which is written primarily in Danish. In some cases, such intermixing can work. Robert Habeck—the deputy chancellor and former Green Party leader in Germany—speaks Danish. There are—on the surface at least—no lasting hostilities between the Danes and the Germans in Schleswig today (although it took several wars to get to this point). Revanchist claims seem all but gone.<sup>2</sup> What resolved the problem—or so it has been argued—was a referendum.

The area of Schleswig had been contentious for a long time. And matters came to a head in two wars in the mid-nineteenth century. In 1866, two years after Otto von Bismarck and the Prussian Army had defeated the Danes in the Battle of Dybbøl, forcing the Danes to retreat beyond the Kongeå River just north of the ancient city of Ribe, the Prussians proposed a referendum. Article V of the Treaty of Prague stipulated that a referendum should be held to give the people of the northern part of Schleswig the choice between staying German or becoming Danish, although the Danes had been unhappy about this arrangement. The Treaty read (Article V) that “a referendum will be held, provided that the population of the northern districts of Schleswig, if they express a desire to be united with Denmark by a free vote, shall be ceded to Denmark.”<sup>3</sup>

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2 A notable exception was a member of the Danish Parliament for the far-right Danish People’s Party, Søren Espersen, who expressed sympathy for the idea of “getting Schleswig back.” Mr. Espersen was chairman of the Foreign Affairs Committee at the time of the discussion. Jeppe Reedtz Husted, “Søren Espersen ønsker et Danmark til Ejderen,” *Jyllands-Posten*, February 23, 2017, <https://jyllands-posten.dk/international/europa/ECE9388969/soeren-espersen-oensker-et-danmark-til-ejderen/>. Mr. Espersen is currently a member of the Folketing for Danmarksdemokraterne.

3 “...mit der Maßgabe, dass die Bevölkerung der nördlichen Distrikte von Schleswig, wenn sie durch freie Abstimmung den Wunsch zu erkennen geben, mit Dänemark vereinigt zu werden, an Dänemark abgetreten werden sollen.”

But when the Germans (unified since 1871) realized that the majority of the Danes in Schleswig were opposed to being governed from Berlin, they changed their minds. The Danes, by contrast, and for similar opportunistic reasons, now wanted, indeed demanded, a popular vote on the issue.

However, it was not until 1920 that a referendum was held. Thus, in the aftermath of World War I, the Danes and the Germans of Schleswig voted in two designated zones. Those in Zone 2 (in Central Schleswig) voted for Germany, whereas those in Zone 1 (Northern Schleswig) voted to become part of Denmark. The referendums were organized in accordance with Articles 109 to 114 of the Treaty of Versailles, and were monitored by a commission with representatives from France, the United Kingdom, Norway, and Sweden.

What is interesting about the Schleswig referendums is that they were held in areas that had been unaffected by World War I, and concerned countries that had not been at war with one another. The referendum was not held because of a victory on either side, but—at least in part—because there was a window of opportunity, which enabled the two countries to resolve a long-standing dispute at a time when there were more pressing concerns. As important, perhaps, was the fact that the decision to hold a referendum was part of an international solution.

The referendums were held in two areas as defined by the Danes, on the basis of preparatory work by the historian Hans Victor Clausen, who had been one of the Danish delegates at the peace negotiations in Paris in 1919. The voters in Zone 1 (Northern Schleswig) had to vote *en bloc*, that is, as a unit with the majority deciding. In Zone 2 (in the south), each municipality was to decide whether it wanted to remain in Germany or not—a procedure that obviously favored the Danes, who had been neutral during World War I.<sup>4</sup> But the fact that there were different rules seems, in retrospect, unfair. Why not have the same stipulation? But the issue had not taken up much time at the Versailles conference, with reports suggesting that the Danes and the Germans were interested in resolving the issue amicably.

The first referendum in Zone 1 on February 10, 1920, resulted in an overwhelming victory for the Danes: 74.9 percent (75,431 votes) voted to join Denmark, although it should be noted that there were large German majorities in the towns of Tønder and Højer.

A few weeks later, the voters in Zone 2 voted overwhelmingly to stay in Germany: 80.2 percent (51,742 votes). The only Danish majorities in this zone

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4 Ministerium für Bildung des Landes Schleswig-Holstein, *Lehrplan für die Sekundarstufe in der weit-erführenden Schulen Hauptschule, Realschule, Gymnasium* (Kiel, 1997). 20.

were produced in three small villages on the island of Föhr. However, for logistical reasons, it was impossible to allocate these three areas to Denmark, as their combined population was less than three thousand. As a result, the international monitoring commission (*Commission Internationale de Surveillance du Plébiscite Slésvig*) decided that the whole of Zone 2 should remain German, and the area was transferred.

It should be noted, though, that the process was in no way smooth after that. The Danish king, Christian X, initially refused to accept the result and dismissed the Social Liberal (*Radikale Venstre*) government led by Carl Theodor Zahle, and appointed the nationalist-minded Otto Liebe to form a new government, which was supported by the Liberal Party (*Venstre*) and the Conservative Party. This virtual coup d'état led to revolution-like scenes in Copenhagen, which were only resolved when the king, after negotiations with the Social Democratic leader Thorvald Stauning, agreed to call new elections, which resulted in majority support for the outcome of the referendum. This seems, for a time, to have resolved the issue.

Thirty years later, in the wake of World War II, some in the South Schleswigan Danish minority wanted to join Denmark. The Liberation government of Denmark said no. In 1947, the Liberal prime minister, Knud Kristensen, who supported the border revision, resigned following a vote of no confidence. The Conservative Party, being the main nationalist force in the country at the time, demanded that South Schleswig be “returned,” upon which their leader, John Christmas Møller, resigned in protest, as he disagreed with that view.

The issue waned in prominence thereafter, although whether it was resolved may be debated. In 2022, Jørgen Popp Petersen became the first politician from the North Schleswigan (Danish: Sønderjylland) German minority to become mayor of a major Danish town north of the border. “Not many years ago, this would not have happened. Previously, other parties would not have accepted this.”<sup>5</sup>

It is easy to focus on singular cases. This is legitimate. But as a comparative political scientist, my focus is on finding general trends and common patterns that, above all, pertain to the simple question: Why does something happen?

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5 Jørgen Popp Petersen quoted in Nicolaj Sveiger and Nicolai Grauholm, “Ny borgmester kommer fra Slesvigske Parti—men hvor tysk er han egentlig?,” *tv Syd.dk*, November 19, 2021, <https://www.tv Syd.dk/valg/ny-borgmester-kommer-fra-slesvigske-parti-men-hvor-tysk-er-han-egentlig>. Translated by the author.

What is most interesting about the referendum in Schleswig is that it was held at all. Why was this? And are there general reasons why similar votes have been held in similar situations?

### Right-Sizing Referendums

Once again, we need to put things into context. In many cases, the presence of irredentist groups, whether South Tyrolian Germans in Italy, German speakers in Belgium, Danes in South Schleswig, or Muslims in northern India, creates problems that require a political agreement—or, *in extremis*, a military solution. I will leave the military option to one side here and focus on political agreements, which are sometimes reached through referendums. The agreements are questions of right-sizing borders, that is, making changes so that the borders match national or ethnic sentiments. Therefore, this method of resolution can, following O’Leary, Lustick, and Callaghy, be described as “right-sizing” referendums.<sup>6</sup>

Such referendums are not unknown in international politics. In the first edition of *Referendums and Ethnic Conflict*,<sup>7</sup> I argued that they had become rarer than they once were, but that proved to be inaccurate. Indeed, on the very day the book was published, Vladimir Putin’s puppet government in Crimea organized a sham “right-sizing” referendum on whether to become part of Russia. In the years following that controversial (and rigged) vote, there have been other polls that fall into the category of right-sizing referendums. A very recent example, at the time of writing (December 2023), has been the sham referendum initiated by the authoritarian government of Nicolás Maduro over Venezuela’s claim over to the region of Guayana Esequiba, which is controlled by Guyana. The referendum was ostensibly conducted to bolster the president’s support ahead of the forthcoming presidential elections.

For example, Guatemala and Belize held votes on whether to settle their border dispute in the International Court of Justice (ICJ) in The Hague. In 2018, 95.88 percent of Guatemalan voters supported the proposal, and 55.37 percent of Belizeans voted in support in 2019. This referendum followed a legitimate and legal process.

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6 See, in particular, Brendan O’Leary, “The Elements of Right-Sizing and Right-Peopling the State,” in *Right-Sizing the State: The Politics of Moving Borders*, ed. Brendan O’Leary, Ian S. Lustick, and Thomas Callaghy (Oxford: Oxford University Press, 2001), 15–73.

7 See Matt Qvortrup, *Referendums and Ethnic Conflict* (Philadelphia: University of Pennsylvania Press, 2014).

In contrast, the pseudo-referendums organized by Russian occupying forces in parts of Eastern Ukraine in the autumn of 2022 and the vote held in Venezuela the following year, for that matter, did not. There were reports of voting at gunpoint in the Ukrainian case. According to the BBC:

Ukrainians have reported armed soldiers going door-to-door in occupied parts of the country to collect votes for self-styled “referendums” on joining Russia. “You have to answer verbally and the soldier marks the answer on the sheet and keeps it,” one woman in Enerhodar told the BBC. In southern Kherson, Russian guardsmen stood with a ballot box in the middle of the city to collect people’s votes.

According to the Russian invaders, this happened for “security” reasons.<sup>8</sup> The latter referendums are of less interest for the present purposes, though it is interesting that they were held at all.

The question in this chapter is why right-sizing referendums are held, and I answer this by testing the hypothesis that they tend to occur in the wake of a major conflict or in the wake of changes in the international system. The approach used here is primarily quantitative, using data from all right-sizing referendums held since 1791. Before continuing, however, we need to put the problem in historical perspective.

### The Shortest History of Right-Sizing Referendums

In the idealized world of theory, all countries match a people: the Dutch in the Netherlands, the Austrians in Austria, and the Japanese in Japan. Of course, it is never that simple. For a start, some of these nations are not as homogeneous as they (or their leaders) would like to think. To resolve resulting problems, we need policies of difference elimination (e.g., genocide or people transferring), or difference management (e.g., federalism, consociational power sharing), or—in extremis—separation, such as secession from a larger country or partition into two countries.<sup>9</sup>

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8 James Waterhouse, Paul Adams, and Merlyn Thomas, “Ukraine ‘Referendums’: Soldiers Go Door-to-Door for Votes in Polls,” *BBC News*, September 23, 2022, <https://www.bbc.com/news/world-europe-63013356>, accessed October 19, 2022.

9 John McGarry and Brendan O’Leary, “The Political Regulation of National and Ethnic Conflict,” *Parliamentary Affairs* 47, no. 1 (1994): 97–115.

Another problem with the idealized world of *terra* matching the *populus* is that nation-states sometimes spill into each other. This, understandably, is not uncommon. Humans, being what they are, will meet across borders, get married, and have children. Further, borders are state constructs that may have resulted from political negotiations or violent conflict and sometimes do not match up with populations. Almost all border regions are areas of mixed ethnic groups.

This is not always a problem; in some cases, this is an amicable situation. But sadly, in most cases, there are disputes that lead to war and violence. Have referendums been able to resolve these issues? In some cases, the answer seems to be confirmatory. Not all theoreticians have been enthusiastic about these plebiscites, however. Elie Kedourie dismissed referendums on borders, noting that “plebiscites are not more ... equitable, or less liable to criticism than the traditional methods by which boundaries are determined and which are based on the balance of power and the compromise of conflicting interests.”<sup>10</sup> Still, referendums have been used extensively.

In the first hundred years after the French Revolution, ethnonational referendums were predominately right-sizing exercises, correcting circumstances where groups that entertained what Weber called a “subjective belief” had been placed on the wrong side of a border. Several polls were held in areas bordering France to ascertain whether they wanted to become part of France or to remain under the sovereignty of their princely or papal overlords. A handful of referendums were also held in the 1850s to determine the sovereignty or future of smaller areas and dependencies, such as the Ionian Islands and Moldova. Roughly half a century later, the same type of referendum was employed to decide whether areas on the border with the new Italian state should join the newly minted nation.<sup>11</sup> After World War I, several referendums—including the one in Schleswig—were held to determine the fate of irredentist populations. Table 1.1 below provides an overview of all right-sizing referendums held between 1791 (shortly following the French Revolution) and 2019.

After World War II, similar issues to those that occurred in the aftermath of World War I arose again, and once again, plebiscites were sought to resolve them. This was especially the case in the disputed areas between India and Pakistan. The UN Security Council actually decreed, in Resolution 47, that a referendum should be held, stating that “the question of the accession of Jammu and Kash-

10 Elie Kedourie, *Nationalism* (Oxford: Blackwell, 1960), 126.

11 Johannes Mattern, *The Employment of the Plebiscite in the Determination of Sovereignty* (Baltimore, MD: Johns Hopkins Press, 1920), 95.

Table 1.1. Right-sizing referendums, 1791–2019

Country	Area	Year	Yes%	Turnout %
France	Avignon	1791	Yes	-
France	Savoy	1792	Yes	-
France	Nice	1792	Yes	-
Belgium	Wallonia	1793	-	-
France	Moselle	1793	99	26
France	Mulhouse	1798	98	-
France	Geneva	1798	-	-
Italy	Lombardy	1848	99	85
Italy	Regio	1848	81	-
Russia	Moldova	1857	99	81
Italy	Parma	1860	95	-
Italy	Sicily	1860	99	72
Italy	Tuscany	1860	96	73
Italy	Naples	1860	99	80
Italy	Marche	1860	99	64
Italy	Umbria	1860	99	79
France	Savoy	1860	99	96
Britain	Ionian Islands	1863	99	-
Italy	Venice	1866	99	-
Denmark	Virgin Islands	1868	99	-
Italy	Rome	1870	98	81
Turkey	Kars, Batumi	1918	99	-
Austria	Vorarlberg	1919	80	50
Germany	Northern Schleswig	1920	74	92
Germany	Central Schleswig	1920	80	91
Germany	Allenstein	1920	98	87
Germany	Marienwerder	1920	92	84
Austria	Carinthia	1920	59	96
Germany	Upper Silesia	1921	40	97
Austria	Tyrol	1921	99	-
Austria	Salzburg	1921	99	-
Austria	Sopron	1921	65	89
Germany/France	Saar	1935	90	98
France	Brigant	1945	90	-
Poland	Poland	1946	91	90
India/Pakistan	Border	1947	57	77
Italy/France	Tende and Brigue	1947	92	95
UK	Newfoundland	1948	52	85
India	Junagadh	1948	99	100
France	Chandernagor	1949	98	61

International	Saar	1955	32	96
Ghana	Togoland	1956	58	82
New Zealand	Western Samoa	1961	86	77
Malaysia	Singapore	1962	96	90
Somalia	Somalia	1967	60	95
India	Sikkim	1975	97	63
France	Afars and Issas	1977	99	77
Australia	Cocos Islands	1984	88	100
Argentina	Beagle Channel	1984	82	70
USSR	Kuril	1991	87	86
Ireland	Northern Ireland	1998	94	56
Slovenia	Croatia	2010	51	42
Ukraine	Crimea	2014	96	83
Guatemala	Belize	2018	95	26
Belize	Belize	2019	55	65

mir to India or Pakistan should be decided through the democratic method of a free and impartial plebiscite.”<sup>12</sup> India has resisted all calls for this resolution to be implemented,<sup>13</sup> and no referendum has been held.

This use of right-sizing referendums was less pronounced in the subsequent forty years, though some did occur. One involved the issue of the Beagle Channel—a narrow strait that runs through the southern tip of South America—which had caused quarrels and outright hostilities between Argentina and Chile since the 1880s.<sup>14</sup>

The dispute was finally resolved in 1984 after Argentina’s defeat in the Falklands War and the dismantling of the military junta. Their new civilian president, Raúl Alfonsín, called for a national referendum on November 25, 1984, where 82.6 percent of Argentineans voted to accept the Vatican-mediated compromise. As a consequence of this referendum, the dispute was settled. On November 29, 1984, Argentina and Chile signed a protocol of agreement to a treaty at the Vatican City, giving the islands to Chile but maritime rights to Argentina. This referendum was a success according to observers. As one study put it:

Today, outside the countries involved, few remember the Beagle Channel dispute because it was successfully negotiated to a peaceful solution. The

<sup>12</sup> UN Security Resolution 47, April 21, 1948.

<sup>13</sup> On this, see Victoria Schofield, *Kashmir in Conflict: India, Pakistan and the Unending War* (London: Bloomsbury Publishing, 2021).

<sup>14</sup> David Altman, *Direct Democracy Worldwide* (Cambridge: Cambridge University Press, 2011), 14.

dispute has been recounted in several historical and journalistic works in Argentina and Chile. It has been used generally as a case study to inform discussions of international law, diplomacy, and mediation.... [Scholars] of the conflict, [have] used the dispute to probe theoretical aspects of the goals and effectiveness of mediation. Others too have used the case to illustrate the diplomatic process and the value of long-lasting negotiation in the face of apparent stalemate.<sup>15</sup>

Over a decade later, in 1998, a referendum was held in the Republic of Ireland on the Good Friday Agreement. Over 90 percent of Irish voters opted to modify Article 2 in the *Bunreacht na hÉireann* (Irish Constitution), which demanded sovereignty over Northern Ireland.

Another recent example of a right-sizing referendum was the poll held in the former Yugoslavia. The referendum was essentially a poll about tweaking the borders between Slovenia and Croatia, and on June 6, 2010, a narrow majority of 51.54 percent of Slovenian voters approved a proposal to bring the dispute to an international arbitration tribunal. The turnout was a mere 42.64 percent, but the referendum ostensibly resolved an issue that had threatened to delay—or even block—Croatian EU membership.

Having outlined a brief history of the right-sizing referendums, I now turn to the theory-generating part of this chapter.

### Is There a Pattern to When Right-Sizing Referendums Occur?

Our hypothesis stated that referendums are likely to be held after conflicts or after fundamental changes in the international political system. This is, methodologically speaking, a falsifiable proposition in the Popperian sense, in that it is possible to think of referendums on border demarcation that have taken place without a war having occurred beforehand.

It has previously been suggested that right-sizing referendums are a result of the presence of irredentist groups. According to Donald L. Horowitz's much quoted study, "the propensity to irredentism is greatly improved as the ethnic homogeneity of the retrieving state increases."<sup>16</sup> This—though Horowitz does not present it as such—is another falsifiable hypothesis.

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15 M. C. Mirow, "International Law and Religion in Latin America: The Beagle Channel Dispute," *Suffolk Transnational Law Review* 28, no. 1 (2004): 1-17, at 1.

16 Donald L. Horowitz, *Ethnic Groups in Conflict* (Berkeley: University of California Press, 1985), 284.

To test this proposition, and my own competing conjecture, I conduct a statistical analysis of factors that seem to be conducive to the holding of right-sizing referendums.

Following Horowitz's thesis, we would expect to find a positive correlation between ethnic fractionalization and the presence of right-sizing referendums. I test Horowitz's thesis using ethnic fractionalization indices, drawn from the so-called Taylor Ethnic Fractionalization Index.<sup>17</sup> It is expected that the propensity to secede is greater if there is a low level of heterogeneity in the "retrieving state."

Care should be taken not to overstate the case, as the ethnic fractionalization data is somewhat imperfect and based on rather impressionistic data prior to 1960, when most of the right-sizing referendums took place.<sup>18</sup>

So-called regression models may appear bewildering and esoteric to those who have not studied statistics. But in essence, they are relatively simple to understand. Basically, they are a statistical way of understanding the relative statistical weight (or importance) of different factors: the higher the numbers, the greater the probability. Thus, if a coefficient is two, then a one-percent increase in this factor will lead to a doubling of this factor. Thus, in the present case, the -0.10 in Model I means that for every year that passes, the probability that a right-sizing referendum will be held decreases by 0.1 percent. Model II is more economical and tests if we can find a correlation with fewer variables. Model III, by contrast, adds another variable to Model I. This is done in order to test the weight of all variables.

In Table 1.2, we have different models depending on which factors we include. In Model I, we include all the factors and get an explanatory power of .58 (which is statistically very high). More importantly, this model reveals that the dummy variable for "system change" is statistically significant at the 0.05 level (i.e., with a margin of error of  $\pm 2.5$  percent). When we exclude the independent variable for "GDP per capita," this explanatory value falls, although this factor is not significant by itself. When we only include "year," we get a marginally higher explanatory power (R-squared: .60). However, this model, while parsimonious, does not say anything about the importance of the dummy variable for "system change." When this is included in Model III, we once again find that the "system change" variable is statistically significant at the 0.01 level (i.e., with a margin of error of  $\pm 0.5$  percent).

17 Nauro F. Campos and Vitaliy S. Kuzeyev, "On the Dynamics of Ethnic Fractionalization," *American Journal of Political Science* 51, no. 3 (2007): 620-39.

18 For a methodological discussion of the data, see Nauro F. Campos and Vitaliy S. Kuzeyev, "On the Dynamics of Ethnic Fractionalization," *American Journal of Political Science* 51, no. 3 (2007): 620-39.

Table 1.2. Logistic regression: Determinants of right-sizing referendums

Variable	Model I	Model II	Model III
Ethnic fractionalization	-.07 (.50)	-.51 (.55)	.97 (1.3)
Post-War GDP per capita	0	0	.65
Year	-109** (.65)	-2.10*** (.071)	-.042* (.023)
System change	2.3** (1.3)		2.4*** (.93)
Constant	212* (127)		412** (138)
	: .58	: .60	: .43

\*: Significant at 0.10; \*\*: Significant at 0.05; \*\*\*: Significant at 0.01

What else does the statistical analysis reveal? The hypothesis that ethnic fractionalization is a dominant factor is, ipso facto, *not* supported by statistical evidence. This does not mean that we can dismiss the thesis entirely. There may still be some truth in the hypothesis, in certain cases and under certain conditions. Indeed, Horowitz's other contention—or auxiliary hypothesis—that right-sizing policies are also dependent upon support from kin-groups across the border might explain why the simple model is not statistically supported. Horowitz adds an important caveat to his theory, namely, that “if the retrieving group does not have a strong position in the putative irredentist state, its claims will be ignored.”<sup>19</sup>

Adding this caveat—which is difficult to test statistically—certainly explains a great number of the referendums, including the French and Italian right-sizing referendums in the eighteenth and nineteenth centuries and the referendums held in the wake of World War I. These were supported by retrieving groups, as for example the 1860 referendum in Nice pursuant to the Treaty of Turin of the same year. Horowitz's thesis is therefore partially supported by the empirical data.

Where does this leave my own theory, namely, that right-sizing referendums occur in the wake of conflict or in the aftermath of significant changes in the international system?

Quantitatively speaking, there is no support for the thesis that right-sizing referendums occur in the wake of wars. The variable—included in Model III—is not statistically significant. This, on reflection, is probably not surpris-

19 Horowitz, *Ethnic Groups in Conflict*, 282.

ing. Victors on the battlefield are unlikely to permit their military victories to be challenged by the conquered people in a referendum, although there are a small number of counterexamples. In the case of the Beagle Channel referendum, Argentina had recently been at war, but the Falklands War was not with Chile (though the Chilean president, General Augusto Pinochet, had supported the British). Rather, the Argentineans were forced to hold a referendum because they were weak. In the case of the French referendums held in the wake of the Revolution, the situation was somewhat different. These right-sizing plebiscites were held *after* conflict, but although it was French policy to submit annexations to referendums, these polls were not regarded as fair and free.<sup>20</sup>

We have a bit more luck when it comes to the other thesis, namely, that right-sizing referendums occur after major changes in the international system. As the figures show, there are positive coefficients (2.3 and 2.4, respectively) for this variable, which in both models are statistically significant at the .05 and .01 levels, respectively.

We can consequently conclude—at least statistically—that the hypothesis that right-sizing referendums occur after major system changes is supported by the data. To render this hypothesis plausible, however, we need to look at case studies.

The world of ethnonational referendums used to be one of right-sizing referendums. For the first hundred years after the French Revolution, all but six of the twenty-eight ethnonational referendums held were concerned with the drawing of boundaries and the inclusion (or not) of a country into a neighboring state.

But this has changed. Since World War II, right-sizing referendums have become less common, as we can see in Table 1.1. This impression is also confirmed statistically; if we correlate the presence of right-sizing referendums with time, we find that these become rarer the more time progresses. In fact, using so-called Wald Measures—which calculate probabilities—we find that there is an eight-fold decrease in the chance that a right-sizing referendum will be held for every year that passes (significant at .03). The only other factor that is significant is GDP per capita, though only to a limited degree (significant at .9).

Why might this be? One reason could be that the world political system has become frozen in the period since decolonization. Previously, referendums were held in countries—especially in Europe—to resolve long-standing disputes. But since these were resolved—in most cases peacefully—the right-sizing referendum has become redundant in the West. The same is not necessarily true in the developing world. In Africa, there are several border disputes which, had they

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20 Mattern, *The Employment of the Plebiscite*, 59.

occurred in Europe, would probably have been resolved through referendums. This might be explained by the fact that countries in Africa are keen not to open the Pandora's box of ethnic strife.

As President Philibert Tsiranana of Madagascar noted at an Organization of African Unity summit as far back as 1963: "It is no longer possible, nor desirable, to modify the boundaries of nations, on the pretext of racial, religious, or linguistic criteria.... Indeed, should we take race, religion, or language criteria for setting boundaries, a few states in Africa would be blotted out from the map. Leaving demagogy aside, it is not conceivable that one of our individual states would readily consent to be among the victims, for the sake of unity."<sup>21</sup>

His colleague, President Ibrahim Boubacar Keïta of Mali (often known as IBK), emphasized the same point when he noted that "we must take Africa as it is, and we must renounce all territorial claims."<sup>22</sup> It seems that this view of the freezing of borders—often to avoid splits within one's own country—is one of the reasons why there have been fewer right-sizing referendums as time has gone on.

The fact that there have been right-sizing referendums in Belize and Guatemala as well as in Slovenia seems to follow a different logic; it has become a convention in international law that border disputes be settled following the principles of the *Rechtsstaat*. However, as the 2014 plebiscite in Crimea shows, this norm is under threat and can no longer be taken for granted, especially at a time when Moscow seems to believe that "might makes right."

Overall, there is still a pattern of sorts. Right-sizing referendums still seem to occur after major system changes, but the theory is not entirely neat.

## Conclusion

Speaking in Sevastopol in Crimea on May 12, 2012, President Vladimir Putin called on all countries "to respect the right of Russians to self-determination."<sup>23</sup> This came a few weeks after he had backed (and probably helped organize) the plebiscite in Crimea.<sup>24</sup> Since the collapse of the Soviet Union, Russia has on

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21 Quoted in Lawrence T. Farley, *Plebiscites and Sovereignty: The Crisis of Political Legitimacy* (Boulder, CO: Westview, 1986), 16.

22 IBK quoted in Farley, *Plebiscites and Sovereignty*, 17.

23 Paul Goble, "Putin Asserts Right of Russians to Self-Determination Even Though Peoples of Russia Don't Have It," *The Interpreter*, May 12, 2014, <https://www.interpretermag.com/putin-asserts-right-of-russians-to-self-determination-even-though-peoples-of-russia-dont-have-it/>.

24 Ronald J. Hill and Stephen White, "Referendums in Russia, the Former Soviet Union and Eastern Europe," in *Referendums around the World: The Continued Use of Direct Democracy*, ed. Matt Qvortrup (Basingstoke: Palgrave, 2014), 26.

several occasions encouraged referendums on self-determination in areas with a large number of Russian speakers, such as in Abkhazia in 1999, in Transnistria in 1995, 2003, and 2006, in South Ossetia in 2001, 2006, and 2011, and arguably in Eastern Ukraine in the spring of 2014.<sup>25</sup> Eight years later, “News agencies run by the pro-Kremlin administrations in Donetsk and Luhansk [were] reporting that up to 99.23 percent of people voted in favor of joining Russia.”<sup>26</sup> Yet, at other times, this principled commitment to “the self-determination of the people” has been less forthcoming. Russia—to name but one example—was less than enthusiastic about the independence referendum in Tatarstan in 1992.<sup>27</sup>

But Putin’s (ab)use of referendums is arguably just another indication that he is living in a bygone world. As we saw above, right-sizing referendums have tended to be held in the wake of major changes to the international system. However, to render this statistical pattern plausible, we need to ground it in more qualitative evidence. Political science is not just about finding quantitative patterns; it is also about supporting these with historical facts, narratives, and empirical illustrations.

Right-sizing referendums—contrary to what was hypothesized at the beginning of this chapter—do *not* consistently occur in the wake of conflicts. As mentioned above, this is likely because conquerors do not want to see their military endeavors undone by the people. Hence, while some referendums have been planned in the wake of a military conflict (e.g., the planned UN referendum in Kashmir), these referendums have not taken place. Still, they have not become extinct and may appear in different guises, for example, in “states” such as South Ossetia, which lay claim to independence but which are, in reality, controlled by a larger state. As a general rule, however, right-sizing referendums have become an endangered species.

Nor are right-sizing referendums affected by the ethnic homogeneity of the area in question (as had been hypothesized by Horowitz). However, Horowitz’s other thesis, namely, that right-sizing policies are only implemented if supported by the “kin-group” in the larger country, is supported by evidence. Though it should be added that it helps if there is mediation, as was the case in the Saarland referendum, in the Beagle Treaty referendum, and in the recent referendum in Slovenia.

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25 Hill and White, “Referendums in Russia.”

26 “Ukraine War: Russia Claims Win in Occupied Ukraine ‘Sham’ Referendums,” *BBC News*, September 27, 2022, <https://www.bbc.com/news/world-europe-63052207>, accessed October 19, 2022.

27 Elise Giuliano, *Constructing Grievance: Ethnic Nationalism in Russia’s Republics* (Ithaca, NY: Cornell University Press, 2011), 122.

Seen in this larger perspective, the referendums held in Schleswig were not unique, as Wambaugh seemed to imply. As the (often overlooked) aftermath of the votes showed, these were not idealistic contests characterized by hard-nosed power politics; a certain modicum of democratic spirit was essential for the success of these votes. The war was over and no one was spoiling for a fight. The votes in Schleswig were a temporary solution, and one that contributed to normalization. The votes contributed to making Schleswig safe for democracy, namely, by using ballots instead of bullets. The plebiscites did not create peace, but they showed that another way was possible, namely, voting instead of violence. Clearly, the plebiscite is not a panacea, and it only worked in Schleswig because it was regulated and perceived to be fair. But for all its faults, this example shows that plebiscites can contribute—in their own little way—to making the world “safe for democracy.”

This brings us neatly back to the beginning, and to Wambaugh’s seminal study, in which she wrote:

There is ... no perfect method of establishing national boundaries. The problem is one of alternatives, a choice between methods of varying imperfection. To allow questions of sovereignty to be settled by conquest, or by a group of great powers gathered at a Peace Conference, resorting for their method of determination at one time to strategic considerations, at another to language statistics, or to history, or to geographic or economic criteria—such methods are even less satisfactory to democratic principles. Therefore, it seems certain that we shall keep the plebiscite as a tool in the workshop of political science.<sup>28</sup>

Referendums cannot make the world safe for democracy. They are held for many reasons, not all of them idealistic. But they can be a force for good, and the evidence suggests that this was the case in Schleswig in 1920.

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<sup>28</sup> Wambaugh, *Plebiscites since the World War*, ix.

## Chapter Two

# Plebiscites and the Difficult Transition to Peace after the First World War

V O L K E R P R O T T



In February 1920, a year after the opening of the Paris Peace Conference of 1919, British historian and government adviser James Headlam-Morley reflected on the use of territorial plebiscites in disputed regions across Europe:

I do not myself see how, for instance, in Upper Silesia one can expect a population really to determine whether they prefer to be Polish or German, for nobody knows what the future Poland or what the future Germany will be. There are certain districts, for instance Slesvig, in which the principle of the plebiscite may possibly afford a basis of a solution; I think, however, that we shall soon get to realise that in other districts it was adopted as a makeshift; it was difficult to see what else could be done; the whole problem requires very much more careful thinking out than it received at Paris.<sup>1</sup>

A year earlier, in an atmosphere filled with general relief about the end of the war and widespread hopes for a just and durable peace, plebiscites seemed for many to be the logical instrument for implementing the Allied program of national self-determination. For nearly every disputed territory across Europe and beyond, politicians, diplomats, academic experts, activists, and local communities called for a popular vote to determine new borders in accordance with

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<sup>1</sup> James Headlam-Morley, commentary on P.I.D. (Political Intelligence Department) document 802, "Question of plebiscites in occupied districts," February 19, 1920, Foreign Office files (henceforth FO) 371/4384, The National Archives (henceforth T.N.A.), Kew, United Kingdom.

the wishes of the people. Yet, as Headlam-Morley's comment indicates, territorial plebiscites were fraught with difficulties. They were used in only a small number of disputes, with quite ambivalent results. Instead of becoming the gold standard for the creation of a new democratic international order, plebiscites were caught up in the far-reaching ambitions but also the shortcomings, limitations, and contradictions of Allied peacemaking.

This chapter revisits the difficult transition to peace after the end of the First World War from the perspective of plebiscites. It addresses an old but still central question of twentieth-century international history: what went wrong in the implementation of national self-determination, and peacemaking more generally, such that the Paris peace treaties gave rise to widespread frustration and a fragile and contested international order that would collapse only twenty years later? In recent years, historians have made important advances in answering this question by tracing the transnational origins, multiple transformations, and regionally diverse repercussions of the idea of self-determination and by exploring the era of the "Greater War" between 1913 and 1923.<sup>2</sup> In their studies, this phrase refers to the fighting, revolutions, and military conflicts that continued several years beyond the armistice of November 1918. They highlight how politicians and experts, as well as political and military activists, transformed the civic ideal of self-determination, during and after the Paris Peace Conference, into an ethnic concept, using it as a tool for colonial-style border drawing as well as ethno-nationalist mobilization. These recent historical studies also reveal how the League of Nations' "border conservatism"—coupled with the divisions between the Allies and great powers, and their weakening commitment to the peace order—enticed revanchist forces to change borders by force.<sup>3</sup>

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2 On self-determination, see Erez Manela, *The Wilsonian Moment: Self-determination and the International Origins of Anticolonial Nationalism* (Oxford: Oxford University Press, 2007); Trygve Throntveit, "The Fable of the Fourteen Points: Woodrow Wilson and Self-Determination," *Diplomatic History* 35, no. 3 (2011): 445–81; Volker Prott, *The Politics of Self-Determination: Remaking Territories and National Identities in Europe, 1917–1923* (Oxford: Oxford University Press, 2016); Marcus M. Payk and Roberta Pergher, eds., *Beyond Versailles: Sovereignty, Legitimacy, and the Formation of New Politics after the Great War* (Bloomington: Indiana University Press, 2019); and Emmanuel Dalle Mulle, Davide Rodogno, and Mona Bieling, eds., *Sovereignty, Nationalism, and the Quest for Homogeneity in Interwar Europe* (London: Bloomsbury, 2023). On the "Greater War," see Robert Gerwarth and John Horne, "Vectors of Violence: Paramilitarism in Europe after the Great War, 1917–1923," *Journal of Modern History* 83, no. 3 (2011): 489–512; Robert Gerwarth and John Horne, eds., *War in Peace: Paramilitary Violence in Europe after the Great War* (Oxford: Oxford University Press, 2012); Robert Gerwarth and Erez Manela, eds., *Empires at War: 1911–1923* (Oxford: Oxford University Press, 2014); and Robert Gerwarth, *The Vanquished: Why the First World War Failed to End, 1917–1923* (London: Allen Lane, 2016).

3 The term "border conservatism" was first used by J. A. Laponce to describe the League of Nations' approach to territorial conflicts in "National Self-Determination and Referendums: The Case for

Plebiscites are at the heart of this crucial question about the difficult transition to peace and the fragility of the post-war order. If we know why plebiscites were or were not held, and why they succeeded or failed to create legitimate and stable borders, we will be able to better assess not only the contradictions and limitations but also the potential and partial resilience of the interwar international system. As the contributions to this volume demonstrate, the study of plebiscites also lends itself to a much-needed comparative analysis of peacemaking. Investigating the impact of the decisions taken—and not taken—at the Paris Peace Conference for different regions will allow us to develop a more nuanced assessment of peacemaking and help us move away from generalizing verdicts about “Versailles.”

This chapter aims to shed new light on peacemaking and the early interwar international order by exploring the role of plebiscites. It identifies four major obstacles that prevented a more widespread and effective application of plebiscites: national indifference, conflicting Allied strategic interests, ethnicity as an alternative concept, and the limits of Allied resources. The chapter argues that plebiscites mirrored the ambitions, frustrations, and fragility of the new international order. It demonstrates that plebiscites—like other items in the “toolbox” of politicians and international organizations seeking to resolve difficult territorial conflicts, such as partition or peacekeeping—are not a neutral instrument.<sup>4</sup> Rather, their use and support in the aftermath of the First World War were fueled by the ideal of clear-cut national borders and homogeneous populations. It was this focus on national lines of division, whether through plebiscites or not, that impeded and discredited alternative solutions to territorial disputes and, in many cases, entrenched and exacerbated national conflicts instead of resolving them.

The chapter will begin with an overview of the use of plebiscites at the Paris Peace Conference and briefly outline the five plebiscites that were held in the first three years after the war. It will then examine the four obstacles to a more widespread use of plebiscites, before concluding with a few reflections on the role of plebiscites in peacemaking after 1918 more generally, and the extent to which they can still be useful in the settlement of territorial disputes today.

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Territorial Revisionism,” *Nationalism & Ethnic Politics* 7, no. 2 (2001): 33–56, here 40. See also Prott, *Politics of Self-Determination*, ch. 7.

4 For a critical historical appraisal of partitions as a tool to manage decolonization and post-imperial spaces, see Arie Dubnov and Laura Robson, “Introduction. Drawing the Line, Writing Beyond It: Toward a Transnational History of Partitions,” in *Partitions: A Transnational History of Twentieth-Century Territorial Separatism*, ed. Arie Dubnov and Laura Robson (Stanford: Stanford University Press, 2019), 1–27.

## Plebiscites after the First World War: An Overview

When the Allies endorsed the idea of national self-determination as their guiding principle in the final year of the war, they raised enormous aspirations and expectations across and beyond Europe. The Fourteen Point program announced by American President Woodrow Wilson in January 1918, and his promise to “make the world safe for democracy,” fueled hopes for national independence (or at least favorable changes of borders) not only in the large imperial spaces of Central and Eastern Europe, but also in several western European regions and European colonies.<sup>5</sup> Yet, as the French, British, and American expert groups preparing the peace negotiations soon realized, most territorial claims seemed vastly exaggerated and usually collided with demands by other groups.<sup>6</sup> Notably, in the numerous disputed areas of Central and Eastern Europe where people of different religions, languages, and cultures had settled, it was far from clear where one “nation” began and another ended.

In view of the complexity of territorial disputes and the Allied emphasis on democracy and self-determination, asking the local people themselves about their preferences seemed the logical approach. Plebiscites promised quick, definitive, and democratic solutions to intricate problems. The British experts of the Political Intelligence Department (P.I.D.) studied the issue in greater detail and devoted one of their “peace handbooks” to the topic, providing a historical overview of plebiscites since the French Revolution.<sup>7</sup> Before the peace conference officially opened, British experts working on the borders of the about-to-be-created Polish state expected that plebiscites would be used “practically everywhere, at any rate on the Eastern and Western frontiers” because “Poland

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5 For Wilson’s Fourteen Point program, see Woodrow Wilson, “Address to Congress, January 8, 1918,” available here: <https://www.archives.gov/milestone-documents/president-woodrow-wilsons-14-points> (accessed December 1, 2023). For his ambition to “make the world safe for democracy,” see Woodrow Wilson, “Address to Congress, April 2, 1917,” available here: <https://www.archives.gov/milestone-documents/address-to-congress-declaration-of-war-against-germany> (accessed December 1, 2023).

6 On Allied peace planning, see the monographs by Olivier Lowczyk, *La fabrique de la paix: Du comité d’études à la conférence de la paix, l’élaboration par la France des traités de la Première Guerre Mondiale* (Paris: Economica, 2010); Erik Goldstein, *Winning the Peace: British Diplomatic Strategy, Peace Planning, and the Paris Peace Conference, 1916–1920* (Oxford: Clarendon Press, 1991); and Lawrence E. Gelfand, *The Inquiry: American Preparations for Peace, 1917–1919* (New Haven, London: Yale University Press, 1963). For a comparative and transnational perspective, see Volker Protz, “Tying up the Loose Ends of National Self-Determination: British, French, and American Experts in Peace Planning, 1917–1919,” *The Historical Journal* 57, no. 3 (2014): 727–50. See also Tomás Irish, “Scholarly Identities in War and Peace: The Paris Peace Conference and the Mobilization of Intellect,” *Journal of Global History* 11, no. 3 (2016): 365–86.

7 Political Intelligence Department, “Plebiscites,” March 1919, FO 373/7/35, T.N.A.

has hardly anywhere clear frontiers, ethnological or natural.”<sup>8</sup> In the eyes of British experts, plebiscites would also counter excessive territorial demands which would only weaken the new states: “For the sake of Poland’s own future we must firmly oppose exaggerated Polish claims.”<sup>9</sup> Another perceived advantage of plebiscites was that they would increase the legitimacy of the new borders. When arguing for a plebiscite in the Polish-German border region of Upper Silesia, for instance, British Prime Minister David Lloyd George claimed that “[o]ur experts believed that Upper Silesia would vote Polish. Nevertheless, they strongly advised a plebiscite on the ground that it would get rid of a German grievance.”<sup>10</sup>

Despite the Allied rhetoric of self-determination and the usefulness of plebiscites in determining fair borders in disputed regions, limiting the size of hostile minorities, and increasing the legitimacy of territorial decisions, only five plebiscites were held as stipulated by the Paris peace treaties.<sup>11</sup> As the initial quotation by James Headlam-Morley indicates, these popular votes were mostly the result of last-minute diplomatic wrangling to resolve deadlocked negotiations. The five popular votes in Schleswig (Slesvig, German-Danish border), Allenstein and Marienwerder (Olsztyn and Kwidzyn) in East Prussia (German-Polish border), Carinthia (Austrian-Yugoslavian border), Upper Silesia (German-Polish border), and Sopron (Ödenburg, Austrian-Hungarian border) affected a total of just over two million people (Table 2.1). Apart from the vote in Sopron, which was disputed by the Austrian government and where there were numerous reports of vote manipulation, the plebiscites were generally deemed to have been carried out in a fair manner.<sup>12</sup> All of them had high turnouts, which indicates ex-

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8 Esme Howard, “Memorandum on Poland,” P.C. 70, December 9, 1918, 1, FO 371/4354, T.N.A. The expectation that plebiscites would be used “practically everywhere” was toned down in another report of the same date, where the author spoke of applying the principle of self-determination “where possible” by plebiscites. See the memorandum on Poland in P 71 (Peace Series 29/2), December 9, 1918, 1, Cabinet Office files (henceforth C.A.B.) 29/2, T.N.A.

9 Howard, “Memorandum on Poland,” 1.

10 Proceedings of the Council of Heads of Governments (Council of Four), June 3, 1919, at 4 p.m., 754, C.A.B. 29/38, T.N.A.

11 For the sake of simplicity, the two plebiscites in Schleswig’s two zones and in Allenstein and Marienwerder (Olsztyn and Kwidzyn) in East Prussia are counted as one each. For an overview of the post-war plebiscites, see Brendan Karch, “Plebiscites and Postwar Legitimacy,” in *Beyond Versailles: Sovereignty, Legitimacy, and the Formation of New Polities after the Great War*, ed. Marcus M. Payk and Roberta Pergher (Bloomington: Indiana University Press, 2019), 16–37. The most detailed account remains Sarah Wambaugh, *Plebiscites since the World War: With a Collection of Official Documents*, 2 vols. (Washington, D.C.: Carnegie Endowment for International Peace, 1933). For a broader history of plebiscites, see Matt Qvortrup, *Referendums and Ethnic Conflict*, 2nd ed. (Philadelphia: University of Pennsylvania Press, 2022); and the concise overview in Laponce, “National Self-Determination and Referendums,” 38–40.

12 Weighing statements by Austrian, Hungarian, and neutral observers, Wambaugh concludes that it was not possible to ascertain whether the vote truly reflected people’s wishes and that the Al-

Table 2.1. Outcomes of plebiscites after the First World War

<i>Plebiscite region</i>	<i>Date</i>	<i>Total voters</i>	<i>Turnout</i>	<i>For Germany, Austria</i>	<i>For Denmark, Poland, Yugoslavia, Hungary</i>
Schleswig Zone 1 (North)	Feb 1920	111,191	91.4%	24.9%	74.2%
Schleswig Zone 2 (Central)	Mar 1920	70,988	90.9%	80.2%	19.8%
East Prussia	July 1920	550,395	86.6%	96.5%	3.4%
Carinthia	Oct 1920	39,291	95.8%	59%	41%
Upper Silesia	Mar 1921	1,220,514	97.6%	59.4%	40.3%
Sopron	Dec 1921	26,900	89.5%	34.9%	65.1%

Source: Wambaugh, *Plebiscites since the World War*, vol. 1, 82 (Schleswig, Zone 1), vol. 1, 86 (Schleswig, Zone 2), vol. 1, 133, and vol. 2, 83–84 (East Prussia), vol. 1, 198 (Carinthia), vol. 1, 250 (Upper Silesia), and vol. 1, 292 (Sopron). Note: Sometimes the votes do not add up to 100% because of invalid ballot papers.

traordinary levels of political mobilization not matched by more recent referenda. By comparison, the 2014 Scottish independence referendum and the 2016 “Brexit” vote in the United Kingdom had turnouts of 84.6 and 72.2 percent, respectively, whereas the interwar plebiscites all saw turnouts above 86 percent, with four of the six above 90 percent (see Table 2.1).<sup>13</sup>

Several of the plebiscites returned surprising results that cast doubt on prevailing assumptions about language as a proxy for national identity. Economic interests, concerns about political stability, and regional identities often trumped assumed ethnic solidarities.<sup>14</sup> In Carinthia, for instance, only 41 percent of voters cast their ballot for Yugoslavia, although the last available census data indicated that the region contained 68.6 percent Slovenian speakers.<sup>15</sup> In Marien-

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lies had failed “to protect the authenticity of the vote,” see Wambaugh, *Plebiscites since the World War*, vol. 1, 297. See also the contribution by Béla Rásky in this volume.

<sup>13</sup> For the results of the Scottish independence referendum, see “Scottish Independence Referendum 2014,” *House of Commons Library*, September 30, 2014, <https://commonslibrary.parliament.uk/research-briefings/rp14-50/> (accessed December 1, 2023). For the results of the UK “Brexit” referendum, see “Results and turnout at the EU referendum,” *Electoral Commission*, <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/elections-and-referendums/past-elections-and-referendums/eu-referendum/results-and-turnout-eu-referendum> (accessed December 1, 2023).

<sup>14</sup> This point has been highlighted by numerous historical studies. See, for example, Philipp Ther, “Caught in Between: Border Regions in Modern Europe,” in *Shatterzone of Empires: Coexistence and Violence in the German, Habsburg, Russian, and Ottoman Borderlands*, ed. Omer Bartov and Eric D. Weitz (Bloomington, IN: Indiana University Press, 2013), 485–502, here 489–97; Karch, “Plebiscites and Postwar Legitimacy,” and the other contributions to the present volume.

<sup>15</sup> Wambaugh, *Plebiscites since the World War*, vol. 1, 200.

werder (Kwidzyn) in East Prussia, Polish speakers represented roughly 15 percent of the population, but only half of those (7.6 percent) voted for Poland. Most districts of neighboring Allenstein (Olsztyn) had significant majorities of Polish speakers, but here, only 2.2 percent cast their ballot for Poland.<sup>16</sup> Similarly, in Upper Silesia, where Polish speakers were in the majority—census figures and other data gave a range of between 57 and 65 percent—slightly more than 59 percent voted for Germany.<sup>17</sup> Notwithstanding the prevalence of other factors, however, at least in the case of Upper Silesia, there was still a strong and highly significant correlation between language statistics and voting patterns. Broken down by district, the results of the plebiscite show a Pearson coefficient of 0.72 between language data from the 1910 census on the one hand, and votes cast in the plebiscite on the other, with a p-value of 0.000201.<sup>18</sup> In other words, while language hardly determined the outcome of the post-war plebiscites, it was still a highly salient factor.

Assessments of the plebiscites and their role in peacemaking have been mixed. As several scholars have pointed out, the fact that over two million people were able to express their national preferences can be seen as a significant advancement when compared to previous peace negotiations, where borders were generally determined by a small number of politicians and diplomats behind closed doors. In her detailed and influential 1933 study of the post-war plebiscites, Sarah Wambaugh concluded that despite some obvious flaws, the Paris peace treaties constituted “a great advance in respect for both the doctrine of self-determination and for the method of the plebiscite.”<sup>19</sup> In a similar vein, Jean Laponce has argued that even in the difficult and disputed case of Upper Silesia, the “boundary does not look so bad.”<sup>20</sup> Other scholars have been more skeptical. In a recent survey of post-war plebiscites, Brendan Karch highlights that the popular consultations offered “partial solutions”: while the Allies were later able to reject further territorial claims in Sopron, Schleswig, and Carinthia with reference to the earlier popular votes, the plebiscites in Poland deepened nationalist and ethnic conflict rather than resolving it.<sup>21</sup> In his comparison of post-war vi-

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16 Wambaugh, *Plebiscites since the World War*, vol. 1, 133 and vol. 2, 84.

17 For a discussion of census data in Upper Silesia, see Wambaugh, *Plebiscites since the World War*, vol. 1, 211.

18 My calculations based on the data provided in Wambaugh, *Plebiscites since the World War*, vol. 1, 250.

19 Wambaugh, *Plebiscites since the World War*, vol. 1, 42.

20 Laponce, “National Self-Determination and Referendums,” 44.

21 Karch, “Plebiscites and Postwar Legitimacy,” 29. See also Leonard V. Smith, *Sovereignty at the Paris Peace Conference of 1919* (Oxford: Oxford University Press, 2018), 144–56.

olence in Ireland and Upper Silesia, Timothy Wilson likewise concluded that in the latter case, the plebiscite polarized and destabilized a regional society characterized by fluid identities.<sup>22</sup>

The role of plebiscites in peacemaking appears marginal when weighed against the large scope of territorial changes, which amounted to an estimated 3,000 miles of new and revised borders across Europe.<sup>23</sup> The number of plebiscites that actually took place is dwarfed by the number that were vociferously demanded and/or seriously considered in 1919 (in alphabetical order): Alsace-Lorraine (France-Germany), Asia Minor (Greece-Turkey/Ottoman Empire), Banat (Romania-Yugoslavia), Bessarabia (Romania-Soviet Union), Danzig/Gdańsk (Poland-Germany), Dobruja (Romania-Bulgaria), Eastern Galicia (Poland-Ukraine),<sup>24</sup> Eupen-Malmedy (Belgium-Germany),<sup>25</sup> Fiume/Rijeka and other parts of Dalmatia (Italy-Yugoslavia), South Tyrol (Italy-Austria), Teschen/Cieszyn/Těšín (Poland-Czechoslovakia), Transylvania (Romania-Hungary), Western Thrace (Greece-Bulgaria-Turkey), and Wilno/Vilnius (Poland-Lithuania).

As the following section demonstrates, the primary obstacles to plebiscites in these and other regions were national indifference, Allied strategic interests, ethnicity as an alternative concept, and the limits of Allied resources. It is to these factors that we now turn.

### Key Obstacles to Plebiscites

The idea of consulting local populations about their national preferences was based on the assumption that those people had such preferences in the first place. Yet, as recent historical studies have revealed, many people in central and eastern (but also in many western) parts of Europe were “indifferent” about their

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22 Timothy Wilson, *Frontiers of Violence: Conflict and Identity in Ulster and Upper Silesia, 1918–1922* (Oxford: Oxford University Press, 2010), 206–10.

23 This was the estimate of Isaiah Bowman, the director of the American Geographical Society and member of the Inquiry, the American team of experts at the Paris Peace Conference. See Isaiah Bowman, *The New World: Problems in Political Geography* (Yonkers-on-Hudson, NY: World Book Company, 1921), 3.

24 At various points, the Allies considered creating an independent Ukrainian state.

25 In Eupen-Malmedy, a “negative plebiscite” or “expression of opinion” was carried out between January and June 1920 where people could protest the transfer of the region to Belgium. Since the vote was not secret and was organized by the Belgians rather than a neutral third party, it can hardly be deemed a free and open referendum, so it has been excluded from this list of plebiscites. See the discussion in James Headlam-Morley, *A Memoir of the Paris Peace Conference 1919*, ed. Agnes Headlam-Morley, Russell Bryant, and Anna Cienciala (London: Methuen, 1972), 164, diary entry of June 25, 1919; Wambaugh, *Plebiscites since the World War*, vol. 1, 518–38, who lists it as a “unilateral consultation,” and, more recently, Vincent O’Connell, *The Annexation of Eupen-Malmedy: Becoming Belgian, 1919–1929* (Basingstoke, Hampshire: Palgrave Macmillan, 2017), ch. 4.

national identity well into the first decades of the twentieth century.<sup>26</sup> Particularly in the (post)imperial spaces of Central, Eastern, and South-Eastern Europe, most people's identities were multi-layered and "fluid," revolving around their region, their religion, and their social class.<sup>27</sup> In fact, as the plebiscites demonstrated, many people approached nationalism in a strategic way, voting not according to their ethnic background but according to their economic interests.<sup>28</sup>

While national ambiguities could prompt calls for plebiscites in some cases, more frequently, the Allies used real or alleged national indifference to justify territorial decisions based on ethnographic data rather than popular consultation. When it suited their strategic priorities, Allied experts referred to national indifference to infer the "true" but as yet unarticulated national character of an indigenous population. The Romanian-Soviet border region of Bessarabia, which is today divided between Moldova and Ukraine, is a case in point. Following a two-week visit to the region in the summer of 1919, Emmanuel de Martonne, a French geographer and member of the French team of experts, the *comité d'études*, submitted two reports on the region that supported its inclusion in the Romanian state—a French ally—without a plebiscite.<sup>29</sup> In both reports, de Martonne argued that Jews, Ruthenians (Ukrainians), and Germans were in the minority in Bessarabia, that only a small higher class was Russified, and

26 See, notably, Jeremy King, *Budweisers into Czechs and Germans: A Local History of Bohemian Politics, 1848–1948* (Princeton, NJ: Princeton University Press, 2002); Pieter Judson, *Guardians of the Nation: Activists on the Language Frontiers of Imperial Austria* (Cambridge, MA: Harvard University Press, 2006); Tara Zahra, "Imagined Noncommunities: National Indifference as a Category of Analysis," *Slavic Review* 69, no. 1 (2010): 93–110; and Maarten van Ginderachter and Jon E. Fox, eds., *National Indifference and the History of Nationalism in Modern Europe* (London: Routledge, 2019).

27 See Peter Thaler, "Fluid Identities in Central European Borderlands," *European History Quarterly* 31, no. 4 (2001): 519–48.

28 On strategic nationalism, see Max Bergholz, "Sudden Nationhood: The Microdynamics of Intercommunal Relations in Bosnia-Herzegovina after World War II," *American Historical Review* 118, no. 3 (2013): 679–707; Brendan Karch, "Instrumental Nationalism in Upper Silesia," in *National Indifference and the History of Nationalism in Modern Europe*, ed. Maarten van Ginderachter and Jon E. Fox (London: Routledge, 2019), 180–203; Volker Prott, "Challenging the German Empire: Strategic Nationalism in Alsace-Lorraine in the First World War," *Nations and Nationalism* 27, no. 4 (2021): 1009–25; and Dmitry Halavach, "Unsettling Borderlands: The Population Exchange and the Polish Minority in Soviet Belarus, 1944–1947," *East European Politics and Societies: and Cultures* 37, no. 2 (2022): 473–92.

29 Both reports were dated July 1919, but only one was subsequently published in Emmanuel de Martonne, "La Bessarabie," in *Travaux du Comité d'études*, vol. 2, *Questions européennes*, ed. Comité d'études (Paris: Imprimerie Nationale, 1919), 625–42. The shorter report, which served as the basis for the French peace delegation, can be found in de Martonne, "Note sur la Bessarabie," July 7, 1919, *Papiers d'agents—Archives privées*, 166 (André Tardieu), vol. 378, 167–71 (in the file), *Archives du ministère des affaires étrangères*, Paris. See also Gavin Bowd, "Emmanuel de Martonne et la naissance de la Grande Roumanie," *Romanian Journal of Geography* 55, no. 2 (2011): 103–20, here 116; and Gavin Bowd, *Un géographe français et la Roumanie: Emmanuel de Martonne (1873–1955)* (Paris: L'Harmattan, 2012), 70–71.

that the vast majority of the population was ethnically and linguistically Romanian. De Martonne claimed that more than 85 percent of the rural Romanian-speaking population were illiterate and “indifferent” to Russification policies and matters of nationality.<sup>30</sup> While most of the peasants “know that they are Moldavians, they do not understand that they are Romanian.” De Martonne concluded that “in these circumstances, a plebiscite would be inconsequential [*une manifestation sans portée*].” It would only unnecessarily stir up “social passion” that would then be “exploited either by owners of large estates or by Bolsheviks, falsifying the result.”<sup>31</sup>

In other cases, Allied experts used national indifference as a synonym for the alleged backwardness of a population, justifying territorial changes and colonial-style policies that clearly contradicted ethnographic data and violated the principle of self-determination. Notably, at the fringes of the European continent and in the colonial sphere, national indifference provided the peacemakers with a convenient argument for withholding, or at least delaying, plebiscites. In a December 1918 memorandum on the peace settlements, the British experts of the P.I.D. deemed the application of self-determination outside Europe “more difficult” than on the continent:

The ideal, or rather—for it is more—the accepted principle [of national self-determination] is therefore plain. But it is equally clear that application must vary with the different conditions. If we ask for a vote of Poles or Jugo-Slavs [sic], or people of the Saar Valley, before fixing their political destiny, it would be pedantry to say that that compels us to follow the same course with peoples as totally unaccustomed to voting, or to any free political action, as are the African or even the Asian natives.<sup>32</sup>

A good example of this paternalistic approach is the Allied decision to partition large parts of Asia Minor (Anatolia) as the defeated Ottoman Empire was disintegrating.<sup>33</sup> Awarding various zones of influence to Western powers, the Allies brushed aside the preferences of the Muslim inhabitants of Asia Minor for some sort of autonomy or even a temporary American mandate. Muslim Turks

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30 Martonne, “La Bessarabie,” 636. In the shorter note, de Martonne speaks of 95% illiterate Romanian peasants. See de Martonne, “Note sur la Bessarabie,” 4 (in the report, 170 in the file). Unless otherwise stated, all translations are my own.

31 De Martonne, “Note sur la Bessarabie,” 3–4 (in the report, 169–170 in the file).

32 John Bailey, “The Peace Conference Settlement,” Memorandum P.C./008, December 10, 1918, 7 (in the document, 419 in the file), FO 371/4353, T.N.A.

33 See Prott, *Politics of Self-Determination*, chs. 3 and 6 and the literature cited therein.

and Kurds constituted the vast majority of the population in that region, with the exception of larger coastal cities like Smyrna (Izmir), where Greek Orthodox and Armenian Christians constituted a sizable minority, or even, in some smaller coastal areas, a slight majority. The Allies referred to these Christian inhabitants when justifying their far-reaching decisions. As Lloyd George stated in a meeting of the Supreme Council of the “Big Four” at the Paris Peace Conference in mid-May 1919, “of course the Turks [have] a right to be in Turkey, but they [have] no right to make it a wilderness.”<sup>34</sup> Instead, impressed by the negotiating skills of the Greek Prime Minister Eleftherios Venizelos, and keen to ensure Western influence in the area, the Allies portrayed the Greek Orthodox inhabitants of Asia Minor as a vanguard of Western progress that would “civilize” the Muslim inhabitants of this region. In May 1919, a Greek contingent landed in Smyrna and occupied the surrounding area. The Treaty of Sèvres of August 1920 sanctioned this decision and awarded Greece with a sizable zone around the city of Smyrna, stipulating that a plebiscite would be held within five years but without determining any further specifics.<sup>35</sup> Following the collapse of the Greek army two years later, and the mass exodus of Greek and Armenian inhabitants from what was now Turkey, the plebiscite had become null and void, as had the Treaty of Sèvres, which was replaced by the Treaty of Lausanne.

As these examples indicate, a key obstacle to a more widespread use of plebiscites was the Allies’ conflicting strategic interests. Countless critics of the peace treaties have pointed out that strategic interests often trumped self-determination, with the transfer of German-speaking South Tyrol to Italy and the prohibition of German-Austrian unification as perhaps the starkest examples. But strategic considerations were not merely the expression of egotistic great power politics. In fact, what drove many British, French, but also American peacemakers was the aim of establishing a balance of power and ensuring stability on the European continent. One of the most prominent critics of Wilson’s rhetoric of national self-determination was the American Secretary of State Robert Lansing. Lamenting the vagueness of the concept of national self-determination, Lansing worried that in the absence of a clear definition, the “application of this principle is dangerous to peace and stability.”<sup>36</sup> The fear was that the idea of national self-determination and, by extension, territorial plebiscites would stir up national antagonism, revolutions, and civil wars. Consequently, many politicians,

34 Proceedings of the Council of Four, May 13, 1919, at 4 p.m., p. 485, C.A.B. 29/38, T.N.A.

35 See article 83 of the Treaty of Sèvres of August 10, 1920, available online here: [https://wwi.lib.byu.edu/index.php/Section\\_I\\_Articles\\_1\\_-\\_260](https://wwi.lib.byu.edu/index.php/Section_I_Articles_1_-_260) (accessed December 1, 2023).

36 Robert Lansing, *The Peace Negotiations: A Personal Narrative* (Boston: Houghton Mifflin, 1921), 97.

diplomats, and experts at the Paris Peace Conference dismissed plebiscites as impractical or even outright dangerous. One example is British P.I.D. member Allen Leeper, who rejected the suggestion of carrying out plebiscites in the Balkans by stating that “[t]he plebiscite idea is quite unworkable and would lead to chaos.”<sup>37</sup> In a similar vein, the American experts Charles Haskins and Robert Lord later argued that the “opinion” of a people, while crucial, would have been difficult to ascertain by plebiscites in unstable conditions. The doctrine of righting “ancient wrongs,” Haskins and Lord went on to say, needed to be balanced by the aim of not “introducing confusion into every part of the world.”<sup>38</sup>

Although strategy was overall an important obstacle to plebiscites, it could also work in their favor at times. For example, British Prime Minister David Lloyd George was keen to secure German acceptance of the peace treaty and stability in continental Europe. In his eyes, both aims required the limiting of Polish territorial claims. Had the Allies accepted the territorial commission’s proposed Polish borders, the new Polish state would have included a sizable number of German speakers. In Lloyd George’s view, these German speakers would not only have constituted a potentially troublesome minority, but they would also have provided Germany with a strong revanchist cause. In a June 1919 session of the peace conference’s Council of Four, Lloyd George argued against the inclusion of these minorities within Poland. Skillfully exploiting the contradictions in Wilson’s rhetoric, the British prime minister was able to ensure that plebiscites were eventually held in East Prussia and Upper Silesia.<sup>39</sup> It is misleading, therefore, to argue that self-determination and plebiscites always competed and were incompatible with the strategic interests of states.<sup>40</sup> As the diplomatic and political circumstances surrounding these plebiscites indicate, historians need to examine each case carefully to establish why popular consultations were carried out or why they were withheld.

Claims for plebiscites nevertheless frequently collided with strategic prerogatives. This, together with resource limitations, meant the Allies came to use ethnicity as a convenient shorthand for national self-determination. Ethnicity was

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37 A.W.A. Leeper, written commentary on a parliamentary question by Lt. Col. Herbert on March 18, 1919, dated March 25, 1919, FO 608/30, T.N.A.

38 Charles Homer Haskins and Robert Howard Lord, *Some Problems of the Peace Conference* (Cambridge, MA: Harvard University Press, 1920), 18–19.

39 See the minutes of the Proceedings of the Council of Four, June 3, 1919, at 4 p.m., 753–58, C.A.B. 29/38, T.N.A. See also Prott, *Politics of Self-Determination*, 138–40; and the discussion further below in this section.

40 For such a view, see e.g., Sharon Korman, *The Right of Conquest: The Acquisition of Territory by Force in International Law and Practice* (Oxford: Clarendon Press, 1996), 140; and Laponce, “National Self-Determination and Referendums,” 35.

a fluid concept with the appearance of objectivity. It ranged from more flexible social features like language or shared customs to more rigid markers such as religion and, at the extreme end of the spectrum, physical appearance or “race.” The numerous studies and memoranda produced by British, French, and American experts in their peace planning efforts abound with ethnic or racialized prejudices. One refers to the deep-rooted “Frenchness” of Alsatians and Lorrainers, illustrated with images of traditional villages and local costumes, unscathed by the German invaders. Others refer to the “treacherous” Turks and “civilized” Greeks, creating a link back to classical enmities between Persian “barbarians” and Athenians. Some even refer to the subtle differences in skull shapes across various parts of Albania.<sup>41</sup> What set these often contradictory notions of ethnicity apart from national preferences, as expressed in a plebiscite, was their supposed objectivity: they served as markers of a national identity applied to people by others. Backed by quantitative data such as language use, settlement patterns of religious groups, literacy levels, schooling rates, or economic productivity, arguments based on ethnicity chimed well with the positivist spirit of the time.

Thanks to its elastic, ascribable, and seemingly scientific nature, ethnicity became a popular tool for the Allies to use in independently determining the national identity of a disputed region. Yet, this process of applying national self-determination rarely went unchallenged. The inference of national identity from ethnicity competed with more subjective and civic understandings of national self-determination. In the above-mentioned June 1919 debate on Polish-German borders, British Prime Minister Lloyd George supported his belief in plebiscites with precisely this subjective and civic notion of national identity. US President Wilson, who supported the recommendations of the territorial commission for Polish borders and was challenged directly by Lloyd George’s demand for plebiscites, was forced to return to the thirteenth of his Fourteen Points, which called for the creation of an independent Polish state.<sup>42</sup> Having read the text, Wilson concluded that “[a]ll that had to be established under this was that the population of Poland was indisputably Polish.”<sup>43</sup> Lloyd George swiftly responded “that

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41 For examples, see Prott, *Politics of Self-Determination*.

42 The thirteenth point read: “An independent Polish state should be erected which should include the territories inhabited by indisputably Polish populations, which should be assured a free and secure access to the sea, and whose political and economic independence and territorial integrity should be guaranteed by international covenant.” See Wilson, “Address to Congress, January 8, 1918,” <https://www.archives.gov/milestone-documents/president-woodrow-wilsons-14-points> (accessed December 1, 2023).

43 Minutes of the Proceedings of the Council of Four, June 3, 1919, at 4 p.m., p. 757, C.A.B. 29/38, T.N.A., also for the following quotations.

this was exactly the challenge that the Germans made. They said that the population was not Polish in sentiment. Surely the clause just read did not mean that if the Poles preferred to remain under Germany, they would have to become Polish because they were of Polish race." Rhetorically cornered, Wilson claimed "that he knew the ethnographical facts" and that "there was no need to add a plebiscite, which was not imposed by the Fourteen Points." But Lloyd George insisted and "appealed to the principle of self-determination. Under the [ethnic] doctrine proposed by President Wilson, Alsace ought not to go to France, since its population was of German origin." Wilson now retreated further to a formalistic reading of his peace program, noting that "Alsace-Lorraine was expressly provided for in the Fourteen Points. In the cases of both Alsace-Lorraine and of Poland, there were specific Articles in the Fourteen Points, to meet the special conditions, and the settlement was based on these rather than on general principles." Wilson was unable to fend off Lloyd George's challenge, which effectively attacked Wilson's selective and arbitrary use of self-determination. Ultimately, Lloyd George was able to insist on a subjective and civic understanding of national self-determination as a general principle of the new peace order. Of course, Lloyd George was driven less by ideals and notions of justice than by hard strategic considerations, but the example illustrates well the limitations of a selective use of "ethnographic facts" for border drawing. While the rhetoric of self-determination was far from a stringent basis for peacemaking, it nevertheless created potential limits to an entirely arbitrary treatment of national preferences.

Beyond the peace negotiations, ethnicity became a barrier to plebiscites in another way. Especially, but not exclusively, in regions where strong civic and national identities had not taken root, paramilitary groups and political factions used ethnic markers such as language or religion to mobilize their troops and stake claims to territory.<sup>44</sup> In the "Greater War," which only ended in 1923, large swaths of Central and Eastern Europe succumbed to various forms of civil and interstate warfare and ethnic violence, revealing both the salience of ethnicity as a shorthand for national self-determination and the limitations of Allied rhetoric and power.<sup>45</sup> In Upper Silesia, for example, the plebiscite took place

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44 For comparative historical studies, see Wilson, *Frontiers of Violence*; and recently Volker Prott, "Assessing the 'Paris System': Self-Determination and Ethnic Violence in Alsace-Lorraine and Asia Minor, 1919-1923," in *Sovereignty, Nationalism, and the Quest for Homogeneity in Interwar Europe*, ed. Emmanuel Dalle Malle, Davide Rodogno, and Mona Bieling (London: Bloomsbury, 2023). On the crucial role of ethnic violence in the creation of collective identities, see Stathis N. Kalyvas, *The Logic of Violence in Civil War* (Cambridge: Cambridge University Press, 2006).

45 See the literature cited in Note 2 above.

under tense circumstances and resulted in a more polarized population. It thus fueled ethnic violence rather than mitigating it.<sup>46</sup>

The final major obstacle to the use of plebiscites after 1918 was the Allies' insufficient economic, political, and military resources. This fundamental fact is frequently sidelined or omitted entirely by critics of "Versailles," who have followed John Maynard Keynes's early scathing portrayal of the 1919 peacemakers as representing greedy and cynical great powers, using the rhetoric of justice and self-determination to cover the pursuit of their own national interests.<sup>47</sup> This view reduces the multiple contradictions and entanglements between ideological premises, strategic interests, and political power to a binary contest between inconsequential or betrayed ideas on the one hand and all-powerful strategic interests on the other.<sup>48</sup> As we have seen, however, the Allies were pressured by numerous state leaders and nationalist activists to hold plebiscites, as well as having strong incentives of their own for doing so. Yet plebiscites were costly affairs. To produce stable borders with legitimacy among the people and states affected, plebiscites required lengthy negotiations, careful planning, and strong political commitment by all parties involved, with a substantial military and administrative presence of Allied or other international forces over a period of months, if not years.<sup>49</sup>

In combination with national indifference, conflicting strategic interests, and ethnicity as a basis of self-determination, insufficient Allied resources and power explain the comparatively small number of plebiscites held in the direct aftermath of the First World War. Even where plebiscites were planned, they did not always materialize. For example, the soon-defunct Treaty of Sèvres of 1920, as mentioned above, foresaw a plebiscite in Greek-occupied Smyrna (Izmir) after five years. Likewise, Gabriele d'Annunzio's march into Fiume in September 1919, and the annexation of the city in 1924 by fascist Italy, thwarted Allied plans to

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46 On Upper Silesia, see Wilson, *Frontiers of Violence*; Ther, "Caught in Between," 489–97; Ulrike Jureit, *Das Ordnen von Räumen: Territorium und Lebensraum im 19. und 20. Jahrhundert* (Hamburg: Hamburger Edition, 2012), 220–34; and Karch, "Instrumental Nationalism."

47 See John Maynard Keynes, *The Economic Consequences of the Peace* (London: Macmillan, 1920). For an overview of the literature, see Manfred F. Boemeke, Gerald D. Feldman, and Elisabeth Gläser, eds., *The Treaty of Versailles: A Reassessment after 75 years* (Cambridge: Cambridge University Press, 1998); Patrick O. Cohrs, *The Unfinished Peace after World War I: America, Britain and the Stabilisation of Europe, 1919–1932* (Cambridge: Cambridge University Press, 2006), 20–24; and Smith, *Sovereignty*, 3–7. For a balanced and highly readable account that takes the limitations of Allied power seriously, see Margaret Macmillan, *Paris 1919: Six Months That Changed the World* (New York, NY: Random House, 2003).

48 Recent scholarship is working to overcome these binary views. See the excellent recent studies by Marcus M. Payk, *Frieden durch Recht? Der Aufstieg des modernen Völkerrechts und der Friedensschluss nach dem Ersten Weltkrieg* (Berlin: de Gruyter, 2018); and Smith, *Sovereignty*.

49 See Wambaugh, *Plebiscites since the World War*, vol. 1, 41–42.

hold a free plebiscite in the city under the auspices of the League of Nations after fifteen years, similar to the Franco-German Saar region.<sup>50</sup> And as the cases of Upper Silesia and Sopron, discussed above, indicate, even when a plebiscite was carried out, if it took place under difficult and violent conditions, the Allies had only limited means to maintain order, secure a free and impartial vote, and ensure a fair implementation of its outcomes.

Overcoming these obstacles would have required a Herculean effort on multiple fronts. To address the issue of national indifference, the Allies would have needed to be more flexible in the territorial options offered, routinely including third options such as temporary mandates, city states, autonomous regions, or federations, as was done in the Saar plebiscite of 1935. They would also have needed to move away from national borders as the default and ideal solution. City states such as Danzig (Gdańsk) or Fiume (Rijeka), or temporarily internationalized territories such as the Saar region, look highly innovative in hindsight and could have offered sensible solutions to areas where populations shared multi-layered regional, rather than clear-cut national, identities. At the time, however, these alternatives were seen by most peacemakers and their critics alike as temporary arrangements on the road to full independent statehood and national homogeneity. Agonizing over the fate of Danzig (Gdańsk), British expert James Headlam-Morley identified this nationalist thinking as the root cause of the difficulties of peacemaking:

I still believe that the right solution [for Danzig/Gdańsk] is to be found in the conception of the autonomous and, perhaps, semi-independent city-state. We want to shake ourselves free of the obsessions of the unified and centralized national state which is the growth of the period since the French Revolution. It is the exaggeration of this which is the cause not only of the war, but of the difficulties with the peace. We are still under the obsession of the political ideas which created Pan-Germanism and threaten to bring about an equally aggressive and uncompromising spirit among the new nationalities.<sup>51</sup>

Overcoming the other obstacles would have necessitated equally significant efforts. To provide a counterbalance to Allied strategic interests would have re-

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<sup>50</sup> On the discussions surrounding Fiume at the Paris Peace Conference, see Macmillan, *Paris 1919*, ch. 22.

<sup>51</sup> Headlam-Morley, *Memoir*, 40, minute dated March 3, 1919.

quired the defeated powers to have a seat at the negotiating table—something the Allies had initially planned to do but then dropped owing to time pressure, the complexity of the task, and the difficulty of agreeing just among themselves.<sup>52</sup> To avoid the temptation of relying on dubious “ethnographic facts,” the Allies would have needed a clearer definition of national self-determination with a greater emphasis on the civic element of the “self.” And to ensure that borders were not only legitimate but also secure and stable in the long term, the Allies would have needed to devote substantially more military and economic resources to implementing and defending their territorial decisions following the signing of the peace treaties.

Reviewing the plebiscites and other territorial decisions in disputed areas across Europe after 1918, it is important to note that the peacemakers made efforts and advances in all these areas. In some cases, such as Schleswig, they succeeded in establishing overall stable and legitimate new borders. In many other cases, the obstacles proved to be insurmountable. In light of strong domestic economic and political pressures, and taking into account the scope, difficulty, and historical novelty of the task, as well as the limited means at their disposal, it was inevitable that the Allies would frustrate, at least to some extent, the enormous expectations that they themselves had helped to create. Seen through the prism of plebiscites, peacemaking after the First World War was an experiment with a more democratic form of global governance which produced mixed results: some advances, but also many setbacks. Plebiscites were part of both.

## Conclusion

Territorial plebiscites were one tool among many that the Allies used in the difficult transition to peace after the end of the First World War. For the delegates at the Paris Peace Conference, they offered several tangible benefits. They promised quick and definitive solutions to intricate territorial disputes. They corresponded to the Allied rhetoric of national self-determination and a “peace without victory,” as US President Woodrow Wilson had put it.<sup>53</sup> Yet, there were also several major obstacles that prevented a wider use of this instrument, in-

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52 See the succinct discussion in Payk, *Frieden durch Recht*, 359–66. See also Macmillan, *Paris 1919*, 28; and Smith, *Sovereignty*, 22.

53 “Address of the President of the United States to the Senate, January 22, 1917,” in *Papers Relating to the Foreign Relations of the United States*, suppl. 1, *The World War* (Washington, D.C., 1917), doc. 22, available online: <https://history.state.gov/historicaldocuments/frus1917Supp01v01/d22> (accessed December 1, 2023).

cluding national indifference, conflicting strategic interests, ethnicity as a convenient alternative, and limited Allied resources and power. As this chapter has argued, the use—and often the withholding—of plebiscites mirrored the mixed outcomes of peacemaking after 1918. Plebiscites were not a golden bridge that would help the peacemakers cross the gaps between their promise of a just peace on the one hand, and the competing territorial claims, time pressure, and their own conflicting strategic aims on the other. Instead, the discussions and decisions surrounding plebiscites were deeply entangled with the hopes and advances—but also with the shortcomings, contradictions, and failures—of peacemaking. Plebiscites reflected rather than resolved the wider problems of the transition to peace. These problems included, above all, vagueness in the guiding principle of national self-determination, unrealistic ambitions and high hopes for a just, “scientific,” and quick peace, and a lack of durable Allied and great power commitment to the new international order beyond the signing of the peace treaties.

The case of the early interwar period shows that territorial plebiscites hold some important advantages. When carefully planned and carried out, they can bestow additional legitimacy on new borders and help fend off future revanchist claims. Plebiscites enabled the Allies to challenge exaggerated territorial claims and to adjust borders, as in the German-Polish case, but also to some extent in Schleswig. The borders in Schleswig, Sopron, and Carinthia survived the upheavals of the twentieth century, not least because political leaders were able to refer to the legitimizing power of the early interwar popular votes.<sup>54</sup> Plebiscites allow people to vote strategically according to their economic and personal interests, thus helping to correct paternalistic assumptions about the national character of a given region and its population based on ethnographic and other data.

Yet plebiscites also have specific disadvantages. After the First World War, whether carried out or only planned, they further raised expectations for a just, quick, and definite peace which proved difficult to meet. At the same time, as the case of Upper Silesia demonstrates, plebiscites can exacerbate national polarization and tensions between groups rather than mitigate them. Crucially, in their ideological adherence to the ideal of clear-cut, homogeneous nation states, plebiscites can have the effect of excluding or discrediting other, more flexible options that might be better suited to mixed and nationally ambivalent regions, such as multi-level governance, federations, regional autonomy, minority rights, internationalized territories, or power sharing. At the same time, the example of

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54 Karch, “Plebiscites and Postwar Legitimacy,” 29.

the early interwar years also underlines that the refusal to hold a plebiscite may delegitimize newly drawn or existing borders, fueling aggressive revisionism.

However flawed and incomplete, plebiscites provide a mechanism for democratic border drawing that brings international decision-making directly together with the people affected. The usual alternatives are top-down decision-making and bottom-up revanchism. The Greek-Turkish war of 1919–1922, and the subsequent forced exchange of 1.5 million people across the Aegean, is the starkest example of the destructive dynamic that can be sparked by a combination of these two approaches. This “unmixing” of populations to resolve territorial disputes and stabilize borders would later become a blueprint for the population transfers that affected large parts of Central and Eastern Europe and South Asia after the Second World War.<sup>55</sup> Following the brief experiment with democratic border drawing and international conflict management in the early interwar years, politicians, diplomats, military leaders, and national activists moved away from plebiscites and minority rights to the grim realities of staged referenda in the 1930s and the partitions, forced population transfers, and genocidal violence of the following decade.

In the early twenty-first century, plebiscites remain a useful democratic tool for settling specific territorial disputes, but just like after the First World War, they are neither a “silver bullet” for solving every territorial problem nor an ideologically neutral concept. Plebiscites reflect the ideals and hopes, as well as the limitations and contradictions, of their time. The historical perspective thus confirms recent assessments by political scientists that the bar for plebiscites to create legitimate and stable borders is high indeed.<sup>56</sup> In view of the past century, one would add that plebiscites, whatever their usefulness, should not prevent us from looking for alternatives to handle human diversity, beyond creating lines of division that usually come with high human and economic costs, entrench grievances, perpetuate instability, and take decades to overcome.

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55 See Matthew Frank, *Making Minorities History: Population Transfer in Twentieth-Century Europe* (Oxford: Oxford University Press, 2017); and A. Dirk Moses, *The Problems of Genocide: Permanent Security and the Language of Transgression* (Cambridge: Cambridge University Press, 2021), chs. 8 and 9.

56 See, for example, Lawrence LeDuc, “Referendums and Deliberative Democracy,” *Electoral Studies* 38 (2015): 139–48; and Micha Germann, “Pax Populi? An Analysis of the Conflict Resolution Potential of Referendums on Self-Determination,” *European Political Science Review* 14, no. 3 (2022): 403–23.

*P a r t   T w o*

Plebiscites and Minority Rights in  
the Aftermath of the Paris Peace  
Conference



## Chapter Three

### Where is Schleswig?

#### Danish, German, and International Conceptions of the Schleswig Plebiscite

RYAN J. GESME\*



In December 1918, German-oriented Schleswigers, concerned over impending harm to their community, gathered signatures from their fellow citizens for a petition addressed to United States President Woodrow Wilson. The petition writers beseeched Woodrow Wilson not to fall victim to their northern neighbor Denmark's claims to the Duchy of Schleswig, as they contended that the multitude of signatures displayed the region's German characteristics.<sup>1</sup> This petition represents the effect the Great War (1914–1918) had on relations within the multinational community of the German-Danish borderland of Schleswig-Holstein.<sup>2</sup> In the period between the appointment of Prince Maximilian von Baden as Germany's Imperial Chancellor in October 1918 and the holding of the Schleswig Plebiscite in 1920, the region witnessed an outpouring of publications, demonstrations, and speeches from the Danish and German-oriented communities, each of whom sought to convince the broader international community of the true national belonging of the Duchy of Schleswig.<sup>3</sup>

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1 Typescript of Claus Schacht's Letter Concerning Petition, December 19, 1918, RA0663, 1919–1919 Deutsche Austeuer Arbejde, Claus Schacht Skoleinspektør, Rigsarkivet Aabenraa, Aabenraa, Denmark.

2 A note on spelling: I have chosen to use the modern-day spelling of place names, such as Schleswig-Holstein, unless the primary source itself uses another term, whether Southern Jutland, *Sønderjylland*, *Sydjylland*, *Nordslesvig*, etc.

3 The Schleswig Plebiscite of 1920 comprised two separate votes. The International Commission held the first vote in Northern Schleswig on February 10, 1920, and the second in Central Schleswig

The Danish nationalists who desired a border change between Denmark and Germany in 1918 turned to world leaders at the Paris Peace Conference, including the newest figure on the global scene, US President Woodrow Wilson. In the eyes of millions of ordinary Europeans, Wilson represented a new vision of the world—one that was no longer tied to dynastic rule, but which instead valued the rights and voices of the sovereign citizen. This “Wilsonian Moment”—a term coined by Erez Manela—saw an outpouring of political pamphlets, petitions, and popular demonstrations across the globe, as individuals took it upon themselves to claim political legitimacy through the employment of Wilsonian language.<sup>4</sup> The popularity of these ideas did not equate to universal adoption or acceptance because the European political class feared that Wilsonian language could cause the breakdown of their imperial system. These intense debates were not limited to the committees or sub-committees of Paris, with many people seeking to sway key agents through public demonstrations and newspaper articles, including those in Schleswig-Holstein.

The historical duchies of Schleswig-Holstein traversed northern Germany and southern Denmark, forming a cultural and physical bridge between the two states. A direct consequence of the German Wars of Unification (1864–1871) was the annexation of the duchies into the Kingdom of Prussia and, with them, a small but vocal Danish-oriented population.<sup>5</sup> A crucial component of the dispute over Schleswig during these years was Article V of the Treaty of Prague (1866), which granted the northern portion of the region a right to vote to return to Denmark.<sup>6</sup> This article was nullified in a separate treaty between the signatories—Austria and Prussia—in 1878, and recognized by Denmark in 1907. In the intervening years, the German administration of the region went through waves of accommodation and oppression, which, by the end of the First World

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on March 14, 1920. The Entente Powers and subsequent historians referred to these two votes as a single plebiscite.

- 4 Erez Manela coined the term “Wilsonian Moment” in his study of anti-colonial movements, which sought to utilize Wilson’s rhetoric to break up the imperial power structure of Britain and France. Erez Manela, *The Wilsonian Moment: Self-Determination and the International Origins of Anticolonial Nationalism* (Oxford: Oxford University Press, 2007).
- 5 Schleswig-Holstein has a complex history as a battleground between German-speaking and Danish-speaking polities. The first border was established by King Gudfred of Denmark and the Holy Roman Emperor Charlemagne in 811. The Treaty of Ribe in 1460 made Schleswig and Holstein indivisible but owned by the Danish Crown. In 1848 and 1864, Denmark and multiple states in the German Confederation fought over the “true national belonging” of the region, resulting in the eventual dual administration of the region by Prussia and Austria. After the Austro-Prussian War of 1866, Prussia fully incorporated the duchies into its kingdom, which was confirmed with the formation of the German Empire in 1871.
- 6 “Treaty of Prague,” in *Major Peace Treaties of Modern History 1648–1967*, vol. 1, ed. Fred L. Israel (New York: Chelsea House Publishers, 1967), 630.

War, created an environment in which many Danish-oriented Schleswigers felt that remaining a part of the German state was no longer desirable or feasible. A consequence of this was that the community soon began looking toward Paris to grant a plebiscite concerning the separation of North Schleswig from the rest of the duchies and the unification of the region with Denmark using a combination of Article V and Wilsonianism.

The Entente Powers' decision to take up the notoriously complex Danish-German border dispute within the Paris Peace Conference presents scholars with an excellent place-based study of the reception of Wilsonian language. This chapter will explore the early conceptions of the vote and the direct engagement of the German-oriented and Danish-oriented populations with the language of self-determination and popular sovereignty. It will then shift to the discussions in Paris surrounding the contentious plan to hold a vote in South Schleswig, and the growing demonstrations by German-oriented Schleswigers after the signing of the Versailles Treaty. The chapter then transitions to emphasizing the International Commission's attempt to be impartial by looking at the Commission's pushback against the Danish desire to occupy North Schleswig immediately following the vote. Through an in-depth analysis of the material produced by these prominent actors, I argue that each community sought to balance older historical and traditional claims on the region with the newer Wilsonian-influenced conceptions of the nation-state, which focused on matching borders to language. These efforts created an evolving case of divergences between those who desired to secure a just division that reflected the people's wishes, and the larger geopolitical concerns that drove part of the postwar territorial settlement in Europe. As a result, the debates surrounding the plebiscite provide an excellent study of self-determination, popular sovereignty, and the function of transnational communities in an evolving interconnected world.

There has been extensive historiography examining the nationality conflict within the German-Danish borderland of Schleswig-Holstein, as multiple scholars have analyzed the competing narratives from German and Danish nationalists. Scholars have explored the attempts by German nationalists to claim the area via a variety of methods as part of an extensive German cultural sphere. These efforts have greatly expanded the understanding of the functioning of intercommunal relations within a border region and the challenges in preserving a minority cultural group within a clear ethnic majority imperial state.<sup>7</sup> In

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7 Hans Schultz Hansen, *Danskheden i Sydslesvig 1840–1918 som folkelig og national bevægelse* (Flensburg: Studiefdelingen ved Dansk Centralbibliotek for Sydslesvig, 1990); Norman Berdichevsky, *The*

analyzing the plebiscite campaigns themselves, scholars have highlighted multiple avenues of argument, including the employment of regional and national symbols, the position of the local socialist parties, and the role of emotional appeals to the newly enfranchised Schleswigian women.<sup>8</sup> This chapter will go beyond the previous historiography by analyzing the broader international context of the plebiscite, showcasing how the two communities adapted historical arguments to Wilsonian concepts. It will supplement these previous works by engaging with each campaign through the specific lens of the cross-communal discussion and argumentation concerning the proper implementation of the vote or the legality of holding a referendum. It will further scholars' understanding of the functionality of plebiscites and the way in which self-determination and minority rights operate in practice.

### The Aabenraa Resolution and the Future of Schleswig

The prolonged nature of the First World War and the lack of a clear and definitive military breakthrough by the Central Powers saw the Danish minority community reject the legitimacy of the German government by 1918. As early as

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*Danish-German Border Dispute, 1815–2001: Aspects of Cultural and Demographic Politics* (Bethesda: Academia Press, 2002); Eric Kurlander, *The Price of Exclusion: Ethnicity, National Identity, and the Decline of German Liberalism, 1898–1933* (New York: Berghahn Books, 2006); Peter Thaler, "A Tale of Three Communities: National Identification in the German-Danish Borderlands," *Scandinavian Journal of History* 32, no. 2. (2007): 141–66; Peter Thaler, *Of Mind and Matter: The Duality of National Identity in the German-Danish Borderlands* (West Lafayette: Purdue University Press, 2009); J. Laurence Hare, *Excavating Nations: Archaeology, Museums, and the German-Danish Borderlands* (Toronto: University of Toronto Press, 2015); Hans Schultz Hansen, *De Danske Sønderjydere Førstemand: H.P. Hanssen 1862–1914* (Aabenraa: Historisk Samfund for Sønderjylland, 2018); Jan Schlürmann, *1920: Eine Grenze für den Frieden; Die Volksabstimmung zwischen Deutschland und Dänemark* (Kiel: Wachholtz Verlag GmbH, 2019); Hans Schultz Hansen, *Genforeningens Arkitekt: H.P. Hanssen, 1914–1936* (Aabenraa: Historisk Samfund for Sønderjylland, 2020).

- 8 Sarah Wambaugh, *Plebiscites since the World War: With a Collection of Official Documents*, vol. 1 (Concord: Rumford Press, 1933); Hans Lehmann, *Der "Deutsche Ausschuss" und die Abstimmungen in Schleswig, 1920* (Kiel: Wachholtz Verlag GmbH, 1969); Gerd Callesen, *Die Schleswig-Frage in den Beziehungen zwischen dänischer und deutscher Sozialdemokratie von 1912 bis 1924: Ein Beitrag zum sozialdemokratischen Internationalismus* (Aabenraa: Heimatkundlichen Arbeitsgemeinschaft für Nordschleswig, 1970); Henrik Becker Christensen, *Dansk Mindretalspolitik i Nordslesvig, 1920–1932* (Aabenraa: Institut for Grænseregionsforskning, 1984); Inge Adriansen, "Danish and German National Symbols," *Ethnologia Scandinavica* 21 (1991): 34–52; Inge Adriansen and Immo Doege, *Deutsch oder Dänisch: Bilder zum nationalen Selbstverständnis aus dem Jahre 1920* (Flensburg: Institut for Sønderjysk Lokalhistorie og Historisk Samfund for Sønderjylland, 1992); Berdichevsky, *The Danish-German Border Dispute, 1815–2001*; Thaler, *Of Mind and Matter*; Nina Jebsen and Martin Klatt, "The Negotiation of National and Regional Identity during the Schleswig-plebiscite following the First World War," *First World War Studies* 5 (2014): 181–211; Hare, *Excavating Nations*; Schlürmann, *1920*; Peter Thaler, "Flensburg und Klagenfurt: Die Behandlung zweier städtischer Ballungsräume in den Volksabstimmungen von 1920," *Gesellschaft für Schleswig-Holsteinische Geschichte* 145 (2020): 91–118; Hansen, *Genforeningens Arkitekt*.

October 1918, the community's representative in the German parliament (*Reichstag*), Hans Peter Hanssen, began to believe that any postwar settlement would include a plebiscite in Schleswig. Hanssen's position as a liberal, with political legitimacy among the local population as well as support from the Danish government, meant his opinion of what constituted the Danish part of Schleswig became the dominant view of the Danish-oriented community. Hanssen began seeking support within the German government for a plebiscite through a coalition of like-minded politicians from other minorities—the Poles and the French—and among the many liberals and socialists who no longer blindly supported the war. Hanssen articulated a possible settlement to the Schleswig question in a diary entry on October 5, 1918, in response to a question posed by fellow parliamentarian Karl Hillenbrand. Hanssen stated, "The question must be settled on the basis of self-determination, as has already been agreed to in Article V of the Peace of Prague. A plebiscite must be held."<sup>9</sup> Hanssen crucially combined the older Treaty of Prague, which granted a free vote in the northern districts of Schleswig, with the language of self-determination. This decision was a fundamental narrative choice among the Danish-oriented Schleswigers because it appealed to the broader international community and Germany's belief in the Wilsonian peace offered in the "Fourteen Points."<sup>10</sup>

Hanssen's desire to revisit the North Schleswig issue became public when he rose in front of the German parliament on October 23, 1918, and declared that only with the application of self-determination, as extolled by President Wilson and Article V, will there be a just and final resolution to the Schleswig question.<sup>11</sup> On the same day, the Danish parliament (*Rigsdag*) passed a similar resolution in a closed-door session.<sup>12</sup> This timing was not accidental, as Hanssen was in constant communication with the Danish government concerning the demands of the Schleswigian Danes.<sup>13</sup> These actions soon coalesced into a formalized resolution, titled the Aabenraa Resolution, from the central political organization for the Danish minority in Germany, the North Schleswig Electoral Association (*Nordslesvigske Vælgerforening*). The Aabenraa Resolution, passed

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9 Hans Peter Hanssen, *Diary of a Dying Empire*, trans. Oscar O. Winther, ed. Ralph Lutz, Mary Schofield, and Oscar O. Winther (Bloomington: Indiana University Publications, 1955), 320.

10 Woodrow Wilson, "Fourteen Points," in *Woodrow Wilson: Essential Writings and Speeches of the Scholar-President*, ed. Mario R. DiNunzio (New York: New York University Press, 2006), 404–7.

11 Hans Peter Hanssen, "Uddrag af den dansksindede rigsdagsmand H.P. Hanssens tale i den tyske rigsdag den 23.10.1918," in *Der Nationale Gegensatz/De Nationale Modsetninger, 1914–1933*, vol. 4, ed. Gerhard Kraack, Frank Lubowitz, and Hans Schultz Hansen (Aabenraa: Institut for Grænseregionsforskning, 2001), 115.

12 "Danes' Hopes of Schleswig," *The Times*, October 26, 1918, 5.

13 Hansen, *Genforeningens Arkitekt*, 49–54.

on November 17, 1918, articulated the Danish-oriented Schleswigers' conception of a Danish Schleswig.

The Electoral Association outlined their beliefs in five points, arguing that a simple vote must take place in North Schleswig, which encompasses the region from just south of the town of Højer to the northern end of the Flensburg Fjord, notably excluding Flensburg itself, the largest city of the duchy. It stated that all men and women over the age of twenty should be able to participate, and the German administration should not have any influence on the people's right to vote. The fifth point, however, allowed for Central Schleswig, including Flensburg, to hold a referendum.<sup>14</sup> An addendum contributed by two Flensburg Danes stated "that Flensburg, in our opinion, belongs with North Schleswig, though not to the Danish North Schleswig," highlighting that there were already disagreements between the North Schleswig Danes and the Flensburg Danes on what constituted the Danish part of Schleswig.<sup>15</sup>

These two Danes were not the only ones who disliked the Electoral Association's decision to exclude Central and South Schleswig from a future plebiscite; indeed, 250 men and women signed a separate resolution on November 14, 1918, asking for a plebiscite in Flensburg. The Dannevirke Movement (*Dannevirke-Bevægelse*) went one step further and published their five objectives on December 10, 1918, outlining their desire to avoid a plebiscite altogether and simply claim the Kiel Canal or the historical fortification, the Dannevirke, as the new southern border. The disagreements reiterate the lack of unity among the Danish-minded Schleswigers.<sup>16</sup>

German-oriented Schleswigers soon began to realize that they would have to counter the efforts of the North Schleswig Electoral Association in order to preserve their conception of Schleswig. German-oriented Schleswigers therefore formed two civic associations in October 1918: the German Committee for the Duchy of Schleswig (*Der Deutsche Ausschuss für das Herzogtum Schleswig*) and the Committee for an Undivided Schleswig-Holstein (*Ausschuss für ein ungeteiltes Schleswig-Holstein*). The two groups' membership consisted primarily of local po-

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14 "Die Apenrader Resolution des Nordschleswigschen Wählervereins vom 17.11.1918," in Kraack, Lubowitz, and Schultz Hansen, *Der Nationale Gegensatz/De Nationale Modsætninger, 1914-1933*, vol. 4, 124-27.

15 My translation of "at Flensburg efter vor Mening hører med til Nordslesvig, om end ikke til det danske Nordslesvig." "Die Apenrader Resolution des Nordschleswigschen Wählervereins vom 17.11.1918," 127.

16 "Resolution fra de danske i Flensburg af 14.11.1918," in Kraack, Lubowitz, and Schultz Hansen, *Der Nationale Gegensatz/De Nationale Modsætninger, 1914-1933*, vol. 4, 122-23. "Den danske Dannevirke-bevægelses målsætning. Dr. Harsløfs 5 punkter fr 10.12.1918," in Kraack, Lubowitz, and Schultz Hansen, *Der Nationale Gegensatz/De Nationale Modsætninger, 1914-1933*, vol. 4, 122-25.

litical leaders, civil servants, schoolteachers, and police chiefs, all of whom had a connection to the German government or were involved in efforts to Germanize the region. It is therefore not surprising that they opposed the plebiscite. However, compared to pre-war attitudes, many now exhibited a conciliatory stance toward the Danish-minded Schleswigers.

In an early flyer, the groups outlined that they now supported people's right to use Danish, Frisian, or Low German in a multitude of areas, including church, school, and social gatherings. They contended that this, rather than a plebiscite, truly represented the right to national self-determination as it upheld the rights of the local minority populations.<sup>17</sup> One pamphlet claimed that the historical precedent of the Treaty of Ribe (1460) invalidated any claim to a possible division, going on to state that Schleswigers' role as a "border people of the empire" meant the Entente Powers now saw them as suitable for territorial alteration.<sup>18</sup> Much of their argument also pushed back against Hanssen's legal claim to a plebiscite via Article V of the Treaty of Prague or Wilsonianism, highlighting that the "Fourteen Points" did not mention Schleswig, and that Article V had been nullified in subsequent treaties.<sup>19</sup> In analyzing these groups, we can trace the historically rooted arguments and the Wilsonian adapted ones, both of which attempted to preserve a unified Schleswig.

The most potent example of the efforts of German-oriented Schleswigers to secure Wilson's support in preventing a referendum came with the December 1918 petition to Wilson himself. According to Claus Schacht, one of the petition's organizers, its goal was to display the strength of *Germanism* in North Schleswig, directly counteracting the claims that the region was the "Danish" part of Schleswig.<sup>20</sup> The petition itself is relatively small, comprising a single sheet of text. As we have already seen, the authors' petition claims that Wilson had been hoodwinked by the Danes, and that the signatures on this document represented the population's true sentiment.<sup>21</sup> The group's main argu-

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17 Schlürmann, 1920, 89.

18 My translation of "Grenzvölker des Reiches." "Schleswig-Holsteinische Landsleute!" Abt. 320.18, Nr. 68, Landratsämter und Kreisausschüsse-Steinburg (Volksabstimmung, allgemein 1919-1921), Landesarchiv Schleswig-Holstein, Schleswig, Germany.

19 "Schleswig-Holsteinische Landsleute!" Abt. 320.18, Nr. 68, Landratsämter und Kreisausschüsse-Steinburg (Volksabstimmung, allgemein 1919-1921), Landesarchiv Schleswig-Holstein, Schleswig, Germany.

20 Typescript of Claus Schacht's Letter Concerning Petition, December 19, 1918, RA0663, 1919-1919 Deutsche Austeuer Arbejde, Claus Schacht Skoleinspektør, Rigsarkivet Aabenraa, Aabenraa, Denmark.

21 Petition to President Woodrow Wilson, RA0663, 1919-1919 Deutsche Austeuer Arbejde, Claus Schacht Skoleinspektør, Rigsarkivet Aabenraa, Aabenraa, Denmark.

ment opposing the division of Schleswig came in the middle of the text, where the group outlined their central contention: “What is more, the entire Duchy of Schleswig is a historically, politically, economically, and culturally coherent whole. A division would violate the old traditional rights of the land. It would create for the Germans, if they came under Danish rule, a new injustice. It would cause in addition unpredictable economic damage, certainly ruin many livelihoods.”<sup>22</sup> This passage continued the language of previous pamphlets produced by the local Schleswigian civic associations, which all sought to connect the historical rights of the region, cemented in the Treaty of Ribe, to any future division, while also rooting their opposition in the language of respecting the rights of the inhabitants.

The German-oriented Schleswigers’ petition to Wilson was not the only public appeal he received on the matter—he also received one from the Danish American community. This latter petition reflected the international nature of the Schleswig question. While those inhabiting the region were certainly more directly involved with the referendum, they were not the only ones trying to secure a specific goal. Key figures in the Danish American community petitioned Wilson in November 1918 to take up the cause of their compatriots in North Schleswig and finally grant them the right to self-government and self-determination.<sup>23</sup> Wilson pledged not to forget the Danes of Schleswig and assured the petitioners that their calls would not go unheeded.<sup>24</sup> The multiple petitions to Wilson reflected the “Wilsonian Moment,” with each group trying to connect his vision of a new world order to their individual causes. It is crucial to note, however, that Wilson’s vision of the new world order valued economic stability, even if it ran contrary to self-determination, as reflected in the “Fourteen Points” calls for the creation of Yugoslavia and Czechoslovakia.<sup>25</sup>

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22 My translation of “Dazu kommt, daß das ganze Herzogtum Schleswig ein historisch, politisch, wirtschaftlich und kulturell zusammengehöriges Ganzes ist. Eine Teilung würde des Landes alt überlieferte Rechte verletzen. Sie würde für die Deutschen, die dadurch unter dänische Herrschaft kämen, neues Unrecht schaffen. Sie würde zudem unberechenbaren wirtschaftlichen Schaden verursachen, ja viele Existenzen zugrunde richten.” Petition to President Woodrow Wilson, RA0663, 1919–1919 Deutsche Austeuer Arbejde, Claus Schacht Skoleinspektør, Rigsarkivet Aabenraa, Aabenraa, Denmark.

23 “Præsident Wilson og Sønderjylland,” *Den Danske Pioneer*, November 28, 1918, 1.

24 “Schleswig Will Get Freedom, Wilson Pledges,” *Chicago Daily Tribune*, November 24, 1918, 2.

25 Woodrow Wilson, “Essential Terms for Peace in Europe,” in DiNunzio, *Woodrow Wilson*, 391–97; Woodrow Wilson, “Fourteen Points,” in DiNunzio, *Woodrow Wilson*, 404–7; Robert Hannigan, *The Great War and American Foreign Policy, 1914–1924* (Philadelphia: University of Pennsylvania Press, 2017); Margaret MacMillan, *Paris 1919: Six Months that Changed the World* (New York: Random House, 2001).

Wilson himself was neither an outright idealist nor a realist, but rather exhibited countless contradictions, such as his marginalization of African Americans and the introduction of segregation into the US federal government, nor was he the first individual to employ the terms “self-determination” or “popular sovereignty.”<sup>26</sup> Margaret MacMillan best described Wilson’s view toward the postwar territorial division of Germany, writing that “Lloyd George [the British prime minister] and Wilson, both from religious backgrounds, both good liberals, believed firmly in chastising the wicked. They also believed in redemption; one day Germany would be redeemed.”<sup>27</sup> Many believed that the desire to chastise Germany and ensure the economic stability of the newly democratic states meant that Wilson would be more amenable to Denmark receiving more of Schleswig without even holding a vote.

It would be incorrect to assume that the Schleswig question dominated headlines around the globe. In terms of the overall peace conference, it was a minor issue. However, there were still multiple opinion pieces that attempted to outline a vision of postwar Schleswig. One of these articles came from an anonymous author in the October 23, 1918, issue of the *New York Times*. The author attempted to connect the Schleswig question to the Polish question, outlining that if Germany retained certain territories, it would dominate Eastern Europe economically, replacing political with financial hegemony. The author saw Schleswig as a solution to prevent this from happening, articulating a vision of Schleswig rooted in economics. The author stated that the Entente Powers should employ Article V as the basis for the annexation by Denmark of the entirety of the region up to the Kiel Canal, because this would prevent German domination of the Baltic Sea.<sup>28</sup> Notably, the author mirrored the language of the Dannevirke Movement.

A month later, on November 28, a correspondent for *The Times* (U.K.) wrote that there is no Schleswig-Holstein problem as the hyphen is a pro-German argument. Instead, the author outlined that the division of the territory was the natural settlement of the issue of 1866, as North Schleswig was Danish. The issue arose around South Schleswig, which had three nationalities—Danish, German,

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26 David Lloyd George, *Memoirs of the Peace Conference*, vol. 1 (New Haven: Yale University Press, 1939), 11–12; “Treaty of Brest-Litovsk,” in *Major Peace Treaties of Modern History 1648–1967*, vol. 2, ed. Fred L. Israel (New York: Chelsea House Publishers, 1967), 1235–64; Manela, *Wilsonian Moment*, 37; Eric Weitz, “Self-Determination: How a German Enlightenment Idea Became the Slogan of National Liberation and a Human Right,” *American Historical Review* 120 (2015): 462–96.

27 MacMillan, *Paris 1919*, 161.

28 “Schleswig-Holstein and the Baltic,” *New York Times*, October 23, 1918, 12.

and Frisian.<sup>29</sup> The correspondent wrote that “The question now is how to find a *modus vivendi* satisfying the national aspirations of the Danes, and their desire to possess a strategic frontier; the desires of the South Schleswigers; and the possible requirements of the Allies notably with reference to the northern approaches of the Kiel Canal.”<sup>30</sup> It is crucial to note that the correspondent merged different competing conceptions of Schleswig, displaying the fraught nature of outlining the regional boundaries for the vote. These two authors were aligned with the commonly expressed view among the international community, which was generally in support of the plebiscite, specifically within North Schleswig. The *Detroitter Abendpost* continued this approach to the question of North Schleswig in an article on December 18, 1918, that explicitly supported the use of Article V and the separation of Danish North Schleswig from the rest of the province, marking a clear boundary between Danish and German Schleswig.<sup>31</sup> These examples show that, between October and December 1918, countless individuals sought to persuade the Paris attendees to support their vision of Schleswig.

### Paris, Southern Schleswig, and the Schleswig Plebiscite

The Danish government sent a small delegation to Paris that included the ambassador to France, Herman Anker Bernhoft; the historian and linguist, Hans Victor Clausen; Schleswig member of parliament, Hans Peter Hanssen; and noted supporter of the Dannevirke Movement, Andreas Grau.<sup>32</sup> Even though Denmark had remained neutral during the war, the government still presented their claims to the Entente Powers on February 21, 1919, with arguments based on the Aabenraa Resolution and H. V. Clausen’s multiple studies of the region, including *Nordslesvig, 1863–93: Den Nationale Stilling på Landet* (The national position in the country), published in 1894.<sup>33</sup> In using these documents as the basis for the plebiscite, the Danish delegation reaffirmed its belief that North Schleswig was the Danish part of Schleswig while still allowing for the possibility of securing more territory, especially Flensburg and, if possible, parts of South Schleswig. The peacemakers agreed to settle their claims and appointed a Commission on Belgian and Danish Affairs on February 26, 1919.<sup>34</sup>

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29 From Our Correspondent, “Problem of South Schleswig,” *The Times*, November 28, 1918, 5.

30 “Problem of South Schleswig,” *The Times*, November 28, 1918, 5.

31 “Dänemark und Schleswig,” *Detroitter Abendpost*, December 18, 1918, 4.

32 Hansen, *Genforeningens Arkitekt*, 83–85.

33 Hans Victor Clausen, *Nordslesvig 1863–93: Den Nationale Stilling på Landet* (Flensburg: Möller & Rasmussen, C.K. Thillerup Efterf., 1894); Hansen, *Genforeningens Arkitekt*, 55.

34 Wambaugh, *Plebiscites since the World War*, vol. 1, 57–59.

This Commission accepted the Danish delegation's grounds to hold plebiscites in different parts of Schleswig. Most importantly, they accepted a region-wide "winner take all" system for North Schleswig (Zone 1). The significance of this decision was not lost on the delegation because the region defined as North Schleswig consistently elected H. P. Hanssen to the German Parliament and would almost guarantee a reunification with Denmark. For Central Schleswig (Zone 2), the Commission opted for voting to take place according to electoral municipality boundaries, meaning each municipality's outcome would be decided on a case-by-case basis. Lastly, swayed by some of the more traditional arguments from the Danish delegation, the Commission allowed for a plebiscite in South Schleswig (Zone 3) along similar lines to Central Schleswig, but excluded some areas of its southernmost section.<sup>35</sup> According to a March 19, 1919, report by the head of the Commission, André Tardieu, "the Commission considers it useless to extend the plebiscite to all of Schleswig as the southern part—south of the historic Dannevirke border—has already been distinctly German for a long time."<sup>36</sup> In directing the vote as such, the Commission effectively rejected the German claims to Schleswig in the sense that it allowed for a multitude of referenda using popular sovereignty and self-determination. However, the Commission still sought to imprint their view on the Schleswig question by utilizing different procedures within different parts of the region. It even went on to mandate that the vote in North Schleswig or Zone 1 would occur first, followed within a month by a vote in Central Schleswig or Zone 2 if Zone 1 voted for Denmark.

The inclusion of South Schleswig in the plebiscite was not universally accepted because, while there was support from the Dannevirke Movement and some parts of the international press, most individuals feared the future consequences of incorporating a large segment of German-oriented Schleswigers into Denmark. The Danish camp produced a clear delineation between South Schleswig and what they saw as the Danish part of Schleswig, which centered on North Schleswig but still included Central Schleswig for historical and eco-

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35 Wambaugh, *Plebiscites since the World War*, vol. 1, 57–59; Thaler, *Of Mind and Matter*, 80; "Extract from Part III of the Treaty of Peace between the Allied and Associated Powers and Germany, signed at Versailles, June 28, 1919," in *Plebiscites since the World War: With a Collection of Official Documents*, vol. 2, ed. Sarah Wambaugh (Concord: Rumford Press, 1933), 5. Hansen, *Genforeningens Arkitekt*, 83–88.

36 My translation of "Allerdings sah die Kommission es als unnütz an, die Abstimmung auf das ganze Schleswig auszudehnen dessen südlichster Teil—südlich der historischen Grenze des Danewerkes—schon vor langer Zeit ausgeprägt deutsch gewesen sei." "Die Belgisch-Schleswigsche Kommission und die dritte Abstimmungszone: Die Verhandlungen vom 19.3.1919, nach der Darstellung von Andre Tardieu," in Kraack, Lubowitz, and Schultz Hansen, *Der Nationale Gegensatz/De Nationale Modsætninger, 1914–1933*, vol. 4, 134–35.

conomic reasons. Many in the Danish government opposed the inclusion of South Schleswig, and in early May 1919, members of the Liberal (*Venstre*) and Social Democrat parties of Denmark began to voice their opposition to the more conservative or traditional inclusion of the southern region within a Danish Schleswig.<sup>37</sup> The government therefore made an official objection to including South Schleswig in the plebiscite.

Objections to the third zone largely rested on two assumptions. The Danish government assumed that due to its current stronger economic position, when compared to Germany, and access to food supplies from the Entente Powers, most of the local population would vote for Denmark merely because of the need for temporary economic relief but that their sentiments could change later on. The fear of gaining more of Schleswig was also informed by the second assumption that this population would retain their Schleswig-Holstein particularities and would soon begin to organize around returning to the German Republic, causing future instability.<sup>38</sup> The government went as far as to say that South Schleswig would threaten the Danish part of Schleswig, arguing that “the scattered minorities in North and Central Schleswig would then no longer be small German islands, who could quickly disappear, but they would become Germandom’s outposts.”<sup>39</sup> This objection reinforced the idea among governing Danes that only the northern and central part of Schleswig was Danish.

The German-oriented Schleswiger opposition to the vote did not end with the signing of the Versailles Treaty on June 28, 1919, as many of their arguments were still rooted in the belief in a unified Schleswig as intrinsically German. Most significantly, a public rally in Rendsburg on July 3, 1919, saw multiple speeches outlining the future relationship between Schleswig, Germany, and Denmark. This future relationship was outlined in a declaration in which the German-oriented campaign stated their desire “to create, in cooperation with Denmark, a peaceful solution to the North Schleswig question, which fulfills the legitimate national demands of both peoples, protects the cultural rights of minorities on both sides, and turns North Schleswig into a national bridge

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37 Hansen, *Genforeningens Arkitekt*, 88–91.

38 “Den danske regerings indsigelse mod 3. Zone: Uddrag af et brev fra den danske gesandt I Paris til fredskonferencen fra 17.5.1919,” in Kraack, Lubowitz, and Schultz Hansen, *Der Nationale Gegensatz/De Nationale Modsetninger, 1914–1933*, vol. 4, 140–44.

39 My translation of “De spredt Mindretal i Nord- og Mellemslesvig vilde da ikke mere være tyske Smaaøer, som hurtigt vilde kunne forsvinde, men de vilde blive Tyskhedens Forposter.” “Den danske regerings indsigelse mod 3. Zone. Uddrag af et brev fra den danske gesandt I Paris til fredskonferencen fra 17.5.1919,” in Kraack, Lubowitz, and Schultz Hansen, *Der Nationale Gegensatz/De Nationale Modsetninger, 1914–1933*, vol. 4, 143.

between Germany and the North.”<sup>40</sup> This passage, like many before, combined Wilsonian rhetoric with appeals to Schleswig’s position as a borderland.

The rally itself continued to merge the language of regionalism and the notion of *Heimat* (or an intense fondness for a region) with the nationalist goal of retaining the entirety of Schleswig within Germany.<sup>41</sup> This was reflected in the cover of the reprinted speeches from that day, which displayed the red-white-blue banner of the 1848 Schleswigian revolutionaries rather than the black-red-gold of the German Republic or the German Empire’s red-white-black flag. This image invoked a connection to the historical struggle against Danish tyranny and connected the particularities of the Schleswig-Holstein revolt with the planned 1920 plebiscite.<sup>42</sup> School principal Carl Diedrich Petersen, representing the community of Tønder, gave a rousing speech that emphasized this connection by merging local identity with that of an undivided Schleswig within a larger German cultural homeland.<sup>43</sup> Petersen ended his speech with a heavy nationalist connotation, declaring, “Black-white-red and blue-white-red should above our heads fly. Away with the *Dannebrog* [Danish national flag]. German we were, German we are, and German we remain!”<sup>44</sup> Petersen thus represents the conservative and nationalist side of the German-oriented community.

In addition to the conservative cultural rhetoric, many within the German-oriented campaign sought to prevent people from voting for economic gain. In one of the few direct appeals to women, the pamphlet titled “Frauen Schleswigs!” highlighted the belief among many that women would be swayed to vote for Denmark by the lower grocery prices, specifically dairy and pork products. The authors declared, “Women of Schleswig! Consider whether you are selling your

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40 My translation of “in der nordschleswigschen Frage mit Dänemark einen friedlichen Ausgleich zu schaffen, der den berechtigten nationalen Ansprüchen beider Völker entspricht, den Minderheiten auf beiden Seiten kulturellen Schutz gewährt und Nordschleswig zu einer Völkerbrücke zwischen Deutschland und dem Norden macht.” Poster “Schleswig-Holstein Landesversammlung 3. Juli 1919,” Abt. 399.69, Nr. 25, Nachlässe: Familien und Einzelpersonen- Schenk, Richard (Flug-, Streitschriften, Aufrufe, Plakate und Zeitungsartikel zur Volksabstimmung 1920), Landesarchiv Schleswig-Holstein, Schleswig, Germany.

41 To learn more about *Heimat* as meaning more than merely “homeland,” but rather encompassing a wide range of cultural activities that produced a specific sense of identity in a localized space, see the groundbreaking work of Celia Applegate, *A Nation of Provincials: The German Idea of Heimat* (Berkeley, CA: University of California Press, 1990).

42 Pamphlet “Schleswig-Holsteinische Landesversammlung am 3. Juli 1919 zu Rendsburg in der Stadthalle,” Abt. 399.69, Nr. 25, Nachlässe: Familien und Einzelpersonen- Schenk, Richard (Flug-, Streitschriften, Aufrufe, Plakate und Zeitungsartikel zur Volksabstimmung 1920), Landesarchiv Schleswig-Holstein, Schleswig, Germany.

43 Pamphlet “Schleswig-Holsteinische Landesversammlung am 3. Juli 1919.”

44 My translation of “Schwarz-weiß-rot und Blau-weiß-rot soll über unseren Häuptern flattern. Fort mit dem Dannebrog. Deutsch waren wir, deutsch sind wir und deutsch bleiben wir!” Pamphlet “Schleswig-Holsteinische Landesversammlung am 3. Juli 1919.”

and your children's *Heimatrechte* for momentary benefits, as Esau sold his first-born for a dish of lentils!"<sup>45</sup> This shows that, for many within the German-oriented camp, cultural betrayal for economic gains was a real fear. Later in the same flyer, the authors highlighted Alsace-Lorraine whose population, they claim, now regretted their decision to join France because they were subjected to restrictive measures concerning religion and education, and the short-term economic benefits had disappeared.<sup>46</sup> The concern around losing Schleswig's unique *Heimatrechte* reinforced the idea of a unified Schleswig as part of the German cultural world.

Each campaign utilized rhetoric as well as images to convince the populace of their vision of Schleswig. Both sides used plebiscite posters to display the region's true cultural home and convince voters to choose their nation-state. In many instances, the campaigns disseminated their appeals in both Danish and German. One pro-German poster displayed a group of men taking an oath that for a thousand years they were Schleswigan, and so they shall remain Schleswigan and vote German.<sup>47</sup> The Danish campaign countered with a poster proclaiming that Schleswigers did not want to remain part of the state of Prussia, and that a vote for Germany would be a vote for continuing the current administrative arrangement. It declared that Schleswigers "do not want to be Prussian, we want to remain Jutes."<sup>48</sup> This poster linked Schleswig to the broader historical tribe, the Jutes, and, as a result, to *Jylland*, which was the name of the Danish provinces bordering North Schleswig, creating the perception of a forthcoming reunification. Notably, in some cases, both campaigns used the same symbol, such as the North Gate of Flensburg, with the pro-German poster featuring the Schleswig-Holstein tricolor in the background, while the pro-Danish version had only the Danish flag.<sup>49</sup>

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45 My translation of "Frauen Schleswigs! Prüfet wohl, ob Ihr um augenblicklicher Vorteile willen Eure und Eurer Kinder Heimatrechte verkauft, wie Esau seinen Erstgeburt um ein Linsengericht verkaufte!" A note on translation: I choose not to translate *Heimatrechte* because the emotional connection to *Heimat* necessitates keeping it in its original German. However, it could be roughly translated as "native rights" or "rights of the homeland." Pamphlet "Frauen Schleswigs!" Abt. 399.41, Nr. 13, Nachlasse: Familien und Einzelpersonen-Ortmann, Richard, Landesarchiv Schleswig-Holstein, Schleswig, Germany.

46 Pamphlet "Frauen Schleswigs!" Abt. 399.41, Nr. 13, Nachlasse: Familien und Einzelpersonen-Ortmann, Richard, Landesarchiv Schleswig-Holstein, Schleswig, Germany.

47 Postcard reproduction of poster "I tusind Aar har vi været Slesvigere," Abt. 2003.1, Nr. 2168, Fotosammlung-Kleinere Zugänge und Postkarten (Volksabstimmung in Flensburg 1920), Landesarchiv Schleswig-Holstein, Schleswig, Germany.

48 My translation of "Wir wollen keine Preussen sein, wir wollen Jüten bleiben!" Adriansen and Doege, *Deutsch oder Dänisch*, 23.

49 Schlürmann, 1920, 114-15.

As the vote within North Schleswig approached, the International Commission appointed to administer the plebiscite began imposing new regulations and restrictions with the aim of ensuring a fair and just vote. Internal documents from the time display hesitancy within the Commission, which consisted of four commissioners from England, France, Sweden, and Norway, respectively, to acquiesce to specific Danish designs on North Schleswig. Their earliest concerns related to the timeline extension granted for the withdrawal of all German troops from the region—the initial deadline had been January 9, 1920, but the Entente Powers had changed it to January 24, 1920.<sup>50</sup> The new date would still ensure German soldiers would not be in the region at the time of the vote on February 10, as the International Commission worried that the presence of the German army could result in voter suppression or intimidation. Instead, the Commission wanted only Entente troops (British and French) to oversee the process, believing this would be more conducive to implementing Wilsonian ideas successfully. Scholars can trace the efforts to ensure impartiality and fairness through the multitude of temporary statutes instituted by the International Commission.

The Commission also implemented strict passport control in the region in an attempt to prevent vote manipulation. The Commission required all individuals who entered the plebiscite area to have a valid passport from the country of which they were citizens or subjects, as well as a stamp of approval to enter the region from their respective counsel and an endorsement from the Danish or German authorities.<sup>51</sup> Furthermore, the Commission gave themselves the power to expel any individual who created chaos or affected the safety of the inhabitants, as determined by the International Commission. Crucially, they would expel anyone “having taken steps endangering the safety and freedom of vote.”<sup>52</sup> The International Commission soon recognized the challenges of ad-

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<sup>50</sup> Telegram from H.M.S. “Greenwich,” January 13, 1920, to Admiralty, *Foreign Office records: Archives of commissions, international plebiscite commission in Schleswig, 1919–1921*, Microfilm, Yale University Library, Yale University, reel 852 vol 1; Telegram to Sir. E. Crowe from Sir Charles Marling, *Foreign Office records: Archives of commissions, international plebiscite commission in Schleswig, 1919–1921*, Microfilm, Yale University Library, Yale University, reel 852 vol 1; Report Slesvig Commission International, January 19, 1920, *Foreign Office records: Archives of commissions, international plebiscite commission in Schleswig, 1919–1921*, Microfilm, Yale University Library, Yale University, reel 852 vol 1.

<sup>51</sup> Printed Regulations Concerning the Control of Travelers’ Passports Entering or Leaving the Plebiscite Area, Box AJ/11, Folder 1, Dossiers de travail de la Commission international- Fonctionnement, Application des traités de paix, Traité de Versailles (28 juin 1919): Archives du plébiscite du Schleswig (20 février et 14 mars 1920), Archives Nationales France, Pierrefitte-sur-Seine, France.

<sup>52</sup> Handwritten English translation of “Regulation of the International Commission of January 10, 1920, concerning the Right of Expulsion,” Box AJ/11, Folder 1, Dossiers de travail de la Commission international- Fonctionnement, Application des traités de paix, Traité de Versailles (28 juin 1919): Archives du plébiscite du Schleswig (20 février et 14 mars 1920), Archives Nationales France, Pierrefitte-sur-Seine, France.

ministering the region as a third party and contacted the Danish government to understand their positions concerning the forthcoming vote in October 1919.

In a confidential memo sent by the British commissioner, Sir Charles Marling, to the Foreign Secretary, Earl Curzon, dated December 31, 1919, Marling outlines the continued internal division within the Danish government and its singular focus on recovering North Schleswig. Marling asserted that the main point of contact between the Danish government and the International Commission was H. P. Hanssen. Hanssen's central concern was the immediate military occupation of North Schleswig by Denmark if the region voted for Denmark on February 10, which had already been granted by the Entente in the Treaty of Versailles. However, Marling and the other commissioners raised the issue of having the Danish army control German civil servants, who would still have their pre-war duties administering the region as police officers, judges, and clerks, and the effect this would have on the vote in Central Schleswig.<sup>53</sup>

The Danish Foreign Minister Erik Scavenius attempted to alleviate the Commission's fears by showcasing that, because of the decision in Paris and by the International Commission to continue the pre-war German customs regime, any change with regards to the military occupation would not alter the second vote in any significant way. Marling was still hesitant, though, as many believed that the quick incorporation of the northern region after the vote in Zone 1 of the plebiscite would showcase the power of the Danish economy, unduly influencing some German-oriented individuals in the vote in Zone 2 of the plebiscite.<sup>54</sup> In a letter from the Commission to Scavenius, the Commission sought to again position itself as a neutral participant regarding the territorial division of Schleswig, stating that while they do not possess Denmark's knowledge of the population, they feared the possibility of Denmark immediately occupying North Schleswig. The Commission believed that the previously granted provision for the immediate military occupation of North Schleswig should not occur as, "in accordance with the task of ascertaining by means of a plebiscite the real feelings of the inhabitants as to their future destiny, [they should] abstain from introducing any disturbing and non-essential factor."<sup>55</sup> However, they did grant the Danish government the right to send advisers to North Schleswig to

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53 Copy of Northern and Western Europe Confidential Report No. 1., Sir C. Marling to Earl Curzon, *Foreign Office records: Archives of commissions, international plebiscite commission in Schleswig, 1919-1921*, Microfilm, Yale University Library, Yale University, reel 852 vol 3.

54 Copy of Northern and Western Europe Confidential Report No. 1., Sir C. Marling to Earl Curzon.

55 Typescript of letter from Commission to Erik Scavenius January 11, 1920, *Foreign Office records: Archives of commissions, international plebiscite commission in Schleswig, 1919-1921*, Microfilm, Yale University Library, Yale University, reel 852 vol 3.

supervise the necessary prep work for the unification with Denmark. These examples all point to the concentrated effort of the International Commission to administer an impartial vote in determining the future relationship of Schleswig to Denmark or Germany.

The struggle over the future of the Duchy of Schleswig culminated with the successful administration of the two votes—one in North Schleswig on February 10, 1920, and one in Central Schleswig on March 14, 1920. In North Schleswig, the region's constituents cast 75,431 votes for Denmark and 25,329 for Germany. In the face of the overwhelming support for Denmark in northern and rural communities, the local German majorities around Tønder, Højer, and Tinglev could not sway the vote of the zone, meaning the efforts of the Danish-oriented politicians paid off as North Schleswig was unified with Denmark. The German appeals to the regional Schleswig identity as part of a broader German cultural community were successful within the vote of Central Schleswig, with only 12,800 voting for Denmark, whereas 51,724 chose Germany across all municipalities.<sup>56</sup> The vote in Central Schleswig reflected the belief among many in the international community that a referendum would most accurately represent the voter's beliefs, national belonging, and which state could claim Schleswig. The successful resolution of the vote for Germany vindicated those who had opposed the annexation of the entirety of Schleswig up to the Kiel Canal or the attempt to hold a vote in South Schleswig.

The acceptance of the vote outcome depended on which side of the campaign a voter was on and their political leanings, but for large swaths of the public, it was a successful application of self-determination. However, some in the German-oriented population sought to utilize the International Commission's respect for popular sovereignty by appealing for the implementation of the Tiedje Line. This proposed border, named after Schleswigian pastor Johannes Tiedje, included the majorities around Tønder, Højer, and Tinglev, which would be separated from North Schleswig and unified with Central Schleswig, which more accurately reflected the German-oriented community's desire for self-determination and popular sovereignty. These efforts displayed the continued evolution of engagement with Wilsonianism while maintaining a specific claim to Schleswig.<sup>57</sup> Danish activist groups, in turn, petitioned the Entente to adjust the boundary line so as to attach Flensburg to Denmark for historical and eco-

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<sup>56</sup> Schleswig International Commission, "Report of the Commission on the vote in Zone II and proposals relative to the eventual frontier between Germany and Denmark and territories which might revert to Denmark," in Wambaugh, *Plebiscites since the World War*, vol. 2, 36-47.

<sup>57</sup> Schlürmann, 1920, 156-67.

conomic reasons. These groups enjoyed the support of the Danish King Christian X, who refused to accept the results of the plebiscite and hoped that a new government might be able to reach more favorable terms. The king's interference caused a major political crisis in Denmark, forcing the monarch to back down and limit his future political intervention.<sup>58</sup> The International Commission, however, rejected both efforts and committed itself to implementing the minimum territorial changes needed to accurately reflect the choices of Schleswig's voters.

## Conclusion

The events surrounding the 1920 Schleswig Plebiscite came to a symbolic end on July 10, 1920, when Christian X ceremoniously rode across the former border between Germany and Denmark into the newly incorporated province of Sønderjylland. This event signaled Danish-oriented Schleswigers' success, after nearly half a century's efforts, in fulfilling Article V and reunifying their region with Denmark. Because the territory was divided according to the principle of self-determination, many in the international community saw it as a definitive success of the Versailles Treaty. The perception of its success has only grown since the cataclysmic conflict of the Second World War, which saw many European borders established by the Versailles Treaty altered drastically. The Schleswig question has indeed lost much of its animosity as both Danish-oriented and German-oriented minorities in their respective states construct similar organizations and cooperate to ensure the continuation of the transnational bridge of Schleswig.

The Great War shattered many communities throughout Europe as millions of individuals were deployed to the front lines or to industrial regions. In many people's eyes, the aftermath of the war represented a rare window of opportunity in which society could be remade. Influenced by their own history, along with the newer principles espoused by US President Woodrow Wilson, Danish-oriented Schleswigers together with the Danish government sought to take advantage of this moment and secure the part of Schleswig they saw as homogeneously Danish. These efforts elicited a response from the German-oriented Schleswigan community, which sought to convince the international community of their version of Schleswig—one that hinted at Wilsonian language while remaining rooted in the older historical claim to remain forever undivided. As these debates took place, those within the international community tried to

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<sup>58</sup> Schlürmann, 1920, 160–61.

balance practical concerns around punishing Germany and securing economic stability for Eastern Europe with the genuine belief in self-determination and popular sovereignty for Europeans. Scholars can witness the complexity of engaging with concepts of self-determination among minority groups, and the methods utilized to compel citizens to vote for a nationalist cause throughout 1918 and 1919. The successful division of Schleswig through the plebiscite displayed the impact of Wilsonianism on Europe, on the one hand, and prepared the ground for nationalist revisionism during the interwar era, on the other.

## Chapter Four

# Principles and Politics: Flensburg and Klagenfurt in the Plebiscites of 1920

PETER THALER



### From Self-Determination to Plebiscite

The Paris Peace Conference that followed World War I faced a plethora of border conflicts. With the defeat of Germany, the tumultuous upheavals in the Russian sphere of influence, and the disintegration of the Habsburg and Ottoman empires, Europe experienced profound political transformations. The victorious Allies became arbitrators in acerbic international disputes that were to shape the future of the continent for years to come.

An important principle for the restructuring of the international order was the concept of national self-determination.<sup>1</sup> In a 1916 speech at the influential League to Enforce Peace, the American president Woodrow Wilson had elevated this concept, which was gradually establishing itself in the political and scholarly debate, to a guiding principle of his foreign policy. In this speech, which due to its significance was also entered into the minutes of the US Congress, the president described it as a fundamental right of every people that they choose the sovereignty under which they live.<sup>2</sup> The following year, he told the US Senate that “no peace on earth can last, or ought to last, which does not recognize and accept the principle that governments derive their just powers from the consent

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- 1 A comprehensive discussion of the concept of national self-determination would far exceed the scope of this article. For a recent investigation of the importance of this concept in international law, see Edward McWhinney, *Self-Determination of Peoples and Plural-Ethnic States in Contemporary International Law: Failed States, Nation-Building, and the Alternative, Federal Option* (Leiden: Brill, 2007). For its role in the territorial reorganization of former Habsburg territories, see also Tom Gullberg, *State, Territory and Identity: The Principle of National Self-Determination, the Question of Territorial Sovereignty in Carinthia and other Post-Habsburg Societies* (Åbo: Åbo Akademi University Press, 2000).
  - 2 See *Congressional Record*, vol. 53, part 9 (Washington: Government Printing Office, 1916), 8854.

of the governed, and that no right anywhere exists to hand peoples about from sovereignty to sovereignty as if they were property.”<sup>3</sup> In his momentous Fourteen Points, which he presented in January 1918 as a guideline for a peace agreement, this principle subsequently informed central stipulations.<sup>4</sup> Since the core elements of the Fourteen Points were also accepted by other Allies and served as the basis of the German armistice request on October 5, 1918, they carried considerable weight in the subsequent peace negotiations.

But how should this principle be implemented? It soon became clear that neither Wilson nor his European allies intended the universal application of the right to national self-determination, which might also have affected their own borders. In Wilson’s Fourteen Points, the intended restitution of Alsace-Lorraine was designated to right the wrong done to France in 1871 and not tied to an objective determination of local preferences.<sup>5</sup> At the same time, both the Fourteen Points and the subsequent peace negotiations relied on a wide array of military, geographic, and economic considerations in the redrawing of national boundaries.

Even in cases where the new principle was accepted in theory, its practical implementation remained open. Contesting parties based their political claims on historical borders or migratory patterns, on historical or contemporary censuses, on election results, and on ecclesial statistics, to name but a few of the criteria presented to the peace conference. An innovative instrument for resolving border disputes, however, gained special attention: the plebiscite. After all, this instrument seemed the very embodiment of self-de-

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3 See *Congressional Record*, vol. 54, part 2 (Washington: Government Printing Office, 1917), 1742.

4 That the Fourteen Points also had pragmatic political origins is visible in Godfrey Hodgson, *Woodrow Wilson’s Right Hand: The Life of Colonel Edward M. House* (New Haven, CT: Yale University Press, 2006), 160–63. For a broader look at Wilson’s foreign policy, see Lloyd E. Ambrosius, *Wilsonianism: Woodrow Wilson and His Legacy in American Foreign Relations* (New York: Palgrave Macmillan, 2002); and Derek Heater, *National Self-Determination: Woodrow Wilson and His Legacy* (New York: Palgrave Macmillan, 1994). For a differing newer assessment of Wilson’s objectives, see also Trygve Throntveit, “The Fable of the Fourteen Points: Woodrow Wilson and National Self-Determination,” *Diplomatic History* 35, no. 3 (2011): 445–81.

5 Point VIII stated: “All French territory should be freed and the invaded portions restored, and the wrong done to France by Prussia in 1871 in the matter of Alsace-Lorraine, which has unsettled the peace of the world for nearly fifty years, should be righted, in order that peace may once more be made secure in the interest of all.” See United States, *Address of the President of the United States: Delivered at a Joint Session of the Two Houses of Congress, January 8, 1918* (Washington, D.C.: U.S. Government Printing Office, 1918), 6. For a recent analysis of the transfer of Alsace to France and its consequences, see Alison Carrol, *The Return of Alsace to France, 1918–1939* (Oxford: Oxford University Press, 2018). For the hopes placed on Wilson in colonized societies and their subsequent disillusionment, see also Erez Manela, *The Wilsonian Moment: Self-Determination and the International Origins of Anticolonial Nationalism* (New York: Oxford University Press, 2007).

termination. Therefore, a number of conflict areas experienced some form of popular consultation.

The peace agreements initially provided for up to twelve assessments of popular preferences.<sup>6</sup> Geographically, these proposed consultations comprised areas as far apart as Asia Minor, Schleswig, and the former Habsburg crownland of Galicia. Their rules and procedures varied, and not all of the consultations were ultimately carried out. Realistically, one can list six referenda that were successfully completed and several more that were attempted. Among these, the ballots held in 1920 in Schleswig, Carinthia, and the German-Polish border districts of Allenstein and Marienwerder, as well as in Upper Silesia and the Sopron area during the following year, are widely classified as genuine plebiscites; the 1935 plebiscite in the Saar region was also a result of the Treaty of Versailles but took place under fundamentally changed political circumstances.<sup>7</sup> The referenda envisioned for the Vilnius region and the Czechoslovak-Polish border districts of Cieszyn, Orava, and Spiš had to be abandoned, however, and arrangements such as those in Eupen-Malmedy, where the inhabitants could only register their protest against the already implemented transfer of administration, can hardly be qualified as plebiscites.<sup>8</sup>

The genuine referenda had many similarities, however. In part, this derived from personal interconnections, as the same international experts and national activists were engaged in multiple conflict areas. Methods and arguments were watched attentively, and slogans and images resurfaced in region after region.<sup>9</sup> Notably, however, the procedural guidelines of the individual consultations displayed visible parallels as well.

This chapter explores a distinct aspect of the plebiscites in Schleswig and Carinthia.<sup>10</sup> In both territories, the plebiscite area was divided into two zones

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6 See, for example, Sarah Wambaugh, *Plebiscites since the World War*, vol. 1 (Washington, D.C.: Carnegie Endowment for International Peace, 1933), 40f.

7 Not all referenda were based on the peace agreements. The controversial vote in the Sopron area derived from a compromise negotiated between the relevant governments and Italian mediators.

8 Still valuable for its broad overview of the referenda following World War I is Sarah Wambaugh, *Plebiscites since the World War*, 2 vols. (Washington, D.C.: Carnegie Endowment for International Peace, 1933).

9 See Nina Jebesen, *Als die Menschen gefragt wurden: Eine Propagandaanalyse zu Volksabstimmungen in Europa nach dem Ersten Weltkrieg* (Münster: Waxmann, 2015). For the propagandistic efforts in Carinthia, see also Monika Strel, "Propaganda v koroškem plebiscitu" (M.A. thesis, University of Ljubljana, 2012).

10 Therefore, this article does not strive to present a comprehensive history of the referenda in Schleswig and Carinthia. Such broad investigations from diverse national and ideological perspectives can be found in, for example, Troels Fink, *Da Sønderjylland blev delt 1918–1920*, 3 vols. (Åbenraa: Institut for Grænseregionsforskning, 1978–1979); Adolf Köster, *Der Kampf um Schleswig* (Berlin: Verlag für Politik und Wirtschaft, 1921); Karl Alnor, *Handbuch zur schleswigischen Frage*, vol. 3,

with divergent voting dates. The initial vote was to be held in a predominantly rural region with a majority of non-German-speakers. Depending on the outcome of this first vote, a second referendum could subsequently be held in an adjacent area with stronger urban and German elements.<sup>11</sup> The similarities in the two arrangements are too conspicuous to be coincidental. Nonetheless, they have not found much scholarly attention. Therefore, this chapter examines the special role of the cities of Flensburg and Klagenfurt in the plebiscites of 1920.

## Schleswig

### *Historical Background*

The referenda in Schleswig initiated the series of internationally supervised plebiscites that followed the conclusion of World War I. At first sight, this may seem surprising. After all, Denmark had remained neutral in the war and had not taken up arms against the German Empire. The small Scandinavian kingdom had consistently assured its powerful neighbor of its desire for peace and had accommodated this neighbor militarily by blocking maritime passageways with sea mines.<sup>12</sup>

The existing border was a result of the German-Danish War of 1864, in which the German Confederation, and especially its major powers, Prussia and Austria, had driven the Danish army out of the duchies of Schleswig, Holstein, and

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*Die Teilung Schlesiens 1918–1920* (Neumünster: Wachholtz, 1930–1937); *Die Volksabstimmungen im Landesteil Schleswig: Weg und Wandel deutsch-dänischen Ringens um die Grenze 1920–1970* (Neumünster: Wachholtz, 1970); Broder Schwensen and Inge Adriansen, *Von der deutschen Niederlage zur Teilung Schlesiens 1918–1920* (Flensburg: Gesellschaft für Flensburger Stadtgeschichte, 1995); Martin Wutte, *Kärntens Freiheitskampf 1918–1920* (Klagenfurt: Geschichtsverein für Kärnten, 1985); Helmut Rumppler, ed., *Kärntens Volksabstimmung 1920: Wissenschaftliche Kontroversen und historisch-politische Diskussionen anlässlich des internationalen Symposiums Klagenfurt 1980* (Klagenfurt: Kärntner Druck- und Verlagsgesellschaft, 1981); Hellwig Valentin, Susanne Haiden, and Barbara Maier, eds., *Die Kärntner Volksabstimmung 1920 und die Geschichtsforschung: Leistungen, Defizite, Perspektiven* (Klagenfurt: Heyn, 2001); Claudia Fräss-Ehrfeld, *Geschichte Kärntens*, vol. 3:2, *Kärnten 1918–1920: Abwehrkampf—Volksabstimmung—Identitätssuche*, 2nd ed. (Klagenfurt: Heyn, 2010); Janko Pleterski, Lojze Ude, and Tone Zorn, eds., *Koroški plebiscit: razprave in članki* (Ljubljana: Slovenska matica, 1970); Luka Sienčnik, *Koroški plebiscit 1920* (Maribor: Obzorja, 1987); and Bogdan Novak, “The Austro-Slovenian Frontier Question at the Paris Peace Conference, 1919” (M.A. thesis, Loyola University Chicago, 1954).

11 In Carinthia, the second vote was explicitly tied to the outcome of the first. Interestingly, this was not made explicit in the Schleswig case, even though a vote in Central Schleswig would appear meaningless if northern Schleswig had remained German. In practice, the arrangement seems to have reflected a general conviction that northern Schleswig would become Danish.

12 For Denmark’s role in World War I, see Carsten Due-Nielsen, Ole Feldbæk, and Nikolaj Petersen, eds., *Dansk udenrigspolitik historie*, vol. 4, *Overleveren: 1914–1945*, by Bo Lidgaard (Copenhagen: Danmarks Nationalleksikon, 2003), 13–162.

Lauenburg. The subsequent Peace Treaty of Vienna marked a preliminary conclusion of the conflict that had followed the rise of nationalism in this cultural and political zone of transition. While Schleswig had originated within medieval Denmark, Holstein had been a constituent part of the Holy Roman Empire.<sup>13</sup> Since 1460, at the latest, the two principalities were nonetheless closely intertwined because the Danish king as their new ruler had recognized their special status as an integrated subdivision of the Oldenburg composite monarchy. Soon they were seen as the German duchies of this far-flung empire stretching from the suburbs of Hamburg all the way to Norway and the North Atlantic.

This special status also expressed itself linguistically.<sup>14</sup> German largely served as the duchies' language of administration. In regard to the vernacular, the situation was more complicated. German, especially in its Low German form, dominated in Holstein and southeastern Schleswig. Southwestern Schleswig was historically Frisian speaking. The north was Danish speaking, although there was substantial bilingualism in urban centers.

In the nineteenth century, this cultural and political complexity began to create tensions. They primarily concerned the status of Schleswig. The Schleswig-Holstein movement stressed the unity of the duchies and envisioned their future as an independent pillar of the Oldenburg Monarchy, connected to the Danish kingdom only by a loose union. Increasingly, there were also calls for integration into a German nation state. The Danish national movement, in contrast, considered Schleswig an integral part of Denmark. It was more than ready to grant greater autonomy to Holstein, so as to tie Schleswig more closely to the kingdom. In 1848, this disagreement already expressed itself militarily. After three years of fighting and the withdrawal of German assistance to the duchies, the central government in Copenhagen was able to claim victory. The international agreements in the aftermath of the war, however, insisted on the substantive continuation of the existing constitutional framework. A breach of these agreements by the Danish government resulted in the war of 1864 and the loss of the duchies. Following the Austrian defeat at Königgrätz in 1866, the duchies were incorporated into Prussia and subsequently also the newly founded German Empire. A referendum in the north-

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13 For an introduction to the history of Schleswig and Holstein, see Ulrich Lange, ed., *Geschichte Schleswig-Holsteins—Von den Anfängen bis zur Gegenwart*, 2nd ed. (Neumünster: Wachholtz, 2003).

14 For the development of collective identities in Schleswig, see Peter Thaler, *Of Mind and Matter: The Duality of National Identity in the German-Danish Borderlands* (West Lafayette, IN: Purdue University Press, 2009).

ern districts of Schleswig, which was envisioned in the Austro-Prussian peace treaty of Prague, never materialized.<sup>15</sup>

*The Schleswig Question as Part of the New Postwar Order*

At the outbreak of World War I, Schleswig had been a part of Prussia for almost half a century. In spite of the innermost hopes of the Danish population in the northern half of the duchy, this political framework seemed stable, so that the government in Copenhagen primarily tried to improve the minority's status in Germany rather than seeking territorial changes. With the imminent defeat of the German Empire, however, the border question reappeared in the political debate. In October 1918, both the Danish parliament and the Danish representative in the German Imperial Diet, the North Schleswig deputy Hans Peter Hanssen, invoked the right to self-determination in Schleswig.<sup>16</sup>

After the German government had sought a truce based on Wilson's Fourteen Points and with reference to self-determination, it declared its fundamental willingness to apply this principle in northern Schleswig.<sup>17</sup> When Denmark submitted the question to the Paris Peace Conference, however, Berlin quickly lost control of the situation. The subsequent course of events was increasingly dominated by both official and non-official Danish circles, who established direct contact with the Allied delegations.

The official Danish position was shaped by a resolution of the North Schleswig Electoral Association (Nordslesvigske Vælgerforening) of November 17, 1918. The central political representation of the Danish minority in the German Empire formulated the following core demands:<sup>18</sup>

1. We wish the North Schleswig question to be resolved in such a manner that North Schleswig is seen as a whole, whose population expresses by a vote of yes or no whether it wants to be reunited with Denmark.
2. North Schleswig is that part of the duchy of Schleswig that is situated to the north of a line that stretches from the southern tip of Als into Flens-

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15 For the relevant Article V of the Treaty of Prague, see Flensburger Arbeitskreis, ed., *Quellen zur Geschichte Schleswig-Holsteins*, vol. 2 (Kiel: Schmidt & Klaunig, 1980), 77.

16 See these statements in Flensburger Arbeitskreis, *Quellen*, vol. 2, 180f. The first names of Danish political figures such as Hans Peter Hanssen and Hans Victor Clausen are almost exclusively presented as initials in their home country.

17 See these statements in Flensburger Arbeitskreis, *Quellen*, vol. 2, 180f.

18 See Franz von Jessen, *Haandbog i det slesvigske Spørgsmaals Historie 1900-1937*, vol. 2 (Copenhagen: Reitzel, 1938), 42f.

burg Firth to the Kobberrmølle bay, up the Krusaa valley, south of Frøslev in such a manner that Padborg becomes the border station, and subsequently following the boundary between the Kær district and the Slugs district and finally the Sønderaa River and the Vidaa River until the latter's northward turn, from where it extends straight to the North Sea and subsequently around the northern tip of Sild.

5. We consider it self-evident that adjacent areas in Central Schleswig that request this have the right to express in a separate vote whether they want to return to Denmark.

This resolution became crucial because it was largely adopted by the Allies. The southern boundary of the territory designated as North Schleswig derived from a line designed by Danish activist Hans Victor Clausen in the 1890s, which had gained countrywide attention by its inclusion in Franz von Jessen's much-discussed handbook on the North Schleswig question.<sup>19</sup> Clausen had based his line on a variety of linguistic, economic, geographical, and especially identificational criteria, but with the underlying objective of extending the Danish section of Schleswig as far south as possible without creating too strong a German minority.<sup>20</sup> Therefore, he assigned a small undoubtedly German-oriented town like Tønder to the northern zone, while leaving the populous Flensburg area unassigned. His confreres' resolution in Aabenraa subsequently continued this line north of Flensburg, whereas the city, along with other communities in Central Schleswig, would have an opportunity to join the newly enlarged Denmark on a voluntary basis.<sup>21</sup>

These principles were adopted by the Danish government and became the basis of the relevant treaty provisions of Versailles, whose articles 109–114 ordered the border question resolved through two separate referenda.<sup>22</sup> A first draft of the treaty created political turmoil because Danish activists, who claimed a larger part of Schleswig for Denmark, had successfully intervened at the peace conference. This intervention resulted in the extraordinary situation that sympathetic Allied delegations offered Denmark access to more territory than its government demanded. The disagreement primarily concerned the addition of

19 See this map inserted after page 328 in Franz von Jessen, *Haandbog i det nordslesvigske Spørgsmaals Historie* (Copenhagen: Det Nordiske Forlag, 1901).

20 See Lorenz Rerup, *Slesvig og Holsten efter 1830* (Copenhagen: Politikens forlag, 1982), 319f.

21 This chapter uses the terms "community" and "commune" for the local administrations largely known as "counties" or "municipalities" in American parlance.

22 See Fred Israel, ed., *Major Peace Treaties of Modern History, 1648–1967*, vol. 2 (New York: Chelsea House Publishers, 1967), 1342–46.



Figure 4.1. Proposed voting areas in Schleswig. Courtesy of Arkivet ved Dansk Centralbibliotek for Sydslesvig (ADCB).

a third plebiscite zone further to the south, which was removed from the draft after objections by Copenhagen, which considered this area too German to be included in the desired Danish nation state.<sup>23</sup>

Voting procedures were carefully designed. The Aabenraa Resolution of the North Schleswig Electoral Association had sought to secure North Schleswig for Denmark while facilitating the addition of individual communities. By drawing the boundary north of Flensburg and counting the vote en bloc, the fate of the communities in this zone had effectively been decided. Therefore, the British foreign secretary Lord Arthur Balfour also declared on March 23, 1919, in the Council of Ten: “If I have understood the commission correctly, its proposal provides for a division of the disputed territory into three zones. In the first zone there will be a referendum whose result we already know. I have no comments on this point. One could possibly have done without that referendum altogether.”<sup>24</sup>

23 The Danish objections can be seen in André Tardieu and Franz von Jessen, *Slesvig paa Fredskonferencen: Januar 1919–Januar 1920* (Copenhagen: Slesvigsk forlag, 1926), 289–93.

24 Tardieu and von Jessen, *Slesvig paa Fredskonferencen*, 215.

The stipulations for Flensburg and Central Schleswig expressed similar objectives. On February 21, 1919, the Schleswig question had been referred to the Commission on Belgian Affairs.<sup>25</sup> This commission included, among others, chairman André Tardieu and Jules Laroche for France, Eyre Crowe and James Wycliffe Headlam-Morley for Great Britain, Charles Homer Haskins and Stanley Embick for the United States, as well as Arturo Ricci Busatti and Count Luigi Vannutelli Rey for Italy.<sup>26</sup> Within days, Laroche had made his position clear:<sup>27</sup>

It seems to me that the question of the southern boundary of Zone 1 is not difficult to decide. In my opinion it would be sufficient here to adhere to the Danish government's contention....

The same boundary line was mentioned in the resolution passed by the North Schleswig Electoral Association on November 17 in Aabenraa. It is true that two officers of this association have demanded that Flensburg be included in North Schleswig, but the Danish government opposes this.

It seems to me that the government is right. Although Flensburg has a strong Danish tradition, it is largely a German city. If one wants to gain a massive majority in North Schleswig, as the Danish government does, it is better not to include Flensburg.

This assessment, supported by the commission, underlined the strategic objective of not diluting or endangering the Danish majority in Zone 1 by including the German conurbation of Flensburg. This made it all the more important, however, to create the best possible conditions for Danish gains in a subsequent vote further south. One way of accomplishing this goal was a more localized evaluation of the vote. This divergence from the procedure used in Zone 1 did not only trigger vociferous German objections but also had to be explained to the Supreme Council of the peace conference. Chairman Tardieu defended the solution by expounding that it reflected the preferences of the Danish government and, in addition, would increase Denmark's chances of recovering lost territory.<sup>28</sup>

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25 David Hunter Miller, *My Diary: At the Conference of Paris*, vol. 14 (New York: Appeal Printing Company, 1925), 516. The commission was subsequently also known as the Commission on Belgian and Danish Affairs.

26 Nina Almond and Ralph Haswell Lutz, eds., *The Treaty of St. Germain: A Documentary History of its Territorial and Political Clauses with a Survey of the Documents of the Supreme Council of the Paris Peace Conference* (Stanford, CA: Stanford University Press, 1935), 619. The Commission's composition changed over time.

27 Tardieu and von Jessen, *Slesvig paa Fredskonferencen*, 103f; Karl Alnor, *Handbuch zur schleswigschen Frage*, vol. 3, *Die Teilung Schleswigs 1918–1920*, part 2 (Neumünster: Wachholtz, 1933), 811.

28 Tardieu and von Jessen, *Slesvig paa Fredskonferencen*, 218.

The timing of the referenda was seen as significant as well. Not everyone had recognized this significance from the start; in November 1918, the more radical representatives of the North Schleswig Electoral Association had still called for a simultaneous vote in both zones.<sup>29</sup> Soon thereafter, however, the Danish side converged on the demand for different voting days, with the referendum in the southern zone, universally seen as more German, postdating the widely anticipated allocation of North Schleswig to Denmark. The Danish government argued that this delay would give the local populace more time to liberate itself from long-term German suppression and form an unbiased opinion about the implications of their decision.<sup>30</sup>

Since the envisioned time lag was only one or two months, however, it is not clear how such long-standing influences could have been remedied so quickly. This draws attention to additional motivations for a delayed vote. Chairman Tardieu presented these considerations to the Supreme Council: "As far as Flensburg is concerned, the majority of the population is undoubtedly German. The city contains a sizable Danish minority, however, and it is not impossible that economic considerations may induce the German inhabitants of the city to join Denmark."<sup>31</sup>

Danish activists shared these expectations. As early as January 18, 1919, the editor of *Flensborg Avis*, the journalistic voice of the Danish minority, issued a passionate warning to his Flensburg compatriots. The Clausen line was bound to come; it would come directly in front of Flensburg's city gates and cut off the city from the best part of its hinterland unless its residents prevented this. Such a border would mean the ruin of commerce and industry and diminish Flensburg to a small town. Only as a part of Denmark could Flensburg secure its economic—and thus also national—development.<sup>32</sup> These arguments reinforced the nervousness in Flensburg's business community. Previously German-minded businessmen such as grain merchant Mathias Hübsch considered an international frontier along the city's northern outskirts so detrimental for Flensburg that even the wholesale surrender of Schleswig to Denmark seemed preferable.<sup>33</sup> Although his position remained in the minority among his colleagues, he found considerable support for a petition to the national govern-

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29 Miller, *My Diary*, vol. 14, 527.

30 See Miller, *My Diary*, vol. 14, 536; Tardieu and von Jessen, *Slesvig paa Fredskonferencen*, 24.

31 Tardieu and von Jessen, *Slesvig paa Fredskonferencen*, 219.

32 For these and other arguments presented by Ernst Christiansen, see his editorial "Kendsgerninger," *Flensborg Avis*, January 18, 1919, 1.

33 See Fink, *Da Sønderjylland blev delt*, vol. 1, 209f.



Figure 4.2. Pro-Danish election poster in German (Zone 2), 1920. Translation: “On February 10, Flensburg’s North Schleswig hinterland was lost and the thousand-year-old ties were severed. On March 14, you decide for yourself whether you want to regain it.” Courtesy of Arkivet ved Dansk Centralbibliotek for Sydslesvig (ADCB).

ment in Berlin that argued for a border far south of the city, if border changes were unavoidable. This would be the only way to preserve Flensburg’s economic integration and viability.<sup>34</sup>

The outcome of the first plebiscite on February 10, 1920, in which 74.2 percent of the voters supported Denmark, deepened the fear of economic marginalization within segments of the Flensburg community.<sup>35</sup> In spite of continuing protests against the transfer of German majority communities to Denmark,

<sup>34</sup> See the text of the petition in Alnor, *Handbuch zur schleswigischen Frage*, vol. 3, part 2, 663.

<sup>35</sup> For the results, see von Jessen, *Haandbog i det slesvigske Spørgsmaals Historie*, vol. 2, 330, with further details in the appendix.

the fate of North Schleswig was decided. Flensburg's dependence on its northern catchment area became even more important for the Danish election campaign, as can be seen in a contemporary poster from Zone 2 (figure 4.2).

On March 14, 1920, the inhabitants of Zone 2 went to the polls. A substantial majority of 79.7 percent supported Germany. Due to the electoral regulations it was even more important, however, that none of the municipal results favored Denmark. Most of the 12,800 Danish votes accrued in the city of Flensburg, where 8,944 voters, corresponding to around 25 percent of the total, had chosen Denmark.<sup>36</sup> To the disappointment of Danish activists, this was not enough to return the city to Denmark. Nonetheless, this percentage was considerably greater than both the proportion of Danish speakers in the city and the support for Danish candidates in recent parliamentary elections. This created sizable national minorities on both sides of the new border, which continue to flourish today.

## Carinthia

### *A Referendum in the Making*

At the end of World War I, the Austrian province of Carinthia also experienced a conflict over borders and sovereignty, which resulted from the disintegration of the Habsburg Monarchy and the subsequent partition of its territory. The historical background was different from Schleswig, however. Carinthia had belonged to the Holy Roman Empire since the early Middle Ages; within this empire, it had for centuries formed an integral part of the Habsburgs' hereditary lands. Unlike Denmark, therefore, the newly founded Kingdom of Serbs, Croats, and Slovenes (SHS) could not define its territorial claims as a correction of recent military conquests or boundary changes.<sup>37</sup> In the case of Carinthia, the principle of preserving the integrity of existing territories also favored the Austrian republic.

As a consequence, Yugoslav diplomacy relied primarily on ethnolinguistic arguments. The general principle was recognized by the Austrian successor state. The republic's founding statute of November 22, 1918, stated:

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<sup>36</sup> Rerup, *Slesvig og Holsten efter 1830*, 344.

<sup>37</sup> In the current chapter, this Kingdom of Serbs, Croats, and Slovenes is also regularly addressed as Yugoslavia, which did not become its official designation until 1929. Until its unification with the Kingdom of Serbia in December 1918, there also operated a State of Slovenes, Croats, and Serbs in the former Habsburg areas (Država SHS). By the same token, the chapter also applies the subsequent shorter designation of "Austria" to the entity originally known as the Republic of German Austria.

The Republic of German Austria holds sovereignty over the contiguous German settlement area in the kingdoms and provinces hitherto represented in the Imperial Council (Reichsrat).

The Republic comprises the following territories: Lower Austria including the district of German South Moravia and the German-populated area around Neubistritz; Upper Austria including the district of German South Bohemia; Salzburg; Styria and Carinthia except for the contiguous Yugoslav settlement area; the Duchy of Tyrol except for the contiguous Italian settlement area; Vorarlberg, German Bohemia and Sudetenland, as well as the German settlement areas of Brünn, Iglau, and Olmütz.<sup>38</sup>

The extent of this contiguous Yugoslav settlement area, however, was seen differently by Austria and Yugoslavia. This was evident both in Styria, where the status of the largely German-speaking city of Maribor/Marburg proved particularly controversial, and in Carinthia, where the Yugoslav side put great emphasis on historical conditions. Belgrade and Ljubljana challenged the reliability of recent Austrian censuses.<sup>39</sup> Instead, they pointed to ecclesial statistics and older calculations such as the census of 1849–1851.<sup>40</sup> They conceded that their territorial claims at times went further than warranted by current linguistic conditions. The new frontier should disregard the advance of Germanization during the previous 50 years. At the same time, it should provide the Slovene people with some compensation for the territorial setbacks suffered over the centuries in not only Carinthia and Styria but also Lower Austria and eastern Tyrol.<sup>41</sup>

Although many representatives of the Big Four (except for the Italians) were sympathetic to the South Slavs, they wanted to base their decision on more contemporary criteria. Geographic and economic considerations favored Austria. On April 6, 1919, the American, British, and French representatives of the Committee for the Study of Territorial Questions Relating to Romania and Yu-

38 "Gesetz vom 22. November 1918 über Umfang, Grenzen und Beziehungen des Staatsgebietes von Deutschösterreich," *Staatsgesetzblatt für den Staat Deutschösterreich*, no. 40 (1918).

39 See Ivan Žolger's arguments in Almond and Lutz, *The Treaty of St. Germain*, 359. See also the summary of Yugoslav objectives and arguments in Andrej Mitrović, "Die jugoslawische Politik in der Kärntner Frage auf der Friedenskonferenz in Paris: Die Plebiszitfrage im Frühjahr 1919," in Rumppler, *Kärntens Volksabstimmung 1920*, 101–24, as well as the more encompassing investigation of the Yugoslav role at the peace conference in Andrej Mitrović, *Jugoslavija na konferenciji mira 1919–1920* (Belgrade: Zavod za izdavanje udžbenika Socijalističke Republike Srbije, 1969). For an examination of the Austrian censuses, see also Emil Brix, *Die Umgangssprachen in Altösterreich zwischen Agitation und Assimilation* (Vienna: Böhlau, 1982).

40 Almond and Lutz, *The Treaty of St. Germain*, 359.

41 Almond and Lutz, *The Treaty of St. Germain*, 360.

goslavia declared that the Klagenfurt basin formed a geographical entity that was separated from the south by the natural barrier of the Karawanken Mountains. The basin, with its central city of Klagenfurt, constituted an association of economic interest, which was more closely connected to its northern than to its southern environs. The Italian representative even concluded that the basin formed an integral part of the Austrian geographical and economic system, from which it could not be separated without compromising the general peace.<sup>42</sup>

The other delegations did not want to go that far. After all, they had also established that the Klagenfurt basin was inhabited by a mixed population comprising important Slovenian elements, which were particularly dense to the east of Klagenfurt.<sup>43</sup> In view of the remaining uncertainty, the question of popular preferences moved to the forefront. Local resistance to the advance of Yugoslav troops, as well as the majority report of an American field commission under Lieutenant Colonel Sherman Miles, contributed to a more nuanced impression of national sentiments in the Slovene-speaking population of southern Carinthia than was available from language statistics.<sup>44</sup> Some form of referendum seemed inevitable.

### *Zones and Boundaries*

The decision in favor of a plebiscite fell on May 12, 1919, in the Council of Ten.<sup>45</sup> Its concrete form was yet to be determined. The preparation of suitable proposals was entrusted primarily to the aforementioned Committee for the Study of Territorial Questions Relating to Romania and Yugoslavia, which consisted of the chairman André Tardieu and his French compatriot Jules Laroche, the British representatives Eyre Crowe and Alan Leeper, the Americans Charles Seymour and Clive Day, and the Italians Giacomo de Martino and Count Luigi Vannutelli Rey.<sup>46</sup> This commission also set up a separate subcommittee for the

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42 See Almond and Lutz, *The Treaty of St. Germain*, 504.

43 See Almond and Lutz, *The Treaty of St. Germain*, 504.

44 The role of the Miles Commission is an important subject in Claudia Kromer, *Die Vereinigten Staaten von Amerika und die Frage Kärnten, 1918–1920* (Klagenfurt: Geschichtsverein für Kärnten, 1970). For an eyewitness account, see also Lawrence Martin, "The Perfect Day of an Itinerant Peacemaker," in *Essays Offered to Herbert Putnam by His Colleagues and Friends on His Thirtieth Anniversary as Librarian of Congress, 5 April 1929*, ed. William Warver Bishop and Andrew Keogh (New Haven, CT: Yale University Press, 1929), 333–50.

45 See Almond and Lutz, *The Treaty of St. Germain*, 381.

46 Almond and Lutz, *The Treaty of St. Germain*, 505. The Commission's composition was not always the same, so that, for example, the geographer Douglas Johnson (discussed below) also represented the United States at times.

Austro-Yugoslav border. Both bodies had already worked intensely throughout the spring of 1919. They had not prepared concrete procedural suggestions for the May 12 meeting, however, because they were waiting for an official resolution in favor of a plebiscite.<sup>47</sup>

From that point on, the concrete implementation of the referendum became the focus of debate. Significant guidelines emerged from the meeting of the Council of Four on June 4, 1919, which also included the Yugoslav plenipotentiary Milenko Vesnić.<sup>48</sup> By then, the representatives of the great powers had become convinced that a unitary vote in the entire Klagenfurt basin would turn out in favor of Austria. Vesnić did not want to go that far and ascribed significant importance to the design and timing of such a vote. Nonetheless, he indicated that Yugoslavia might drop its demand for the northern part of the basin if it were granted the southern part without a vote. The Yugoslav representatives had already submitted a corresponding suggestion to the Territorial Commission on May 20 and had thus abandoned their previous insistence on the indivisibility of the Klagenfurt basin.<sup>49</sup>

At this late date, a disregard of popular sentiment was no longer realistic. Woodrow Wilson eyed the outlines of a zonal division, however. Next to a southern zone, which Yugoslavia claimed under all circumstances, there was a northern one, which it might be willing to surrender.<sup>50</sup> Vesnić struggled to explain why a supposedly almost purely Slovene population could not be trusted to determine its own national future. In regard to geographical and temporal modalities, however, the Allied leaders were ready to accommodate the Yugoslavs.

A report by Douglas Johnson, professor of geology at Columbia University with a prominent position in the American peace delegation, provides insight into the origins of the zonal division and temporal arrangement.<sup>51</sup> During the war, Johnson had served as a military geographer and had also published a work on the influence of topography on military operations.<sup>52</sup> After the armistice, he was sent to Paris and appointed head of the Division of Boundary Geography. In this function he was regularly asked for his opinion on different border pro-

47 See Almond and Lutz, *The Treaty of St. Germain*, 381.

48 For the following, see Almond and Lutz, *The Treaty of St. Germain*, 508–10; and Wutte, *Kärntens Freiheitskampf*, 450–54.

49 See Novak, “The Austro-Slovenian Frontier Question,” 55f.

50 See Almond and Lutz, *The Treaty of St. Germain*, 508.

51 For Johnson, see Walter H. Bucher, *Biographical Memoir of Douglas Wilson Johnson, 1878–1944: Presented to the Academy at the Annual Meeting, 1946* (Washington, D.C.: National Academy of Sciences, 1947).

52 Douglas Wilson Johnson, *Topography and Strategy in the War* (New York: Henry Holt, 1917).

posals. He also took a position on the Carinthian question, which he expressed most clearly in a memorandum to President Wilson on June 2, 1919.<sup>53</sup> In this memorandum he opposed any premature support for a boundary along the Karawanken Mountains. Instead, the American delegation ought to:

Assume that the Jugo-Slav population of the Southern half of the Klagenfurt basin prefers Jugo-Slav rule to Austrian rule; draw the boundary along the rivers, lake and watersheds nearest the line of nationality...

Safeguard the immediate interests of the population by making such provisions regarding temporary freedom of local trade within the basin as will reduce to the minimum the readjustment of such economic ties as exist.

If deemed necessary for the protection of the ultimate interests of the population,

Assure to the Slovenes of the area in question the right to protest, after a reasonable period of time, against remaining within the Jugo-Slav state, should they find it economically or otherwise undesirable; and, in case no effective protest is made,

Assure to the Germans of Klagenfurt and the narrow strip of territory to the West the right to vote within a further fixed period for incorporation within Jugo-Slavia, should they find such action to their interest.

This arrangement would enable the Slovenes to decide their own fate independently of the large German vote about Klagenfurt; and would guarantee the latter population against separation from the area to the South in case such separation was not desired.<sup>54</sup>

Thus, the American scholar promoted a solution that showed visible parallels with the Schleswig model. To be sure, Johnson would personally have preferred a straightforward division of the Klagenfurt basin without further consultation. If there was to be a referendum, however, the Slovenian inhabitants in the southern part of the basin should determine their fate independently, undisturbed by the expectable Austrian majority in and around Klagenfurt. Only after southern Carinthia had irreversibly been assigned to Yugoslavia, the city

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<sup>53</sup> Printed in David Hunter Miller, *My Diary: At the Conference of Paris*, vol. 9 (New York: Appeal Printing Company, 1924), 471-76.

<sup>54</sup> Miller, *My Diary*, vol. 9, 476 (the citation has fully retained the style and orthography of the original). Johnson's reference to only Germans in Klagenfurt and only Slovenes or Yugoslavs in the southern zone did not entail that only parts of the population should be consulted but reflected his personal opinion that there essentially only lived Slovenes in the south and only Germans around Klagenfurt.



Figure 4.3. Pro-Austrian election poster in Slovenian showing zonal division, 1920. Translation: "Let us all go vote! It is our sacred duty; the homeland is calling us. Carinthians you are and Carinthians you should remain." Source: Digital Library of Slovenia, Gutenberghaus 1920, URN:NBN:SI:img-95TBV5PQ, <http://www.dlib.si>.

of Klagenfurt, which he considered German, should receive the option to join Yugoslavia voluntarily in order to remain united with its southern hinterland. Not only the zonal division but also the timing of the referenda was carefully designed. Whereas Johnson did not find much support for his proposal to limit popular input to retrospective appeals, which largely corresponded to the not very effective model of the German-Belgian border, he was more successful in regard to the geographical and temporal arrangements.<sup>55</sup>

The Yugoslav side also appreciated the significance of temporal aspects. In a note sent to the peace conference on August 11, 1919, the delegation of the Kingdom of Serbs, Croats, and Slovenes opposed Austrian requests for proce-

<sup>55</sup> For a recent study on the transfer of Eupen-Malmedy to Belgium, see Vincent O'Connell, *The Annexation of Eupen-Malmedy: Becoming Belgian, 1919–1929* (New York: Palgrave Macmillan, 2018).

dural changes.<sup>56</sup> The procedures were carefully selected to reflect the economic unity of the Klagenfurt basin, the delegation argued, and could not simply be replaced with arrangements that were feasible elsewhere. Therefore, the vote could not be assessed on a communal basis. The economic integration of the area also necessitated different voting days, whereby the larger and more populous zone should vote first.

These arguments show that the Yugoslav representatives also saw the zonal division as an opportunity to confront a predominantly German-oriented urban area with the economic disadvantages of a new frontier in its immediate vicinity. A population that could not be won over by national arguments was to be persuaded by economic ones. To achieve this effect, it was necessary to hold the vote in the northern zone at a later date. The economic argument would only become persuasive after Klagenfurt's southern hinterland had been conclusively assigned to the SHS State.

Article 50 of the State Treaty of Saint-Germain finalized the procedures for the plebiscite. A transversal line divided southeastern Carinthia into a southern Zone 1 and a northern Zone 2.<sup>57</sup> In the first zone, the plebiscite was to be held within three months. If Zone 1 voted for Yugoslavia, the second zone would hold its own referendum within three weeks. If the first zone voted for Austria, no further referendum would follow. On October 10, 1920, 59.04 percent of the voters in the southern zone chose Austria. Thus, the entire plebiscite area remained under Austrian sovereignty.<sup>58</sup>

## Conclusion

The outcome of World War I changed the map of Europe. Primarily due to American influence, this process was to include popular sentiment in the decision-making process. As a consequence, plebiscites gained new importance. They appeared as ideal expressions of collective self-determination.

This democratic element did not stand alone, however. The planning of individual referenda also contained a political component. An important distinction was made between friendly countries and enemy countries, even if the Allies did not always agree on the proper assignment of newly established polities. The importance of such considerations is reflected in the verbal exchange

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<sup>56</sup> Almond and Lutz, *The Treaty of St. Germain*, 398.

<sup>57</sup> Outside of the Treaty of Saint-Germain, the southern Zone 1 is usually addressed as Zone A and the northern Zone 2 as Zone B.

<sup>58</sup> Detailed results in Wutte, *Kärntens Freiheitskampf*, 471f.

of May 10, 1919, between US Secretary of State Robert Lansing and his Italian counterpart Sidney Sonnino concerning the Carniolan traffic hub of Jesenice: “Mr. Lansing observed that the process of giving to friends rather than to enemies was being reversed. This territory was being taken from the Jugo-Slavs to be given to the Austrians. Baron Sonnino observed that the Slovenes were not his friends in a greater degree than the Austrians. Mr. Lansing retorted that America regarded them as friends.”<sup>59</sup> The choice of friends might have been controversial—their right to preferential treatment was not.

Some referenda were designed primarily as legitimizations of predetermined outcomes, rather than as abstract inquiries into popular preferences. For the Allies, the results of the vote in North Schleswig were a foregone conclusion. Therefore, they repeatedly questioned its necessity. Since the Danish government desired a manifest expression of popular consent, however, its request was heeded. As a result of the war of 1864, the Schleswig question had been resolved along German lines. After World War I, Denmark had the upper hand because its interests aligned more closely with those of the victorious Allies.

As a consequence, a substantial part of the conflict took place within the Danish camp. The country’s center-left government desired a new border that largely reflected national sentiments and proposed a dividing line that only assigned a moderate number of Germans to Denmark. The government’s demand for an en bloc vote in Zone 1 reflected an awareness that border communities like Tønder or Højer had German majorities. A major German conurbation such as Flensburg should only become a part of Denmark, however, if it voluntarily decided to follow its northern hinterland. In contrast, many conservatives saw Schleswig as Danish by history and looked for ways to circumvent popular opposition in southern Schleswig.<sup>60</sup> The subsequent durability of the new border was also based on the fact that the Danish side only moderately exploited its advantage in the period 1918–1920 and thus provided legitimacy to the outcome.

The negotiations around the emerging border between Austria and Yugoslavia took a different path. In this case, Yugoslavia initially made extensive demands that were based on historical arguments rather than contemporary linguistic and identificational considerations. When Allied decision-makers began to support a referendum, these ambitious goals became a liability, at which point Yugoslavia reduced its territorial claims. Yet, even the Klagenfurt basin alone seemed

<sup>59</sup> Almond and Lutz, *The Treaty of St. Germain*, 376. The area was also known as the Assling triangle.

<sup>60</sup> For an introduction to the ideas of these activists in the interwar period, see Axel Johnsen, *Dannemænd og Ejderfolk: Den grænsepolitiske opposition i Danmark 1920–1940* (Flensburg: Dansk Centralbibliotek for Sydslesvig, 2005).

unattainable for Yugoslavia in a unitary vote. President Wilson's confidant Colonel Edward House consequently told Slovenian visitors on May 30, 1919, that "their demands had exceeded their prudence, with the result that more territory had been allotted to them than they could probably hold by a plebiscite."<sup>61</sup>

The Allies still accommodated Belgrade by dividing the voting area such that the southern zone largely corresponded to the Slovenian core territory as delineated by Yugoslav experts. Nonetheless, even this minimal demand proved a bridge too far. If Zone 1 had been restricted to the area south of the Drau River, which certainly seemed feasible early in the negotiations, a Yugoslav majority was within reach, even if one cannot automatically transfer the corresponding tally of October 10, 1920, to a contrafactual alternative voting arrangement.<sup>62</sup> The mere possibility reinforces the importance of procedural designs for the outcome of referenda, however.

These voting procedures, in turn, displayed palpable international similarities. Schleswig functioned as a pathbreaker. With the stipulations derived from the Aabenraa Resolution, the Danish government had already in late 1918 handed the Allies concrete proposals for the design and implementation of a referendum. In Schleswig, different principles and techniques that were subsequently transferred to other plebiscite areas were discussed, implemented, or discarded.

This transfer was also promoted by personal links. The Allies drew on a limited pool of border experts, resulting in many overlaps in the composition of the so-called territorial commissions. The Commission on Belgian and Danish Affairs included, among others, chairman André Tardieu and Jules Laroche for France, Eyre Crowe for the United Kingdom, and Count Luigi Vannutelli Rey for Italy, all of whom also participated in the decision-making about Carinthia. Interactions were inevitable.

In both Schleswig and Carinthia, the voting area was divided into two zones to accommodate economic as well as ethnographic considerations.<sup>63</sup> This created an arrangement that could support the voluntary integration of a predominantly German and mostly urban population into a neighboring country and thus benefit Denmark and Yugoslavia. In neither case, however, did this arrangement change the final outcome. In Schleswig, the en bloc vote in the

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61 See Edward Mandell House, *The Intimate Papers of Colonel House*, vol. 4, ed. Charles Seymour (London: Benn, 1928), 487.

62 According to Martin Wutte, the area south of the river Drau had a Yugoslav majority of 322 votes, corresponding to 0.8 percent, in the 1920 plebiscite. See Wutte, *Kärntens Freiheitskampf*, 399.

63 See, for example, H. W. V. Temperley, ed., *A History of the Peace Conference of Paris*, vol. 4 (London: Henry Frowde and Hodder & Stoughton, 1921), 373.

northern zone brought the expected Danish victory. Since the Danish side did not prevail in any commune of Zone 2, however, Central Schleswig with the city of Flensburg remained a part of Germany. The zonal boundary largely became the national boundary.

In Carinthia, the German-speaking majority in Klagenfurt and its northern and western hinterland never had to choose between national and economic interests.<sup>64</sup> The predominantly Slovene-speaking inhabitants of southeastern Carinthia had made that decision for them. Their vote was influenced by economic and political considerations, but also by a collective sense-of-self that had long been apparent in their electoral record and subsequently in their response to the advance of South Slavic military units.<sup>65</sup> In the end, national self-determination came to play a significant role in Schleswig and Carinthia after all.

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64 Whether economic considerations would really have inclined the inhabitants of Klagenfurt to join a Yugoslav southern Carinthia, as some Yugoslav and Allied representatives assumed, is not relevant here because this chapter only examines the influence of such expectations on the design of the referendum. The same applies to the economic arguments forwarded by both sides in Zone 1.

65 These long-term identity patterns in southern Carinthia fall outside the scope of this investigation. For an introduction, see Peter Thaler, "The Discourse of National Legitimization: A Comparative Examination of Southern Jutland and the Slovenian Language Area," *Nationalities Papers* 40, no. 1 (2012): 1–22. For similar developments in other zones of transition, see also Peter Thaler, "Fluid Identities in Central European Borderlands," *European History Quarterly* 31, no. 4 (2001): 519–48.

## Chapter Five

# Visions of Legal and Substantive Citizenship and the League of Nations' Minority Treaties

K R I S T I N H E N R A R D



### Introducing the League of Nations' Minority Treaties

It is well known that World War I was mainly triggered by the nationalistic aspirations among Slavic peoples in Bosnia and Herzegovina who wanted to be part of Serbia rather than the Austro-Hungarian Empire. In other words, issues of membership and belonging, and related frustrated nationalisms, resulted in a full-blown world war.<sup>1</sup> By the end of the war, the Romanov, Ottoman, and Austro-Hungarian empires had all disintegrated,<sup>2</sup> and state borders needed to be redrawn.<sup>3</sup> US president Woodrow Wilson, playing a prominent role during the peace negotiations, strongly promoted the principle of national self-determination as the guiding principle for redrawing the borders.<sup>4</sup> Nevertheless, the negotiations demonstrated that it would be impossible to follow this principle through to its conclusion, giving each nation a state of its own.<sup>5</sup> Put differently,

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- 1 See also Jennifer Jackson Preece, "The League of Nations System of Minority Guarantees (1919–1939)," in *National Minorities and the European Nation-States System* (Oxford: Clarendon Press, 1998 [Oxford Scholarship Online, 2011]): 68.
  - 2 Mark Mazower, "Minorities and the League of Nations in Interwar Europe," *Daedalus* 126, no. 2 (1997): 47–48.
  - 3 The eclipse of the Austro-Hungarian Empire entailed the redrawing of boundaries in East and Southeast Europe, see "The Protection of Minorities in Europe," Editorial Research Reports I (1926): <https://library.cqpress.com/cqresearcher/document.php?id=cqresrre1926022400>.
  - 4 Peter Hilpold, "The League of Nations and the Protection of Minorities—Rediscovering a Great Experiment," *Max Planck Yearbook of the United Nations* 17 (2013): 91. See also Emmanuel Dalle Mulle and Mona Bieling, "The Ambivalent Legacy of Minority Protection for Human Rights," *Schweizerische Zeitschrift für Geschichte* 71, no. 2 (2021): 270.
  - 5 Joseph B. Kelly, "National Minorities in International Law," *Denver Journal of International Law & Policy* 3, no. 2 (1973): 256.

the new states would inevitably have some minority groups within them, and would be faced with related governance challenges.<sup>6</sup>

The minorities in post-World War I states needed to be reassured that they would be adequately protected, so as to placate them and ensure durable global peace.<sup>7</sup> The protection of minorities, enshrined within the Minority Treaties, was conceived as second-best to having a state of one's own, where further disintegration was to be avoided. More particularly, the cohesion of the new states could only be guaranteed if racial, religious, and/or linguistic minorities in these states could be assured of their full membership, notwithstanding their distinct identity.<sup>8</sup> In this respect, five Minority Treaties were agreed upon,<sup>9</sup> complemented by further minority protection provisions in peace treaties and unilateral declarations.<sup>10</sup>

Unfortunately, the obligation to respect minority rights was not imposed on victorious states,<sup>11</sup> in line with the clear intent to avoid introducing a general system of minority protection duties for all states.<sup>12</sup> Regardless, these treaties did have a similar structure and focus.<sup>13</sup> What is striking is that considerable at-

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6 See, inter alia, multiple chapters in the book edited by Joseph Marko and Sergiu Constantin, *Human and Minority Rights Protection by Multiple Diversity Governance: History, Law, Ideology and Politics in European Perspective* (Abingdon: Routledge, 2019).

7 Mulle and Bieling, "Ambivalent Legacy," 270 and 272.

8 See also Carol Weisbrod, "Minorities and Diversities: The Remarkable Experiment of the League of Nations," *Connecticut Journal of International Law* 8 (1993): 361, 405; Jackson Preece, "The League of Nations System of Minority Guarantees," 68–69.

9 The countries that had to accept minority protection duties were Romania, Greece, the Serb-Croat-Slovene state, Czechoslovakia, and Poland. For full references, see footnotes below and Helmig Rosting, "Protection of Minorities by the League of Nations," *American Journal of International Law* 17, no. 4 (1923): 647–48; and reprints in *American Journal of International Law* 17, no. 4, Supplement: Official Documents (1923).

10 Harald Christian Scheu, "The Heritage of the League of Nations' Minority Protection System," *Hungarian Journal of Legal Studies* 61, no. 4 (2020): 358.

11 Striking examples here are South Tyrol, which was ceded to Italy, and Alsace-Lorraine, annexed by France, which had no accompanying obligations to protect the German-speaking communities of these regions. See Hilpold, "The League of Nations and the Protection of Minorities," 96.

12 Sia Spiliopoulou-Åkermark, "The Aland Islands Question in the League of Nations: The Ideal Minority Case," *Redescriptions: Political Thought, Conceptual History and Feminist Theory* 13 (2009): 196–97; Mulle and Bieling, "Ambivalent Legacy," 273. Highlighting this as two major differences with the universal human rights protection envisaged by the UN: Scheu, "The Heritage," 364.

13 Carole Fink, "The League of Nations and the Minorities Question," *World Affairs* 157, no. 4 (1995): 198; Hilpold, "The League of Nations and the Protection of Minorities," 98. In this respect, it was noted that the Polish treaty was the first of its kind and served as a model for the other Minority Treaties (inter alia Weisbrod, "Minorities and Diversities," 368; Kelly, "National Minorities in International Law," 257). The common core consisted of 5 parts: Part 1 identifying rights for all inhabitants of the new states; Part 2 identifying the basis on which nationality of the new states is acquired; Part 3 identifying rights of racial, religious, or linguistic minority nationals of the new state; Part 4 highlighting the special legal character of the treaties; Part 5 containing special rights for particular minority groups (see Rosting, "Protection of Minorities," 648–50).

tion was dedicated both to questions of nationality, ensuring a legal bond between the (newly delimited) state and its people, and to several fundamental rights, further consolidating the membership of the national communities concerned. These provisions on fundamental rights confirm the strong attention to protecting not only religious minorities—a concern with a longstanding history<sup>14</sup>—but also linguistic and ethnic minorities.<sup>15</sup>

The protection of minorities' full membership, while respecting their separate identity, is arguably the main focus of the League of Nations' Minority Treaties.<sup>16</sup> Minorities, as emphasized by the Permanent Court of International Justice (PCIJ), are typically population groups with a distinct ethnic, religious, or linguistic identity, and who wish to maintain their distinct identity.<sup>17</sup> The PCIJ underscored that the Minority Treaties aimed to secure equal rights and opportunities for the participation of members of minority groups, while catering to their special identity,<sup>18</sup> thus ensuring equality in law and in fact.<sup>19</sup>

The concepts of legal and substantive "citizenship" are thus useful for discussing and evaluating membership in the state, and the quality of this membership. This chapter therefore investigates the vision of legal and substantive citizenship emanating from the League of Nations' Minority Treaties. The first section outlines the notions of legal and substantive citizenship, and presents the Minority Treaties in broad brushstrokes. The second part continues with an analysis of the Minority Treaties' provisions on nationality, and the vision of legal citizenship that can be deduced therefrom. Third, the Minority Treaties' fundamental rights provisions are analyzed from the perspective of the various dimensions of substantive citizenship. The conclusion offers an overarching evaluation of the League of Nations' Minority Treaties' visions of citizenship.

### Legal and Substantive Citizenship

"Citizenship" captures a very old idea, namely, that of the relationship between an individual and a political community; more particularly, it refers to mem-

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14 Rosting, "Protection of Minorities," 641.

15 See the discussion later in this chapter on substantive citizenship, especially provisions on linguistic rights (related to education), and rights securing a certain level of autonomy for certain groups.

16 See also Fink, "The League of Nations and the Minorities Question," 197.

17 Permanent Court of International Justice (PCIJ), Advisory Opinion, *Greco-Bulgarian Communities* (1930) Series B No 17.

18 PCIJ, Advisory Opinion, *Minority Schools in Albania*, April 6, 1935, par 48–52.

19 Scheu, "The Heritage," 367–68.

bership in a political community, which is a community of belonging and obligation, presupposing loyalty and deep commitment.<sup>20</sup> While there have always been multiple coexisting political communities, the dominant ones tended to have a territorial basis.<sup>21</sup> The spatiality of these political communities has shifted over time from cities to empires to nation-states.<sup>22</sup>

The emergence of nation-states over the seventeenth to nineteenth centuries has been of particular and lasting importance,<sup>23</sup> and played a prominent role at the League of Nations. The 1648 Peace of Westphalia heralded a state-centric world order of territorially-based sovereign states, implying that the world's population was divided into a set of bounded citizenries and nationalities (with the emergence of the institution of "nationality").<sup>24</sup> The kings of these nation-states' pursuit of centralization, while invoking "the good of the nation," further minted the ideals of nationhood and related nationalism.<sup>25</sup> Nationalism, as a concept, holds that the nation is the only rightful source of political power, and that each nation should govern itself within a state over which it exerts sovereign power.<sup>26</sup>

Nation-states, as (dominant) political communities, require the determination of criteria for membership; this implies inclusion for some and exclusion for others. Importantly, there have been various visions of what holds the nation together, and what suitable proxies can be found for the required commitment and loyalty. The two main types of nationalism resulting from these visions are ethnic and civic nationalism.<sup>27</sup> Nationhood can indeed be defined on an ethnic basis, focusing on a common language, culture, and traditions, and

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20 Christian Joppke, "Citizenship in Immigration States," in *The Oxford Handbook of Citizenship*, ed. Ayelet Shachar, Rainer Bauböck et al. (Oxford: Oxford University Press, 2017), 392.

21 Rainer Bauböck and Virginie Guiraudon, "Realignments of Citizenship: Reassessing Rights in the Age of Plural Membership and Multi-Level Governance," *Citizenship Studies* 13, no. 5 (2009): 448.

22 See also Joe Painter and Chris Philo, "Spaces of Citizenship: An Introduction," *Political Geography* 14, no. 2 (1995): 107–20.

23 See also Alexander C. Diener, "Re-Scaling the Geography of Citizenship," in *The Oxford Handbook of Citizenship*, ed. Ayelet Shachar, Rainer Bauböck et al. (Oxford: Oxford University Press, 2017), 37–45.

24 Roger Brubaker, *Citizenship and Nationhood in France and Germany* (Harvard: Harvard University Press, 1992): 22; Richard Falk, "Revisiting Westphalia, Discovering Post-Westphalia," *Journal of Ethnicities* 6, no. 4 (2002): 311–12.

25 Diener, "Re-Scaling," 44.

26 Anthony D. Smith, *Nationalism: Theory, Ideology, History*, 2nd rev. ed. (Cambridge: Polity Press, 2010), 25–30.

27 Roger Brubaker, "In the Name of the Nation: Reflections on Nationalism and Patriotism," *Citizenship Studies* 8, no. 2 (2004): 117, 123; Liav Orgad, "Naturalization," in *The Oxford Handbook of Citizenship*, ed. Ayelet Shachar, Rainer Bauböck et al. (Oxford: Oxford University Press, 2017), 345–46. These different conceptions of "nation" are also reflected in different systems for the acquisition of nationality (see below).

can thus be externally ascribed. An alternative understanding of nationhood has a more voluntarist basis, and considers a nation to consist of all those who consent to be bound by the same rules of conduct.<sup>28</sup>

*Legal Citizenship: The Legal Bond between Individual and State*

Once the world is divided into demarcated, sovereign states, and the world's population is contained within related bounded citizenries, it becomes important to determine the boundaries of this membership, and to exclude persons without such membership.<sup>29</sup> While the emergence of human rights has detached numerous fundamental rights from those of nationality, the right to enter and remain within particular territories still hinges on having the nationality of the territory concerned. Put differently, full membership in a national community still depends in many respects on nationality and legal citizenship.<sup>30</sup> Interestingly, and notwithstanding the multiple ways in which states' sovereign powers are constrained, legal citizenship—and especially the criteria and procedures for obtaining nationality—is considered one of the last vestiges of sovereignty.<sup>31</sup>

Considering the importance of legal citizenship as a gateway to full membership in the state, including core rights and entitlements, the criteria for membership in political communities are particularly weighty. What are appropriate proxies for the deep attachment and loyalty to the state that would merit the acquisition of nationality?

Taking a historical perspective regarding territorially based political communities, striking differences can be identified. For example, neither the Greek city states nor the Roman Empire had ethnicity-based membership. Instead, membership hinged on residence and on the acceptance of the community's rules of engagement—in other words, a civic nation.<sup>32</sup> With the emergence of nation-

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28 Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 2017); Brubaker, "In the Name of the Nation," 123; Orgad, "Naturalization," 345–46.

29 The vulnerability of stateless persons was recognized very early on, leading to a keen awareness of the need to avoid statelessness: see, inter alia, Brubaker, *Citizenship and Nationhood*, 65–66; Alison Kesby, *The Right to Have Rights: Citizenship, Humanity and International Law* (Oxford: Oxford University Press, 2012), 62.

30 Rights to enter and reside can be considered a bridge to rights and entitlements within the state (social rights and lawful residence). In this respect, nationality can still be called the right to have rights, see Kesby, *The Right to have Rights*, 62.

31 International law, and more particularly the customary international law prohibiting racial discrimination, does constrain states' powers in identifying the conditions under which nationality is acquired.

32 Donald L. Wasson, "Roman citizenship," *World History Encyclopedia*, January 27, 2016, <https://www.worldhistory.org/article/859/roman-citizenship/>.

states in the seventeenth to nineteenth centuries, and the institution of nationality from the nineteenth century onwards, the focus shifted to demarcating the “nation,” identifying what holds the nation together, and delineating appropriate proxies for the loyalty and commitment underlying the “nation”—in other words, an ethnic nation.

Given the importance of nationality as a gateway to other rights, nationality is acquired at birth.<sup>33</sup> At the same time, human mobility requires the possibility of nationality by naturalization, enabling migrating people to become full members of that state (after having fulfilled particular conditions).<sup>34</sup> In particular, naturalization triggers questions about whether, and to what extent, double nationalities are acceptable.<sup>35</sup>

Traditionally, nationality acquisition followed either the *jus soli* (right of soil) or *jus sanguinis* (right of blood) system. The former is more in line with a civic understanding of “nation,” since birth in the territory is the decisive link, reflecting a more forward-looking understanding of belonging. As *jus sanguinis* passes national belonging from parent to child, it is necessarily backward-looking, and harbors a more ethnic, kinship-based understanding of nationhood.<sup>36</sup> More recently, several states with a *jus sanguinis* system have added *jus soli* elements, facilitating access to nationality at birth for second or third generation migrants.<sup>37</sup>

In relation to naturalization requirements, there is even more emphasis on markers of loyalty to the adopted country than there is for citizens by birth.<sup>38</sup> While each country defines its own naturalization requirements, common criteria include a certain number of years of (habitual) residence, a certain level of language competence, and knowledge of the values and history of the country.<sup>39</sup> Oaths of loyalty similarly try to capture a commitment to the state.<sup>40</sup>

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33 Cristina M. Rodriguez, “The Citizenship Clause, Original Meaning, and the Egalitarian Unity of the Fourteenth Amendment,” *University of Pennsylvania Journal of Constitutional Law* 11 (2009): 1361–71.

34 Helder De Schutter and Lea Ypi, “Mandatory Citizenship for Immigrants,” *British Journal of Political Science* 45, no. 2 (2015): 238.

35 Patrick Wautelet, “The Next Frontier: Dual Nationality as a Multi-Layered Concept,” *Netherlands International Law Review* 65 (2018): 391–412. See also Arnfinn H. Midtbøen, “Dual Citizenship in an Era of Securitisation: The Case of Denmark,” *Nordic Journal of Migration Research* 9, no. 3 (2019): 293–309.

36 Rainer Bauböck, “Ius Filiationis: A Defence of Citizenship by Descent,” in *Bloodlines and Belonging: Time to Abandon Ius Sanguinis?* EUI Working Paper, RSCAS 2015/18, 6; Brubaker, *Citizenship and Nationhood*, 123.

37 De Schutter and Ypi, *Mandatory Citizenship*, 240.

38 A. M. Boll, “Nationality and Obligations of Loyalty in International and National Law,” *Austrian Yearbook of International Law* 24 (2005): 58–59.

39 Orgad, “Naturalisation,” 34.

40 Boll, “Nationality and Obligations of Loyalty,” 58–59.

The emphasis on a special bond with a particular country can be difficult to square with dual nationality. Traditionally, nationality denoted an exclusive tie with a country and dual nationality was seen as an anomaly.<sup>41</sup> Since the 1980s, there has been more openness to the idea of dual nationality, along with the emergence of new patterns of belonging in the mobile world.<sup>42</sup> Nevertheless, the pendulum seems to be swinging back; for example, several states within the EU do not even allow dual nationality with other EU member states.<sup>43</sup>

### *Substantive Citizenship*

Substantive citizenship is not concerned with the legal bond between an individual and a state, but rather with other elements of membership in a national society. There are many ways to characterize this, but some recurring elements can be identified: (1) equal and effective enjoyment of rights (for all citizens); (2) equal and effective participation; and (3) identity and belonging.<sup>44</sup> These elements are somewhat interrelated, but still capture different layers of membership. Each is discussed, in turn, below.

#### 1. Equal and effective enjoyment of rights

It seems self-evident that enjoying adequate protection against invidious discrimination is key to considering oneself a full member of society.<sup>45</sup> Differential measures, tailored to the specific needs and concerns of particular groups, aim to ensure their substantive equal treatment and similarly contribute to their full membership. Analogous arguments pertain to guarantees against arbitrary interferences with fundamental rights and their suitable supervision, thus contributing to the effective enjoyment of fundamental rights. It is indeed important to realize that fundamental rights were originally conceived as rights for persons belonging to (religious) minorities rather than

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41 Peter J. Spiro, "Multiple Citizenship," in *The Oxford Handbook of Citizenship*, ed. Ayelet Shachar; Rainer Bauböck et al. (Oxford: Oxford University Press, 2017), 622–23.

42 Tanja Brøndsted Sejersén, "I Vow to Thee My Countries": The Expansion of Dual Citizenship in the 21st Century," *Migration Review* 42, no. 3 (2008): 534.

43 See Wautelet, "The Next Frontier."

44 Hartmut Esser, "Welche Alternativen zur Assimilation gibt es eigentlich?" *IMIS Beitrage* 21 (2004): 41, 46. It should be noted that these criteria also correspond to integration dimensions, the legal status dimension being provided by legal citizenship. See also Yasemin Nuhoglu Soysal, *Limits of Citizenship: Migrants and Postnational Membership in Europe* (Chicago: University of Chicago Press 1994).

45 Jan Niessen, "Construction of the Migrant Integration Policy Index," in *Legal Frameworks for the Integration of Third-Country Nationals*, ed. Jan Niessen and Thomas Huddleston (The Hague: Brill, 2009), 5.

rights for everyone, exactly because of the formers' specific protection needs.<sup>46</sup> Nowadays, human rights are defined as rights for all human beings, even though it is well understood that they have an anti-majoritarian core, and that they are particularly important for persons belonging to minorities.<sup>47</sup>

## 2. Equal and effective participation

Equal and effective enjoyment of fundamental rights contributes to groups' political, socio-economic, and cultural participation. Citizens' active and passive voting rights translate into their electoral importance, and possibly representation in assemblies and public service.<sup>48</sup> Equal enjoyment of socio-economic rights contributes to socio-economic participation (equal access to employment and public services, including education and health care).

## 3. Identity and belonging

Finally, a sense of collective identity and belonging, the third dimension of substantive citizenship, slowly grows and is nurtured through the sense of security in one's rights, the equal and effective enjoyment of these rights, and participation in the national society.<sup>49</sup> Put differently, the three dimensions of substantive citizenship outlined above are closely interrelated and mutually reinforce one another.

Both legal and substantive citizenship matter for the realization of minorities' full membership. Of course, minorities also value the retention of their distinct and separate identity. This tension between belonging and differentiation engenders varying responses: some consider differentiated citizenship as a threat to cohesion, whereas others highlight the positive impact of multicultural citizenship on cohesion.<sup>50</sup> When one combines legal and substantive citizenship, there is a strong argument for states to accommodate the separate identities of minorities. Indeed, as all legal citizens are entitled to equal rights and partici-

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46 Rosting, "Protection of Minorities," 642; Kristin Henrard, *The Ambiguous Relationship between Religious Minorities and Fundamental (Minority) Rights* (The Hague: Eleven International Publishing, 2011), 19-24.

47 Daniel Augenstein, "Normative Fault-Lines of Trans-National Human Rights Jurisprudence: National Pride and Religious Prejudice in the European Legal Space," *Global Constitutionalism* 2, no. 3 (2013): 469, 471.

48 See also Annelies Verstichel, *Participation, Representation and Identity: The Rights of Persons belonging to Minorities to Effective Participation in Public Affairs; Content, Justification and Limits* (Antwerp: Intersentia, 2009).

49 Linda Bosniak, "Varieties of Citizenship," *Fordham Law Review* 75 (2005): 2449.

50 See the discussion in Will Kymlicka, "Comments to Shachar and Spinner-Halev: An Update from the Multiculturalism Wars," in *Multicultural Questions*, ed. Christian Joppke and Steven Lukes (Oxford: Oxford University Press, 1999), 120-21.

pation, full membership cannot be dependent on minorities' degree of assimilation into the host society. Put differently, the full and equal participation of citizens with a minority background should go hand in hand with respect for their distinct identity.<sup>51</sup>

### Some General Remarks on the Minority Treaties

The distinctive Minority Treaties have several features in common. In particular, each treaty pays considerable attention to questions of nationality in the sense of the legal bond between a state and an individual. This question is surely relevant in light of the fact that big empires fell apart and that several borders were redrawn, resulting in the emergence of new states. Assigning people to particular national communities and states was especially relevant in the era of the League of Nations, when rights were still predominantly dependent on membership in political communities. The paradigm of fundamental rights for all human beings (irrespective of nationality) would only emerge later with the advent of the United Nations in 1945. Indeed, the Minority Treaties include several provisions for fundamental rights, but these are mostly granted to nationals of the states concerned rather than to “all inhabitants.”

At the same time, as will be discussed more fully below, the Minority Treaties provided additional rights tailored to the specific needs of particular minority groups. These provisions were clearly aimed at the realization of full, complete, and effective membership in the national societies concerned. Looking more closely at the Minority Treaties, there is a particular concern for religious minorities—a concern “as old as history.”<sup>52</sup> In line with the nationalism era of the nineteenth century, the Minority Treaties also paid particular attention to language and educational rights.<sup>53</sup>

### The League of Nations Minority Treaties and Legal Citizenship

When empires fall apart and borders are redrawn, this has serious implications for persons who, from one day to the other, find themselves living within a new

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51 See, inter alia, Kristin Henrard, “Integration reasoning at the ECtHR: Challenging the Boundaries of Citizenship,” *Netherlands Quarterly of Human Rights* 38 (2020): 55–74.

52 Rosting, “Protection of Minorities,” 642. For a detailed overview of these instruments, and the relevant provisions for the protection of religious minorities focusing on equal rights and opportunities for participation, see Rosting, “Protection of Minorities,” 643–45.

53 Craig Calhoun, “Nationalism and Ethnicity,” *Annual Review of Sociology* 19 (1993): 211–39.

political entity. They may have been secure in the nationality of the previous entity, but what is their status in relation to the new entity? Insofar as the new boundaries are imperfectly matched to ethnic settlement patterns, a community may become an ethnic, religious, and/or linguistic minority overnight.

With this in mind, all the Minority Treaties have similar provisions for determining nationality within the newly demarcated states.<sup>54</sup> As will be explained more fully in the following paragraphs, particularly relevant is the extent to which these provisions secure legal citizenship for minorities within the territory in which they reside, thus offering security and stability for those with sufficient links to the territory. At the same time, the treaties allow the persons concerned to opt out, while also being keen to secure family unity. Last but not least, there is also a provision for avoiding statelessness.

Article 3 of the Minority Treaties stipulated that persons habitually residing in the relevant territory when the treaty came into force, and who were nationals of one of the predecessor states, would acquire the nationality of the newly defined state. This provision is clearly aimed at securing the inclusion of newly created minorities, and each of the treaties specifies which groups of nationals can benefit from this rule (provided they satisfy the habitual residence condition).<sup>55</sup> The same article allowed for adults (above 18 years of age) to opt for another nationality for which they were eligible. If they did so, they would need to move to the corresponding state within 12 months. The latter rule confirms the ideal of ethnically homogeneous states, while leaving space for identification with a particular nation as a conscious choice. The Minority Treaties thus allowed members of ethnic minorities to commit to the new national community or to (physically) join their ethnic kin on the other side of the border. Dual nationality and “divided” loyalties were clearly not an option in this era, where new states and new national communities needed to be forged.<sup>56</sup>

Article 4 provided an extension of nationality to persons who were no longer habitually resident when the treaty came into force, but who had been born in the territory now included in the new state, and whose parents were still habitually resident there. Interestingly, no affirmative declaration needed to be

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54 Compare Articles 3–6 of the respective treaties. See also Jackson Preece, “The League of Nations System of Minorities Guarantees,” 74; Rosting, “Protection of Minorities,” 648.

55 In the Polish treaty, the affected groups were Germans, Austrians, Hungarians, and Russians. For the Czechoslovakian treaty, affected groups were Germans, Austrians, and Hungarians. For the Serb-Croat-Slovene treaty, affected groups were Austrians, Hungarians, and Bulgarians. For the Greek treaty, affected groups were Bulgarians, Turks, and Albanians. For the Romanian treaty, affected groups were Austrians and Hungarians.

56 See also Fink, “The League of Nations and the Minorities Question,” 197.

made and affected individuals were not required to move there to retain that nationality. Persons in these circumstances were, according to the treaty, “nationals ipso facto.” It was possible to opt out of this new nationality, though, within twenty-four months. The underlying rationale may have been to engender ongoing loyalty to the territory, nudging *émigrés* to become nationals of the new state and move back to the territory. The latter would have been advisable since dual nationality was impossible at the time, and since nationality was very much the right to have rights.<sup>57</sup>

Family unity appears to have been a central concern in Articles 3 and 4. Specifically, if a man opted out of this new nationality, this choice would also apply to his wife and minor children, confirming the then-subservient position of women in society.<sup>58</sup> However, it ensured that families would not be split up, again in light of the prohibition on dual nationality and the key function of nationality in terms of accessing rights. As soon as children reached the age of 18 years, they were allowed to opt for another nationality for which they were eligible—they would then need to move to that country within 12 months.<sup>59</sup>

Finally, the Minority Treaties confirm the importance of protecting individuals from statelessness. Article 6 stipulates that an individual who is born within the territory of the new state, and who is not a national of another state at birth, becomes, ipso facto, a national of the newly demarcated state.

Overall, the Minority Treaties reveal an inclusive approach toward minorities in the newly demarcated states, ensuring that minority groups are offered legal citizenship and membership in the national community. At the same time, they allow for (individual/family) self-determination in the sense that adult men were allowed to choose (for themselves and on behalf of their wives and minor children) a different nationality for which they were eligible. The exclusion of dual nationality, together with nationality being a precondition for accessing most rights, would have favored moving to and residing in the country of one’s nationality.

### The League of Nations Minority Treaties’ Visions of Substantive Citizenship

For those nationals who were minorities in the newly demarcated states, the content of their substantive citizenship was an equally important dimension

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57 See also the discussion of the rights provisions in the Substantive Citizenship subsection, below.

58 During the nineteenth century, women were widely considered to be inferior to men, and gender inequality abounded.

59 See discussion of Article 3 (above).

of their overall citizenship. This section analyzes the Minority Treaties' visions of substantive citizenship according to the three interrelated dimensions introduced above.

### *The Equal Rights Dimension of Substantive Citizenship*

For minority communities to enjoy substantive equality as a core aspect of substantive citizenship, they need to be protected from oppression and discrimination, while enjoying respect for their distinct identity.<sup>60</sup> The Minority Treaties therefore needed to provide assurances of equality—not only in law but also in fact—and the equal and effective protection of fundamental rights, ranging from civil-political rights to socio-economic rights (including in employment and education).

Genuine equality “in fact,” in the case of minority groups, means that their distinctive identity features must not inhibit their effective enjoyment of rights, and at the same time, these distinctive features must be protected.<sup>61</sup> These are indeed foundational principles of the Minority Treaties, as highlighted by the PCIJ:

The idea underlying the treaties for the protection of minorities is to secure for certain elements incorporated in a State, the population of which differs from them in race, language or religion, the possibility of *living peacefully alongside that population and co-operating amicably with it*, while at the same time *preserving the characteristics which distinguish them* from the majority, and satisfying the ensuing special needs.

In order to attain this object, two things were regarded as particularly necessary, and have formed the subject of provisions in these treaties. The first is to ensure that nationals belonging to racial, religious or linguistic minorities shall be placed in every respect on a footing of perfect equality with the other nationals of the State. The second is to ensure for the minority elements suitable means for the *preservation of their racial peculiarities, their traditions and their national characteristics*. These two requirements are indeed closely interlocked, for there would be no *true equality* between a ma-

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60 Kim Rubenstein, “Globalisation and Citizenship and Nationality,” in *Jurisprudence for an Inter-connected Globe*, ed. Catherine Dauvergne (Abingdon: Taylor & Francis 2004), 27; Bauböck and Guiraudon, “Realignments of Citizenship,” 439–40.

61 See “The Ideas of Equality and Non-Discrimination: Formal and Substantive Equality,” *Equal Rights Trust*, November 8, 2007, <https://www.equalrightstrust.org/ertdocumentbank/The%20Ideas%20of%20Equality%20and%20Non-discrimination,%20Formal%20and%20Substantive%20Equality.pdf> (consulted August 1, 2022). Emphasis added.

majority and a minority if the latter were deprived of its own institutions, and were consequently compelled to renounce that which constitutes the very essence of its being as a minority.<sup>62</sup>

Substantively equal and effective enjoyment of rights may necessitate the adoption of special measures and differential treatment, tailored to specific (identity-related) needs. Such special measures are particularly visible in the Minority Treaties in relation to language use and the manifestation of religion (see below, the discussion of the categories of rights holders).

#### *Four Categories of “Rights Holders”*

It is important to distinguish four categories of rights holders envisaged by the Minority Treaties: (a) “all inhabitants,”<sup>63</sup> (b) “all nationals,”<sup>64</sup> (c) “nationals belonging to minorities,”<sup>65</sup> and (d) “nationals belonging to certain types of minorities.” The latter distinguishes minority groups based on the group’s characteristics<sup>66</sup> or their territorial concentration.<sup>67</sup>

##### a. All inhabitants

At the beginning of the twentieth century, the human rights paradigm was still in the early phase of development. This is clear in the Minority Treaties, where very few of the rights were extended to all inhabitants of a given territory. More particularly, Article 2 of the Minority Treaties contains three basic guarantees: “full and complete protection of life and liberty”; a prohibition on discrimination on the grounds of birth, nationality, language, race, or religion; and “free exercise, whether public or private, of any creed, religion or belief.” Article 2 thus provides a basic level of protection against persecution based on grounds that are closely intertwined with “ethnicity.”<sup>68</sup> While Article 2 con-

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62 PCIJ Advisory Opinion April 6, 1935, regarding the *Case Concerning the Minority Schools in Albania* (Advisory Opinion) PCIJ Rep. Series A//B No 64, p. 18.

63 See Article 2 in all Minority Treaties.

64 See Article 7 in most Minority Treaties, Article 8 in the Romanian Minority Treaty.

65 Article 8 in most Minority Treaties, Article 9 in the Romanian Minority Treaty.

66 Articles 10–11 Treaty on Poland; Articles 10–15 Greek Minority Treaty; Article 10 Czechoslovakian Minority Treaty; Article 10 Serb-Croat-Slovene Minority Treaty; and Article 11 Romanian Minority Treaty.

67 Article 9 in most Minority Treaties, Article 10 in the Romanian Minority Treaty.

68 Ethnicity is broadly understood to encompass questions of language, religion and ethnicity, while birth and nationality can also be related to kinship ties. Detailed information on the topic and study of Ethnic Identity from various perspectives—cultural, historical, psychological, scientific

tains an equality guarantee, it is confined to the right to life and liberty; a more encompassing equality guarantee is reserved for “nationals” as the second category of rights holders.

b. All nationals

Article 7 of the Minority Treaties starts with a strong guarantee of equality before the law for “all nationals,” and the equal enjoyment of civil and political rights “without distinction as to race, language, or religion.” The narrow definition of prohibited grounds for discrimination is again a sign of the times.<sup>69</sup>

Article 7 furthermore exhibits a keen awareness of the extent to which differences in religion and language could lead to potential hurdles in the effective enjoyment of civil and political rights and employment more generally. Article 7 explicitly prohibits differences in religion or mother tongue to affect the equal participation of nationals, not only in civil and political life but also in economic and cultural life. Indeed, while Article 7 may be framed in terms of civil and political rights, it also concerns the exercise of professions and industries. Furthermore, the free use of any language is guaranteed in public and private, including in commerce and thus economic life, and in religion, the press, or in publications of any kind, thus also covering cultural life. Put differently, although this provision may not focus on persons belonging to minorities, it sends a message that different religious and linguistic identities have a space in society, and that the participation of all nationals is facilitated, notwithstanding differences in religion and/or language.

Last but not least, Article 7 also obliges the (Polish) government to provide “adequate facilities ... to Polish nationals of non-(Polish) speech for the use of their language ... before the courts.” This is important for enabling effective access to courts and equal judicial protection.<sup>70</sup> These provisions furthermore ensure equal, full, and effective participation and, hence, full membership in society.

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etc.—can be found at the links provided at the following website: <https://library.shu.edu/Ethnicity/identity> (accessed December 5, 2023).

69 Weisbrod, “Minorities and Diversities,” 405. See also the broadening notion of persecution as “the manifest or flagrant denial, for reasons of discrimination, of a fundamental right consecrated by customary or conventional international law,” thus focusing more on non-discrimination on a broad range of grounds: inter alia, Jean-Pierre Cavaillé, “The Notion of Persecution: History and Relevance Today,” *Les Dossiers du Grihl* [Online], special issue no. 4, <http://journals.openedition.org/dossiersgrihl/3893> (published February 28, 2010, consulted August 1, 2022).

70 As confirmed by the 2017 Graz Recommendations on Access to Justice and National Minorities, it is increasingly recognized that minorities’ effective access to justice requires them to be able to use their own language before the courts: see Recommendation 3 <https://www.osce.org/files/f/documents/a/c/340066.pdf> (consulted August 1, 2022).

c. Nationals belonging to minorities

Understandably, given the *raison d'être* of the Minority Treaties, the concern for inclusion and equality is even more pronounced for “nationals belonging to minorities.” The relevant provisions confirm a special attention to language and religion as identity markers. In most Minority Treaties, Article 8 focuses on the rights of nationals belonging to racial, religious, or linguistic minorities.<sup>71</sup> The article starts with a confirmation of minorities’ entitlement to equal treatment and security, both in law and in fact, demonstrating a special awareness of the importance of protecting minorities against discrimination, both legally and substantively. The provision also allows minorities to establish and run, at their own expense, their own religious and social institutions, and to use their own language and exercise their religion in these institutions, thus confirming their right to maintain their separate, distinct identity, including by educating the next generation. Article 8 of the Minority Treaties thus confirms minorities’ right to be different, and to make their distinct identity visible, but they are to do so at their own expense.

d. Nationals belonging to certain types of minorities

The fourth category of rights holders are nationals belonging to certain minorities that, due to their particular territorial concentration or other specific features and related vulnerabilities, are considered to merit higher and/or more specific levels of protection.<sup>72</sup> Regarding territorial concentration, Article 9 of most Minority Treaties focuses on those towns and districts where minorities constitute a considerable proportion, justifying the expenditure of public funds to support and maintain their distinct identity.<sup>73</sup> First, for minorities with a different mother tongue, the national government is obliged to provide “adequate facilities for ensuring that in primary schools, the instruction shall be given through the medium of their own language.” At the same time, governments are allowed to make the teaching of the majority language obligatory, thus ensuring that minorities are able to speak the dominant language, which is also

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71 Article 8 Polish Minority Treaty; Article 8 Greek Minority Treaty; Article 8 Czechoslovakian Minority Treaty; Article 8 Serb-Croat-Slovene Minority Treaty; and Article 9 Romanian Minority Treaty.

72 Jackson Preece, “The League of Nations System of Minority Guarantees,” 76. Weisbrod similarly highlights that the particularly vulnerable position of Jews in Poland, and the significant size of the Jewish population, explains the range of provisions on Jews in the Polish minority treaty: Weisbrod, “Minorities and Diversities,” 370.

73 Article 9 Polish Minority Treaty; Article 9 Greek Minority Treaty; Article 9 Czechoslovakian Minority Treaty; Article 9 Serb-Croat-Slovene Minority Treaty; Article 10 Romanian Minority Treaty.

important for full participation in society. Second, and more generally, where racial, religious, or linguistic minorities are present in considerable numbers, they shall be assured an equitable share in the enjoyment and application of the public funds used for “educational, religious or charitable purposes.”

Regarding particular minority groups, there are marked differences between the treaties, with some having only one (at times very short) additional provision, while the Greek treaty has no less than six articles dedicated to particular groups.<sup>74</sup> On the other hand, these additional provisions are strikingly similar in that they most often concern religious minorities or issues.<sup>75</sup>

This strong focus on religious themes confirms the point made earlier: that the human rights paradigm first developed in relation to the recognition of protection needs of persons belonging to religious minorities.<sup>76</sup> In relation to the Jews, the Greek and Polish treaties acknowledge special protection needs.<sup>77</sup> These treaties provide explicit protections related to the Jewish sabbath. The Polish treaty also guarantees that Jewish schools will obtain a proportional share of public funds, while entrusting the actual distribution of these funds to Educational Committees appointed by local Jewish Communities.<sup>78</sup> The latter provision safeguards not only substantively equal public support for Jewish schools, but also an important level of autonomy in the matter.

Questions of autonomy in religious and scholastic matters are clearly considered to be very important since they were also secured for some groups that are not religiously defined as such, including the Vlachs of Pindus, whose local autonomy only concerns “religious, charitable or scholastic matters,”<sup>79</sup> and the Saxons and Czecklers (Szeklers) in Transylvania.<sup>80</sup>

Several Minority Treaties also enshrine autonomy in several respects for Muslims. The Serb-Croat-Slovene Treaty thus ensures that the state will nominate a *Reis-ul-ulema*, as chief of the learned men, to run the mosques and the Muslim

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74 Articles 10–15 Greek Minority Treaty.

75 The exception here seems to be the Romanian treaty, in which the only additional measure concerns local autonomy for “the Saxons and Czecklers [Szeklers] in Transylvania.” Nevertheless, on closer scrutiny, this autonomy only concerns “scholastic and religious matters.”

76 This is developed at greater length in Henrard, *The Ambiguous Relationship*, 19–35. See also Perry Dane, “The Varieties of Religious Autonomy,” in *Church Autonomy: A Comparative Survey*, ed. Gerhard Robbers (Frankfurt am Main: Peter Lang, 2001).

77 See also Weisbrod, “Minorities and Diversities,” 370.

78 Article 10 Polish Minority Treaty.

79 Article 12 Greek Minority Treaty.

80 Article 11 Romanian Minority Treaty.

legal system.<sup>81</sup> This same treaty, and the Greek treaty, grant Muslims the autonomy to regulate family law and personal status matters in line with Muslim usage.<sup>82</sup> The collective practice of their religion is also protected by the full recognition of their religious foundations and establishments.<sup>83</sup> Relatedly, several treaties acknowledge the specific need for protecting Muslims against persecution and to secure the protection of mosques, cemeteries, and other Muslim organizations.<sup>84</sup> Similarly, in the multi-racial city of Adrianople in Greece, protection for “buildings set apart for Muslim worship” is guaranteed.<sup>85</sup>

In the Czechoslovakian Treaty, the state agreed to recognize the Ruthene territory as an autonomous unit, with the fullest degree of self-government still compatible with the unity of the state.<sup>86</sup> The Ruthenes thus had guaranteed representation in the national legislative body, as well as their own legislative body, and a high degree of linguistic and local autonomy, in addition to autonomy in religious matters.<sup>87</sup>

A similar arrangement was made for Adrianople, for which a multi-racial municipal council was enshrined in the Greek Minority Treaty.<sup>88</sup>

### *Participation and Belonging*

The preceding in-depth discussion of the “equal rights” dimension of citizenship allows us to make certain inferences in terms of the “participation” and the “belonging/identification” dimensions of citizenship. Indeed, special rights for persons *belonging* to particular minorities can be seen as enablers of equal and effective *participation* in society, which in turn has positive implications for their sense of *belonging*. The various dimensions of substantive citizenship are clearly closely intertwined and interrelated.

Electoral rights provide a particular illustration of this relationship, sitting, as it does, at the intersection of “rights” and “(political) participation,” while being intimately tied to “legal citizenship.”<sup>89</sup> Active and passive electoral rights

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81 Article 10 Serb-Croat-Slovene Minority Treaty.

82 Article 14 Greek Minority Treaty; Article 10 Serb-Croat-Slovene Minority Treaty.

83 Article 14 Greek Minority Treaty; Article 10 Serb-Croat-Slovene Minority Treaty.

84 Article 10, Serb-Croat-Slovene Minority Treaty; Article 14 Greek Minority Treaty.

85 Article 15 Greek Minority Treaty.

86 Article 10 Czechoslovakian Minority Treaty. See also Weisbrod, “Minorities and Diversities,” 403.

87 Article 11 Czechoslovakian Minority Treaty.

88 Article 15 Greek Minority Treaty.

89 While most human rights are conceived as rights for all human beings, international conventions still tend to limit electoral human rights to nationals or legal citizens of states: Article 3, Protocol 1, ECHR, Article 25 (b) ICCPR.

are, of course, key to political participation, and the Minority Treaties reflect a keen awareness of the importance of these electoral rights for membership in the national community. For example, the Greek Minority Treaty obliged Greece to implement an electoral system within three years, giving due consideration to the rights of racial minorities in newly acquired territories.<sup>90</sup> In addition, the treaties included special provisions for particular minorities to ensure the effectiveness of their electoral rights.<sup>91</sup> The Polish treaty, for example, contains a clause concerning the avoidance of both general and local elections on Saturdays, when Jews are prohibited from working, thus safeguarding their political participation.<sup>92</sup>

In the Czechoslovakian case, a high level of (territorial) autonomy was provided for the Ruthene minority, including a separate legislative body to regulate its affairs,<sup>93</sup> and an assurance that officials in the territory would be locally recruited to the greatest possible extent.<sup>94</sup> It also guaranteed the equitable representation of Ruthenians in the state assembly,<sup>95</sup> thus giving the Ruthene minority a guaranteed voice in the national assembly, with national decision-making powers, as well as a reasonable level of self-government in the part of the state where they were concentrated.

Overall, the Minority Treaties can be seen to pursue the full and equal citizenship of minority groups, tailored to the specific characteristics of the groups and their particular vulnerabilities and concerns.

## Conclusion

When state borders were redrawn at the end of World War I, the Minority Treaties were concluded to ensure full national membership and adequate protection for those ethnic, religious, and/or linguistic groups that did not obtain their own state. Each of the five Minority Treaties were concluded with one of the newly minted states and applied to minority groups within its territory. Notwithstanding this particularistic (as opposed to a general) ambition, the five Minority Treaties reveal several commonalities, not least in terms of their vision of legal and substantive citizenship for the minorities concerned.

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<sup>90</sup> Greek Minority Treaty, Article 7.

<sup>91</sup> Hilpold, "The League of Nations and the Protection of Minorities," 98.

<sup>92</sup> Article 14 Greek Minority Treaty; Article 10 Polish Minority Treaty.

<sup>93</sup> Czechoslovakian Minority Treaty, Articles 10-11.

<sup>94</sup> Czechoslovakian Minority Treaty, Article 12.

<sup>95</sup> Czechoslovakian Minority Treaty, Article 13.

The preceding analysis, which focused on the letter and framing of the law,<sup>96</sup> demonstrated that (and how) these Minority Treaties aimed to secure full membership for minorities by applying an inclusive definition and determination of legal citizenship with a multi-faceted guarantee of equal substantive citizenship. In addition to protection from persecution for all inhabitants, and the full and equal participation of all nationals in the civil, political, economic, and cultural life of the state, the Minority Treaties also catered to distinct minority identities. In particular, separate religious and linguistic identities were allowed, protected, and even financially supported where numbers justified it. The Minority Treaties also enabled differential levels of autonomy for minorities, particularly in religious matters, while safeguarding the unity of the new states.

Overall, the Minority Treaties of the League of Nations favored full and equal membership for minorities in the newly demarcated states, each time tailoring the guarantees to the specific circumstances of the respective groups and their protection needs.

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<sup>96</sup> The actual implementation of the Minority Treaties, and the extent to which they secured full membership, requires a separate analysis.

*P a r t   T h r e e*

Post-Plebiscitary Territories  
as Living Spaces between  
the Two World Wars



## Chapter Six

### Fabricating a Border

#### The Sopron Plebiscite of 1921 and the Delineation of Burgenland

B É L A R Á S K Y \*



Until the late 1910s, the territory that lay along the border between the Austrian crownlands and Hungary was regarded neither as a distinct entity nor as a “contested borderland.” This was a space that had for centuries lain along an internal administrative boundary within the Habsburg Empire. Its linguistic heterogeneity and the interchangeability of identities would hardly have allowed for an unambiguous border. Thus, in the aftermath of World War I, imposing a linguistic order on Central Europe through clearly delineated nation states would also not be feasible here. Arbitrariness, pseudo-moral recourse to ethical principles, shifting alliances, secret diplomacy, military adventurism, predetermined plebiscites, and economic interests would finally lead to the fixing of the border between Austria and Hungary only years after the peace treaties were signed. In the end, linguistic enclaves—which were later subjected to homogenization processes—remained on both sides of the border, making this fabricated demarcation line an (almost) unambiguous divider between languages, nations, and political cultures.

Research questions around this border have changed markedly over time,<sup>1</sup> from the initial source analyses of the 1960s and 1970s<sup>2</sup> through to recent

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1 Dávid László Törő, “Az osztrák és a magyar történetírás Burgenland vitájáról (1918/1921–1945),” *Valóság* 46, no. 9 (2020): 19–30.

2 Jon D. Berlin, *Akten und Dokumente des Außenamtes (State Department) der USA zur Burgenland-Anschlussfrage 1919–1920* (Eisenstadt: Amt der Burgenländischen Landesregierung, 1977); Andrew F. Burghardt, *Borderland: A Historical and Geographical Study of Burgenland, Austria* (Madison: University of Wisconsin Press, 1962); Gerald Schlag, “Zur Burgenlandfrage von Saint Germain bis Venedig (10. Sept. 1919–11. Okt. 1921),” *Burgenländische Heimatblätter* 32, no. 3 (1970): 102–21; Otto Guglia, *Das Werden des Burgenlandes: Seine Angliederung an Österreich vor 40 Jahren im Lichte teilweise unbekanntem Materials*

studies.<sup>3</sup> However, these historiographies evince few points of intersection, let alone a consensual reading, and transnational perspectives have only recently come into focus.<sup>4</sup> The all-dividing border remains central, without a common narrative, and with a divided memory of the process of demarcation shaped by mutual, albeit well-intended, ignorance.

### Western Hungary before 1918

Even the most recent accounts of the Paris peace treaties fail to address the disputes over Western Hungary, a region that now constitutes Burgenland, the easternmost federal state of the Republic of Austria.<sup>5</sup> Although a predominantly German-speaking territory, its incorporation into Austria after World War I was far from inevitable. By the beginning of the twentieth century, the Austro-Hungarian politician Aurel Popovici (of Romanian nationality) had already suggested creating a German-language constituent state within the Dual Monarchy, which would have included this region.<sup>6</sup> This idea was followed by an article in the *Alldeutsche Tagblatt* on June 17, 1906, proposing that Hungary relinquish its western border region to Austria in exchange for gaining full sovereignty over occupied Bosnia-Herzegovina. Some months later, a travel report in the *Reichspost*<sup>7</sup> made a similar proposal.

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(Eisenstadt: Amt der Burgenländischen Landesregierung, 1961); Lajos Kerekes, *Von St. Germain bis Genf: Österreich und seine Nachbarn 1918–1922* (Budapest: Akadémiai, 1979).

- 3 Oliver Rathkolb et al., eds., *Burgenland schreibt Geschichte, 1921–2021* (Eisenstadt: Amt der Burgenländischen Landesregierung, 2021); Gábor Ujváry, “Hűség városa, légy hű öre önmagadnak”: *Nyugat-Magyarország 1918–1921 közötti sorsa és a soproni népszavazáshoz vezető út* (Budapest: Veritas, 2021); Ibolya Murber, *Grenzziehung zwischen Ver- und Entflechtungen: Eine Entstehungsgeschichte Deutsch-Westungarns und des Burgenlandes* (Wiesbaden: Harrassowitz, 2021).
- 4 Gábor Egry, “Nationale Selbstbestimmung—ohne Nationen? Territoriale Neugliederung und nationalstaatliche Legitimation in Westungarn/Burgenland 1918–1922,” in *Frieden durch Volksabstimmungen? Selbstbestimmungsrecht und Gebietsreferenden nach dem Ersten Weltkrieg*, ed. Oliver Jens Schmitt and Reinhard Stauber (Vienna: Österreichische Akademie der Wissenschaften, 2022), 221–48; Tamás Révész, “The Land of Peace? The 1921 Borderland Conflict of Burgenland in the International Context,” *Südost-Forschungen: Zeitschrift für Geschichte, Kultur und Landeskunde Südosteuropas* 79 (2020): 124–49; Róbert Fiziker, “Wisst ihr, magyarok maradtunk’: A soproni népszavazás (1921),” in *Ausztria a 20. században: Az “életképtelen” államtól a “boldogok szigetéig”: Tanulmányok*, ed. István Németh and Róbert Fiziker (Budapest: L’Harmattan, 2011).
- 5 Larry Wolff, *Woodrow Wilson and the Reimagining of Eastern Europe* (Stanford: Stanford University Press, 2020); Steven Seegel, *Map Men: Transnational Lives and Deaths of Geographers in the Making of East Central Europe* (Chicago: The University of Chicago Press, 2018); Aurel Popovici, *Die Vereinigten Staaten von Groß-Österreich: Politische Studien zur Lösung der nationalen Fragen und staatsrechtlichen Krisen in Österreich-Ungarn* (Leipzig: Elischer Nachf., 1906), 308.
- 6 Popovici, *Die Vereinigten Staaten von Groß-Österreich*, 308.
- 7 Gregor Meidlinger, “Der schnelle Beweis: Eine Kulturskizze aus Ungarn,” *Reichspost*, September 1, 1906, 1–2.

It remains anyone's guess how the population itself felt, whether there was a "German national consciousness,"<sup>8</sup> and whether this was compatible with loyalty toward the Kingdom of Hungary. Some Burgenland historians conceded that secessionist initiatives were generally regarded as "injurious"<sup>9</sup> by the local population. Other local historians,<sup>10</sup> and the local historical academic magazine *Burgenländische Heimatblätter*, tended to attribute the putative lack of linguistic or "ethnic" consciousness to the pre-1918 politics of Magyarization of the Kingdom of Hungary, while more contemporary studies approach this question in broader contexts of identity, cleavages, and regional loyalties.<sup>11</sup>

Over the course of the peace conferences, and even afterward, a plethora of petitions on the future of the region was submitted to authorities, governments, and the League of Nations.<sup>12</sup> With conspicuously synonymous formulations, they can hardly be construed as spontaneous expressions by the population itself. Reports conveyed to the Austrian State Department<sup>13</sup> reveal that, independent of their linguistic or "ethnic" affiliations, the urban population rejected annexation to Austria, while the rural population remained "lethargic."<sup>14</sup> Arthur Wood DuBois, a member of the American Commission to Negotiate Peace,<sup>15</sup> whose report on the borderland "has to be regarded as one of the most critical and precise assessments by a neutral observer,"<sup>16</sup> wrote that the local population "for the most part apparently lacks any patriotic affection for either Austria or

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8 Karl Wollinger, "Deutsches Volksbewusstsein in Westungarn," *Atlas-Burgenland.at*, last modified September 14, 2022, [http://www.atlas-burgenland.at/index.php?option=com\\_content&view=article&id=190:deutsches-volksbewusstsein-in-westungarn&catid=26&Itemid=127](http://www.atlas-burgenland.at/index.php?option=com_content&view=article&id=190:deutsches-volksbewusstsein-in-westungarn&catid=26&Itemid=127).

9 Guglia, *Das Werden des Burgenlandes*, 10.

10 Norbert Leser, "Vom Sinn der burgenländischen Geschichte," in *...mit Österreich verbunden: Burgenlandschicksal 1918–1945*, ed. Richard Berczeller and Norbert Leser (Vienna and Munich: Jugend und Volk, 1975); August Ernst, *Geschichte des Burgenlandes* (Vienna: Verlag für Geschichte und Politik, 1987); *Vierzig Jahre Burgenland (1921–1961): Festschrift aus Anlaß der vor vierzig Jahren erfolgten Heimkehr des Burgenlandes zu Österreich*, ed. August Ernst (Eisenstadt: Amt der Burgenländischen Landesregierung, 1961).

11 Gábor Egry, "Nationale Selbstbestimmung—ohne Nationen?"; Peter Haslinger, "Building a Regional Identity: The Burgenland, 1921–1938," *Austrian History Yearbook* 32 (2001): 105–23.

12 Jon Dale Berlin, "The Burgenland Question 1918–1920: From the Collapse of Austria-Hungary to the Treaty of Trianon" (PhD diss., University of Wisconsin, 1974), 263.

13 Cornelia Kurz, "Deutschsprachige Propaganda und Agitation während des Anschlusskampfes des Burgenlandes an Österreich" (PhD diss., University of Vienna, 1984), 74.

14 Walter Dujmovits, "Die Haltung der westungarischen Bevölkerung zur Frage des Anschlusses des Burgenlandes an Österreich," *Burgenländische Heimatblätter* 27, nos. 1–2 (1965): 57.

15 Siegfried Beer, "Selectively Perceived Legacies of World War I: The Little-Known Halstead Mission in Austria, 1919," in *From Empire to Republic: Post-World War I Austria*, ed. Günter Bischof and Fritz Plasser (New Orleans and Innsbruck: UNO, 2010), 110–22.

16 Berlin, *Akten und Dokumente des Außenamtes*, 134.

Hungary.”<sup>17</sup> In his travel reports, writer Joseph Roth also described the people of the region as neither enthusiastic Germans nor ardent Hungarians. “[T]he peasant in Western Hungary has no national feeling,” he wrote on August 8, 1919, for the daily *Der neue Tag*.<sup>18</sup> Some pro-Austrian demonstrations were nevertheless held in Western Hungarian towns in late 1918.<sup>19</sup> The Austrian ambassador to Hungary, Hans von Cnobloch, later reported on these: “I am above all certain that the enthusiasm of even the purely German population of Western Hungary is not as far-reaching as we in Austria are often inclined to assume. The numerous demonstrations in favor of annexation seem at least in part to have been artificially occasioned.”<sup>20</sup> In his memoirs, Julius Deutsch, the Social Democrat Undersecretary for the Armed Forces, also mentioned that demonstrations were controlled by outside forces: “farmers who felt German ... were to instigate an uprising, following which we were supposed to come militarily to their aid.”<sup>21</sup> Plebiscites “using preprinted forms”<sup>22</sup> also failed to produce unambiguous results, even evincing a predominant desire to remain in Hungary.<sup>23</sup> The respective documents regarding the procedures of these local plebiscites in 76 communities are stored in the *Anschlussarchiv* of the Burgenland State Archive,<sup>24</sup> as well as in the Austrian State Archives.<sup>25</sup> The results of these unofficial plebiscites, held under various circumstances, underline the assumption of a “floating nationality. Germans living in Hungary ... stood up for the integrity of the empire of the Hungarian Crown of St. Stephen and wanted to be ‘good Germans in Hungary.’”<sup>26</sup> The idea of any “Austrianness” had yet to be constructed.

17 “Memorandum by Arthur Wood DuBois,” December 1, 1919, Document 119, in Berlin, *Akten und Dokumente des Außenamtes*, 200.

18 Joseph Roth, “Der Anschluß Deutsch-Westungarns,” in Joseph Roth, *Werke*, vol. 1, *Das journalistische Werk 1915–1923*, ed. Klaus Westermann (Cologne: Kiepenheuer & Witsch: 1989), 105.

19 “Anschlussbewegung für Westungarn,” Österreichisches Staatsarchiv/Archiv der Republik/Neues Politisches Archiv (hereafter: AT-OeStA/AdR/NPA) Karton 738, Liasse Ungarn.

20 “Denkschrift Gesandter Cnobloch,” August 22, 1919, in *Außenpolitische Dokumente der Republik Österreich 1918–1938* (hereafter, *ADÖ*), vol. 2, *Im Schatten von St. Germain: 15. März bis 10. September 1919*, ed. Klaus Koch et al. (Vienna and Munich: Verlag für Geschichte und Politik and R. Oldenbourg, 1994), 425 (Document 349).

21 Julius Deutsch, *Aus Österreichs Revolution: Militärpolitische Erinnerungen* (Vienna: Wiener Volksbuchhandlung, 1920), 78.

22 Sophie Marie Bruckner, “Der lange Weg zur burgenländischen Ostgrenze 1918–1923” (MA diss., University of Graz, 2017), 93.

23 Norbert Leser, “Vom Sinn der burgenländischen Geschichte,” 18.

24 Burgenländisches Landesarchiv, Anschlussarchiv, A/I-1 to A/I-63; quoted in Bruckner, “Der lange Weg,” 94–100. For the list of the documents on the local plebiscites, see, [https://www.burgenland.at/fileadmin/user\\_upload/Downloads/Kultur/Landesarchiv\\_Bestaende/A-I-1\\_Die\\_Anschlussbewegung\\_0422.xlsx](https://www.burgenland.at/fileadmin/user_upload/Downloads/Kultur/Landesarchiv_Bestaende/A-I-1_Die_Anschlussbewegung_0422.xlsx) (last modified December 4, 2023).

25 ÖStA/AdR/StK/BKA alt/1921, Karton 91 und ÖStA/AdR/NPA, Karton 362–363, quoted in Bruckner, “Der lange Weg,” 94–100.

26 Dujmovits, “Die Haltung der westungarischen Bevölkerung,” 60.

At the same time, pro-Hungarian political elites continued to think in terms of the territorial integrity of Hungary's "thousand-year realm," thus forming the linchpin of all constitutional thought. The proponents of this position could at best concede autonomy, but ultimately remained "fanatical representatives of Greater Hungarian ideology."<sup>27</sup> Therefore, most Hungarian accounts tended to emphasize an ostensible "Hungarus" identity, according to which Hungary's subjects defined themselves in terms of loyalty (or subservience) to the kingdom:<sup>28</sup> "It seems clear that at least until late 1918 few of the peasants had any conception of being 'repressed' in the nationalistic sense.... They accepted the fact that they lived within ... St. Stephen's Hungary."<sup>29</sup>

Ten days after the proclamation of the Austrian Republic, on November 12, 1918, the borders of the Austrian state were proclaimed in a law,<sup>30</sup> with the territory that later became Burgenland remaining on the Hungarian side. This law was immediately dismissed by Alois Heilinger, a pan-German member of the Provisional National Assembly, as a pure "wish list." Above all, Heilinger complained that the law, while actively claiming other predominantly German-speaking territories like the Sudetenland, South Tyrol, or Carniola for Austria, only evoked Western Hungary's "most intimate economic and spiritual community with German Austria" and demanded that the future of the region be decided by plebiscite.<sup>31</sup> In summary, it can be said that all these attempts to define the region were the result of "non-endogenous regional demands"<sup>32</sup> as well as geographic and ethnographic ascriptions that had already been manifest before the war.<sup>33</sup> One could perhaps most suitably speak of a "persistence of non-nationalist subjectivities": "To ordinary peasants and workers in multilingual regions of East Central Europe throughout much of the modern era, bilingualism or indifference to nationality were not exotic forms of 'hybridity'; they were rather

27 Gerald Schlag, "Die Angliederung des Burgenlandes an Österreich," *Österreich in Geschichte und Literatur* 15, no. 8 (1971): 434.

28 Moritz Csáky, "Patrioten oder Kosmopoliten? Die historische und überzeitliche Relevanz der Hungari," in *Von der Einheit losgerissen?: Die Verlustgeschichte der Hungari*, ed. Katalin Blaskó et al. (Vienna: Praesens, 2023), 13–47.

29 Burghardt, *Borderland*, 157.

30 "Gesetz vom 22. November 1918 über Umfang, Grenzen und Beziehungen des Staatsgebietes von Deutschösterreich," *Staatsgesetzblatt für den Staat Deutschösterreich*, 9. Stück, 40, November 22, 1918: 51.

31 *Stenographische Protokolle über die Sitzungen der Provisorischen Nationalversammlung für Deutschösterreich: 1918 und 1919* (Vienna: Deutschösterreichische Staatsdruckerei, 1918–19), 4. Session, November 14, 1918: 94.

32 Ibolya Murber, "A burgenlandi impériumváltás 1918–1924: Kikényszerített identitásképzés és politikai erőszak," *Múltunk*, no. 2 (2019): 181.

33 Ferenc Jankó, "Változó földrajzi nézőpontok: Burgenland és Nyugat-Magyarország az első világháború előtt és után," *Századok* 155, no. 2 (2021): 354–58.

normal aspects of social, cultural, and economic life.”<sup>34</sup> The advantages and disadvantages of state affiliation were not assessed on an ethnic basis, but were rather connected to political and economic alternatives: preserving the integrity of property, securing access to markets, and protecting economic mobility.

### Autonomy within the Borders of Hungary

With a law promulgated on January 29, 1919, the new Republic of Hungary promised autonomy for the German-speaking minority. The additional, yet unrealized, decrees initiated by Nationalities Minister Oszkár Jászi aimed to preserve the integrity of the disintegrating state through federalization.<sup>35</sup> The Hungarian Soviet Republic, proclaimed on March 21, 1919, even granted Western Hungary territorial autonomy.<sup>36</sup> Prominent German-speaking Social Democrats in Western Hungary supported these plans, perceiving them as an opportunity to realize collective rights. Thus, the question of secession or autonomy was not exclusively approached along the lines of linguistic or “ethnic” belonging.<sup>37</sup>

During this time, Viennese dailies were publishing “Calls for Help”<sup>38</sup> while Hungarian anticommunist emigrants, together with Christian Social politicians,<sup>39</sup> were calling for military action to bring down the Hungarian Soviet Republic.<sup>40</sup> Adolf Boog,<sup>41</sup> commander-in-chief of the Austrian army, and Julius Deutsch would later offer consistent accounts of the planned operations. Yet, Deutsch was, by this point, opposed to such an intervention, partly because the “local working masses” were “sympathetic to the Hungarian revolution,”<sup>42</sup> but also out of respect for the Hungarian Red Army, which was then leading a success-

34 Tara Zahra, “Looking East: East Central European ‘Borderlands’ in German History and Historiography,” *History Compass* 3, no. 1 (2005): 12–13.

35 Holger Fischer, *Oszkár Jászi und Mihály Károlyi: Ein Beitrag zur Nationalitätenpolitik der bürgerlich-demokratischen Opposition in Ungarn von 1900 bis 1918 und ihre Verwirklichung in der bürgerlich-demokratischen Regierung von 1918 bis 1919* (Munich: Trofenik, 1978), 144–50.

36 Katalin G. Soós, “Adalékok a Magyar Tanácsköztársaság és az Osztrák Köztársaság kapcsolatainak történetéhez,” *Soproni Szemle* 13, no. 4 (1959): 289–304.

37 Géza Zsombor, *Westungarn: Zu Ungarn oder zu Österreich?* (Ödenburg: Corvina, 1919); Richard Pfaundler, *The Future of the Germans in Western Hungary* ([Vienna], [1919]).

38 “Hilferufe aus Westungarn,” *Neue Freie Presse*, May 3, 1919, 3.

39 Anton Rintelen, *Erinnerungen an Österreichs Weg: Versailles—Berchtesgaden—Großdeutschland* (Munich: F. Bruckmann, 1941), 72; Anton Lehár, *Erinnerungen: Gegenrevolution und Restaurationsversuche in Ungarn 1918–1921* (Vienna: Verlag für Geschichte und Politik, 1973), 86–93.

40 Wulf Schmidt-Wulffen, “Das Burgenland und die deutsche Politik 1918–1921,” *Österreichische Osthefte* 11, no. 5 (1969): 270–87.

41 Adolf Boog, “Westungarn, Béla Kun und Dr. Deutsch: Aus der politischen Vorgeschichte der Vereinigung des Burgenlandes,” *Reichspost*, August 19, 1921, 2.

42 “Staatssekretär für Äußeres Bauer an Legationsrat Deim (Kopenhagen),” April 7, 1919, in *ADÖ*, vol. 2, 82–83 (Document 208).

ful campaign against the Czechoslovak Republic.<sup>43</sup> However, following the overthrow of the Hungarian Soviet Republic in August 1919, Deutsch also advocated for the occupation of Western Hungary, stating that the “proletarian socialist considerations that had influenced our decisions up until then”<sup>44</sup> no longer applied. The Christian Socials, on the other hand, had become more reticent, given their sympathies for the authoritarian right-wing Horthy regime that had replaced the Soviet Republic. In an appeal, they called for restraint and advocated for a plebiscite.<sup>45</sup>

Responding to allegations of having been too hesitant during this period, Otto Bauer, the Social Democratic theoretician and head of the State Department at the time, explained to the members of the Constituent National Assembly on June 7, 1919, that the Social Democrats “opposed a violent solution to the German Western Hungarian question.... For such a solution would have erected a wall of enmity and hate between us and Hungary that would have lasted for decades.”<sup>46</sup>

### Western Hungary at Saint-Germain

Before the peace conferences began, Harvard professor Archibald Cary Coolidge paid a visit to Western Hungary,<sup>47</sup> following which he proposed, in March 1919, that this strip be handed over to Austria.<sup>48</sup> However, the region only came up for discussion when the Czechoslovak delegation demanded a land corridor connecting their republic to the Kingdom of Serbs, Croats, and Slovenes.<sup>49</sup> Yet, no border change was mentioned in the first draft of the peace conditions submitted to the Austrian delegation on June 2, 1919. The “wishes of the German population of Western Hungary” had been “overlooked with disheartening silence,” wrote Karl Renner, the first head of government (State Chancellor) of the Aus-

43 Tamás Révész, “A National Army under the Red Banner? The Mobilisation of the Hungarian Red Army in 1919,” *Contemporary European History* 31, no. 1 (2022): 71–84.

44 Deutsch, *Aus Österreichs Revolution*, 79.

45 “Aufruf Nationalversammlung für Deutschösterreich,” August 4, 1919, in *ADÖ*, vol. 2. *Band 2*, 413–16 (Document 342A).

46 “Erklärung über die Friedensvorschläge von St. Germain,” in *Stenographische Protokolle der Konstituierenden Nationalversammlung für Deutschösterreich*, Session 21, June 7, 1919, 520.

47 Christine M. Gigler, *Die Berichte der Coolidge-Mission im Jahr 1919: Die Mitteleuropäischen Interessen der Vereinigten Staaten von Amerika nach dem Ersten Weltkrieg* (Klagenfurt: Kärntner Landesarchiv, 2001).

48 Jon D. Berlin, “Die Rolle der amerikanischen Diplomatie in der Burgenlandfrage 1919–1920,” *Österreichische Osthefte* 14, no. 3 (1972): 291.

49 Árpád Popély, “‘Szégyentelen és igazolhatatlan’: Adalékok a szláv korridor történetéhez,” *Fórum: Társadalomtudományi Szemle* 22, no. 4 (2020): 3–30; Janko Bekić, “Die Entstehung der Ersten Tschechoslowakischen Republik und die Pläne zur Errichtung eines ‘Slawischen Korridors’” (MA diss., University of Vienna, 2006).

trian Republic, in a 1938 text aimed at ingratiating himself with the National Socialists while under house arrest in his villa in Gloggnitz following the *Anschluss*.<sup>50</sup> In response, Austria formulated a *Note*<sup>51</sup> which strongly emphasized economic over ethnic arguments in favor of shifting the border between former Cis- and Transleithania further east. According to this, the region constituted, above all, an agrarian supply base for the city of Vienna. In September 1919, the victorious powers finally assigned the territory to Austria without a plebiscite—a move that “filled the delegation with joyous gratification.”<sup>52</sup> Hungary, which at that time constituted a Soviet Republic, was not even consulted about the decision.

Generally, the decision over the future of this region was regarded as an exemplary application of Wilsonian principles, since these had been so flagrantly breached elsewhere. The decision was also regarded as “punishment” of Hungary for its communist experiment.<sup>53</sup> “No event affected the frontiers of Hungary more decisively than the Socialist revolution, which broke out in Budapest in April 1919.”<sup>54</sup> Otto Bauer also opined that Austria had been awarded Burgenland because “the German-Austrian working class had warded off the assault of Bolshevism mobilized from Hungary.”<sup>55</sup> Yet, there are many indications that the economic interests of the victorious powers played the most significant role: The United Kingdom wanted to develop Austria into a base for its business ventures in Central Europe, while France, for a while, pursued similar interests with regard to Hungary, with each power consequently offering their prospective partner corresponding territorial concessions.<sup>56</sup>

The Treaty of Saint-Germain-en-Laye, signed in September 1919, finally granted the entire strip of land, including the city of Ödenburg (Sopron in Hungarian) to Austria. In response, Hungary stated it would only cede the territory following the ratification of its own peace treaty: Austria was regarded as the weakest link in the Versailles system, while Western Hungary was the only lost territory that was not occupied either by the Entente or the troops of the now victorious

<sup>50</sup> Karl Renner, *Die Gründung der Republik Deutsch-Österreich, der Anschluss und die sudetendeutsche Frage* (Vienna: Globus [reprint], 1990), 55.

<sup>51</sup> *Bericht über die Tätigkeit der deutschösterreichischen Friedensdelegation in St. Germain-en-Laye*, vol. 1 (Vienna: Deutschösterreichische Staatsdruckerei), Beilage 128, 130.

<sup>52</sup> Renner, *Die Gründung der Republik*, 71.

<sup>53</sup> Alfred D. Low, “The First Austrian Republic and Soviet Hungary,” *Journal of Central European Affairs* 20, no. 2 (July 1960): 174–203.

<sup>54</sup> Burghardt, *Borderland*, 308n4.

<sup>55</sup> Otto Bauer, *The Austrian Revolution*, ed. Eric Canepa and Walter Baier (Chicago: Haymarket Books, 2021), 222.

<sup>56</sup> Hanns Haas, “Anmerkungen zur Burgenlandfrage auf der Pariser Friedenskonferenz,” *Burgenländische Heimatblätter* 33, no. 3 (1971): 105.

neighboring countries. Thus, it was self-evident that the Hungarian government would “direct its revisionist activities against economically as well as militarily weak Austria.”<sup>57</sup> When the peace conditions for Hungary were announced in February 1920, the Hungarian government suggested to Austria<sup>58</sup> that a plebiscite be held about the future affiliation of the region—a suggestion that Austria dismissed out of hand. Relations between Austria and Hungary were strained, not least because Austria had, in the meantime, granted asylum to leaders of the now-defeated Soviet Republic.<sup>59</sup>

### Western Hungary: Pawn of the Great Powers

In the aftermath of the peace treaties, both Austria and Hungary played a duplicitous game, each stalling for time while simultaneously developing alternative strategies. Thus, Austria continued to reject direct negotiations<sup>60</sup> while remaining in dialogue with Hungary via Italian mediation. A bilateral treaty with Czechoslovakia, signed in January 1920, confirmed the latter as an ally of Austria.<sup>61</sup> Italy initially appeared disgruntled by this move but gradually also drew closer to Austria in order to forestall the growing regional hegemony of France.

Meanwhile, Hungary was conducting secret negotiations with France.<sup>62</sup> Under Alexandre Millerand’s leadership, the French government temporarily viewed the Horthy regime as a partner in the construction of a *cordon sanitaire* against the Soviet Red Army, which was making advances against Poland. A corresponding treaty was signed in Gödöllő, near Budapest, on July 27, 1920.<sup>63</sup> On the basis of hearsay, the *Neues Wiener Tagblatt* reported on September 28, 1920, that Hungary had promised “to provide 150,000 men in the event of a strug-

57 Imre Tóth, “Az osztrák-magyar határ és a nyugat-magyarországi kérdés,” *Korunk: Fórum-Kultúra-Tudomány* 31, no. 5 (2020): 51.

58 Soós Katalin, *Burgenland az európai politikában 1918–1921* (Budapest: Akadémiai, 1971).

59 Amália Kerekes, *Wartezeit: Studien zur Geschichte der ungarischen Emigration in Wien 1919–1926* (Würzburg: Königshausen & Neumann, 2018).

60 “Staatssekretär für Äußeres Mayr an Gesandten Cnobloch (Budapest), Bevollmächtigter Eichhoff (Paris) und Legationssekretär Hauenschild (Ödenburg),” October 26, 1920, in *Außenpolitische Dokumente der Republik Österreich 1918–1938*, vol. 3, *Österreich im System der Nachfolgestaaten*, ed. Klaus Koch et al. (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 1996), 443 (Document 475).

61 Béla Rásky, “Die außenpolitischen Beziehungen der Republik Österreich zu den Nachfolgestaaten der Donaumonarchie (1918–1938),” in *Handbuch des politischen Systems der Ersten Republik Österreich*, ed. Herbert Dachs et al. (Vienna: Manzsche Verlags- und Universitätsbuchhandlung, 1995), 654.

62 Berlin, “The Burgenland Question,” 317–19.

63 “III/1 Angebliche Ententeverträge mit Ungarn 1919–1920,” AT-OeStA/AdR/NPA Liasse Ungarn III/Geheim.

gle against Russia. In return, France is said to have committed itself to supporting Hungarian demands in the final determination of the Hungarian border.” Meanwhile, on September 4, 1920, the *Arbeiter-Zeitung* reported that Hungary was “to receive ... territorial concessions at German Austria’s expense.” Hungary was also authorized to intervene militarily in the event of a union between Austria and Germany. In return, the Hungarian State Railway was to be leased to a French financial group, while half the stock of the Manfred Weisz armaments factory, as well as the contract for the expansion of Budapest’s free port, were to be handed over to the French Schneider-Creusot iron and steel mill company.<sup>64</sup> These rumors triggered vehement protests, with partly anti-semitic undertones,<sup>65</sup> in the Viennese press and bolstered the efforts on behalf of Czechoslovakia, Yugoslavia, and Romania to counteract Hungary’s revisionary demands. The “Miracle on the Vistula” (the defeat of the Red Army at the Battle of Warsaw in the summer of 1920) finally led to a turn in France’s policy toward the Danube Basin,<sup>66</sup> although in a diplomatic memo from May of that year, Millerand still assured Hungary of France’s support in securing revisions to the peace treaty. These revisions would later be construed generously in Budapest but very conservatively in France.<sup>67</sup>

At the same time, the Horthy regime established contact with extreme right-wing organizations in Austria and later in Bavaria, which also involved Christian Social politicians, with the aim of bringing down Renner’s coalition government, as Hungary expected a right-wing government to make territorial concessions.<sup>68</sup> These secret negotiations around military action against successive Austrian governments continued until May 1921, as did financial support for the Austrian radical right-wing, paramilitary *Heimwehr*.<sup>69</sup> The electoral victory of the Christian Socials on October 17, 1920, rendered these plans obsolete, while at the same time feeding the hope in Hungary that the new Austrian government would be more forthcoming. Instead, the new conservative government unequivocally pursued the annexation of Ödenburg/Sopron.

64 Schlag, “Zur Burgenlandfrage,” 105–6.

65 “Horthys Kriegsrüstung,” *Arbeiter-Zeitung*, September 12, 1920, 1–2.

66 Hanns Haas, “Zwischen Ost und West: Österreichs Sozialdemokratie 1918–1920,” in *Ein dritter Weg zwischen den Blöcken? Die Weltmächte und der Eurokommunismus*, ed. Heinz Gärtner and Günter Trautmann (Vienna: Verlag für Gesellschaftskritik, 1985), 107.

67 “Mantelnote vom 6. Mai 1920,” OeStA/AdR/NPA Karton 749, Liasse Ungarn.

68 Lajos Kerekes, “Die ‘weiße Allianz’: Bayrisch-österreichisch-ungarisch Projekte gegen die Regierung Renner im Jahre 1920,” *Österreichische Osthefte* 7, no. 5 (1965): 357.

69 Katalin G. Soós, *Magyar-bajor-osztrák titkos tárgyalások és együttműködés 1920–1921* (Szeged: Acta Historica, 1967), 37ff.

Bilateral negotiations on the concrete course of the border finally began in February 1921.<sup>70</sup> Hungary tried to force territorial concessions by referencing Millerand's memo, but these were rejected by Johann Schober, Austria's head of government since the previous June, as "out of the question."<sup>71</sup> In August 1921, Hungary tried again to obtain concessions, but this time only including Ödenburg/Sopron, the lands to the east of Lake Neusiedl/Fertő, and a five-kilometer strip in the south;<sup>72</sup> this proposal was rejected by the foreign policy committee of the National Assembly. The victorious powers now also insisted on the evacuation of "Burgenland"—a territory described by an Austrian constitutional law in January 1921,<sup>73</sup> and which included Ödenburg as its proclaimed capital.

Hungary, however, had already made preparations for an armed operation: "The government—despite its constant avowals of having nothing to do with the insurgents—committed itself to the adventurous plan of declaring Western Hungary an independent province for a certain period of time with the help of irregular troops."<sup>74</sup> Thus, the fate of Western Hungary should fall—according to the official version of the Hungarian side—to "the will of the people."

The clashes that subsequently erupted between the Austrian gendarmerie and a Hungarian paramilitary force of around 3,000 men, which have variously been described as a "guerrilla war"<sup>75</sup> or an "uprising," depending on the position of the observer, lasted from September to October 1921<sup>76</sup> and resulted in a few dozen deaths on both sides.<sup>77</sup> Recent research has compared this with similar conflicts in Silesia, the Baltic region, and Fiume/Rijeka,<sup>78</sup> highlighting

70 "Protokoll der Verhandlungen," February 23 and 24; March 19 and 21; and May 25, 1921, in *ADÖ*, vol. 3, 516–36, 564–73, 635–50 (Documents 507, 513, and 538).

71 "Bundeskanzler Schober an Gesandten Eichhof (Paris) und Cnobloch (Budapest)," July 15, 1921, in *Außenpolitische Dokumente der Republik Österreich 1918–1938*, vol. 4, *Zwischen Staatsbankrott und Genser Sanierung: 11. Juni 1921 bis 6. November 1922* (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 1998), 53–54, here 54 (Document 553).

72 Eduard Hochenbichler, *Republik im Schatten der Monarchie: Das Burgenland, ein europäisches Problem* (Vienna: Europa, 1971), 119–28.

73 "Bundesverfassungsgesetz vom 25. Jänner 1921 über die Stellung des Burgenlandes als selbständiges und gleichberechtigtes Land im Bund und über seine vorläufige Einrichtung," *Bgbl.* 1921, 43. Stück, Nr. 85, February 9, 1921.

74 Katalin Gulya, "Die westungarische Frage nach dem Ersten Weltkrieg: Das Burgenland und die Politik der ungarischen Regierungen 1918–1921," *Österreichische Osthefte* 10, no. 3 (1966): 98f.

75 "Ungarische Bandenbewegung 1920–1924," *OeStA/AdR/NPA Karton 735, Liasse Ungarn*.

76 Wolfgang Duchkowitz, "Banden, Freischärler, Hianzen: Deutschwestungarische Themen in der Tagespresse vor 100 Jahren," *Burgenländische Heimatblätter* 83, nos. 3–4 (2021): 231–35.

77 Gerald Schlag, *Die Kämpfe um das Burgenland 1921* (Vienna: Heeresgeschichtliches Museum, 1983); Lajos Missuray Krüg, *A nyugatmagyarországi felkelés*, 4th ed. (Sopron: 1938); Jenő Héjjas, *A nyugatmagyarországi felkelés: Kecskemétiek az 1921. évi nyugatmagyarországi felkelésben* (Kecskemét, 1929).

78 Dominique Kirchner Reill, *The Fiume Crisis: Life in the Wake of the Habsburg Empire* (Cambridge, MA: Harvard University Press, 2020).

the similar makeup of the guerrilla forces and the function of small and short-lived renegade states in these contexts—in the case of Western Hungary, this was reflected in the establishment of the *Lajtabánság* (“Banate of Leitha”) in October 1921.<sup>79</sup> This research also highlights some specific features of the Hungarian uprising:<sup>80</sup> For example, despite the involvement of Western Hungarian guerrilla commanders in the “White Terror” that followed the fall of the Hungarian Soviet Republic, the lower ranks were more interested in a monarchist restoration than any radical right-wing ideology. Furthermore, these troops—who were primarily recruited from other regions of disintegrating Greater Hungary (primarily Transylvania and former Upper Hungary)—were “only” fighting a proxy war; for them, Western Hungary constituted a symbolically vacant *terra incognita*, having no personal connection to the region. “The paramilitaries, who were otherwise ready to use violence, simply could not ‘identify’ their enemies in the region.”<sup>81</sup> This presumably explains why the violence subsided so quickly. By early November 1921, Horthy pressured the irregular troops to give up, following which the Austrian army managed to occupy all of Burgenland except for Ödenburg/Sopron. Thus, contemporary discourse about the “bloody liberation” of this “primordially German territory”<sup>82</sup> was rather exaggerated.<sup>83</sup>

Austria nevertheless found itself on the defensive during this period, not least because the Allies were no longer interested in an unconditional Hungarian departure from Ödenburg/Sopron following the fall of the Soviet Republic. To avoid further escalations, Czechoslovakia and Italy offered to mediate.<sup>84</sup> It was finally agreed that Italy would act as an arbitrator, leading to the eventual signing of the Venice Protocol.<sup>85</sup> The Hungarian government therein promised to relinquish Western Hungary, while Austria agreed to a plebiscite in Ödenburg/Sopron and its surroundings.<sup>86</sup>

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79 Joseph B. Imre, “The Obscure Republic: Banat Leitha, Burgenland, and Counter-Revolutionary Hungary,” *Hungarian Review: A Quarterly Journal from Central Europe* 12, no. 4 (2022), last modified September 14, 2022, <https://hungarianreview.com/article/the-obscure-republic/>.

80 Révész, “Land of Peace?,” 147–48.

81 Révész, “Land of Peace?,” 148.

82 Karl Renner, “Wie es zur Befreiung des Burgenlandes kam,” *Die Gendarmerie: Illustrierte Zeitschrift für die allgemeine und fachliche Fortbildung der Gendarmeriebeamten Österreichs*, Sonderheft “10 Jahre österreichische Gendarmerie im Burgenland,” (1931): 9.

83 Duchkowsch, “Banden, Freischärler, Hianzen,” 231–35.

84 Imre Tóth, “Az első magyar békerezívó: A velencei szerződés 1921-ben,” in *Arrabona: Regionális évkönyv* 58, ed. Gábor Nemes (Győr: Rómer Flóris, 2020), 389.

85 “Protokoll betreffend die Regelung der westungarischen Frage,” *Bgbl.* 1922, 34. Stück, Nr. 138, March 15, 1922.

86 Irmtraut Lindeck-Pozza, “Zur Vorgeschichte des Venediger Protokolls,” in *50 Jahre Burgenland: Vorträge im Rahmen der landeskundlichen Forschungsstelle am Landesarchiv*, Burgenländische Forschungen,

It was clear from the outset that the results of the plebiscite were predetermined and that the discussions in Venice had served merely to negotiate the formalities.<sup>87</sup> According to a report by the German ambassador, Austrian government representatives regarded the plebiscite as a “comedy.”<sup>88</sup> Paradoxically, the Austrian government hoped for a positive result for Hungary, believing this would ensure Austria’s acquisition of the “rest” of Burgenland.

### The Plebiscite in Ödenburg/Sopron<sup>89</sup>

The run-up to the plebiscite was marked by a downright propaganda war. The *Ödenburger Heimatdienst*, an interest group founded in Vienna and inspired by the *Kärntner Heimatdienst*, which was organized by paramilitary fighters to refute Yugoslav claims on Austria’s southern state of Carinthia, supported a vote to join Austria. Hungary, on the other hand, undertook every possible action to sway the election in its own favor: Newspapers, posters, and flyers employed humor, polemics, deceptions, and threats to influence the plebiscite. The Hungarians evoked the specter of impending communist rule in Austria while appealing to state patriotism.<sup>90</sup> The Austrians, meanwhile, evoked the threat of feudal rule and Magyarization, while pointing to the lack of development in Hungary.

On November 15, the Inter-Allied General Commission, which was to monitor the plebiscite, published its regulations: the vote was to be held by secret ballot; all those who were at least 20 years of age on January 1, 1921, who had been born in the affected territories, and/or who were permanent residents of the region were eligible to vote. Eight electoral commissions were established in the city, while rural municipalities received one each. The voters were each given an orange-yellow voting slip for Austria and a blue one for Hungary. The slip of the country opposed by the voter was to be torn up, and then both slips were to be placed in an envelope, which was then put in the ballot box.

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Sonderheft 3, ed. Burgenländisches Landesarchiv (Eisenstadt: Amt der Burgenländischen Landesregierung, 1971), 15–44.

87 Stefan Malfèr, “Das Venediger Protokoll vom 13. Oktober 1921 und die Haltung der politischen Parteien in Österreich,” *Österreichische Osthefte* 23, no. 2 (1981): 179–95.

88 Archiv des Auswärtigen Amtes. Abt. II. Westungar. Frage. K 274.303 (Denkschrift, Wien 16.10.1921.), in Schlag, “Zur Burgenlandfrage,” 124.

89 “Volksabstimmung in Ödenburg und Umgebung 1921,” OeStA/AdR/NPA Karton 746 and 747, Liasse Ungarn.

90 Szilvia Szoták, “Plakátháború—Vizualitás és ideológiák a Sopron környéki népszavazás időszakában,” in *Nyelvi tájkép, nyelvi sokszínűség*, ed. Erika Mária Tódor (Cluj/Kolozsvár: Scientia, 2018), 132–33.

On December 7, the electoral commission arrived directly from Silesia, where another plebiscite had taken place in March. The atmosphere in the city was tense, with brawls breaking out repeatedly between the different factions. The plebiscite was scheduled for December 14 in Sopron, for December 15 in Brennborg, and for December 16 in the remaining municipalities. Austria demanded a postponement, arguing that the preparation time did not allow for a thorough inspection of the electoral register compiled by the Hungarian authorities, and that Hungarian propaganda could not be restricted so long as the Hungarian executive remained in the affected areas. Since its protests were not heeded, the Austrians withdrew their representatives from the electoral commission.

Austrian accounts unanimously portray the plebiscite as fraudulent, generally citing a book by Viktor Miltschinsky as evidence.<sup>91</sup> Allegedly, 2,000 refugees were unable to participate in the plebiscite, around 2,800 German-speakers were prevented from participating, and the Hungarian electoral authority included non-residents, students, military personnel, workers trucked in from Budapest, and deceased persons in the electoral register, while striking many presumably Austrian-oriented voters from the register. An Austrian government memorandum later noted that a random inspection of registers had found “that the entries consistently lacked an objective identification of all eligible voters and that residents were missing from every household while at the same time people included in the register were entirely unknown in the respective households, had not been resident there for years, and in many cases were even deceased.”<sup>92</sup> The *Anschlussarchiv* in the Burgenland State Archive includes complaints and reports of coercion during the plebiscite.<sup>93</sup> Third-party studies are more reserved in their coverage of the electoral process but also mention irregularities.<sup>94</sup> It also remains open to debate whether the voting slips themselves played a role in determining people’s electoral behavior: the blue slip was made of card while the orange-yellow slip was made of paper; thus, they made different sounds when they were torn up in the voting booths,<sup>95</sup> potentially revealing voters’ decisions to anyone nearby.

There is much to support the hypothesis of interference in the plebiscite, even if Miltschinsky’s account and the Austrian memorandum were largely based on

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91 Viktor Miltschinsky, *Das Verbrechen von Ödenburg* (Vienna: Literaria, 1922).

92 “Memorandum der Bundesregierung,” December 19, 1921, in *ADÖ*, vol. 4, 205 (Document 625).

93 Burghardt, *Borderland*, 313n34.

94 Burghardt, *Borderland*, 183 ff.; and Sarah Wambaugh, *Plebiscites since the World War* (Washington: Carnegie Endowment for International Peace, 1933).

95 Ujváry, *Hűség városa*, 161.

unproven, though imaginable, claims and rumors. The core trope underlying all accounts of the plebiscite is the assumption that the political culture of Ödenburg/Sopron was split exclusively along ethnic-linguistic lines, which are therefore assumed to have determined the electoral behavior. However, such speculations were questioned even within the city itself: “If one portion of our Germans is drawn to German Austria, the other portion has a justified interest in remaining in Hungary, thus every argument for and against has to be precisely assessed,” as Otto Röttig wrote in the Ödenburg/Sopron-based biweekly *Die Lupe*.<sup>96</sup>

Naturally, contemporary Hungarian accounts offered a different perspective.<sup>97</sup> Scholarly articles by Hungarian historians, drawing on Hungarian source materials, also tend to regard the Austrian perspective skeptically,<sup>98</sup> although the official, albeit confidential, report<sup>99</sup> of the Hungarian representative at the Inter-Allied General Commission confirms many of the allegations. Frigyes Villáni (Villani) wrote an account similar to Miltschinsky’s about how the Hungarian side resorted to dubious measures. Three hundred students were enlisted from the Mining and Logging Academy, along with 40 detectives from the State Police in Budapest, to conduct civil action—both offensive and defensive—such as confiscating Austrian propaganda at the railway station or harassing pro-Austrian activists. According to Villáni, voters were also mobilized from the interior of the country, although he did not mention whether these were eligible to vote or not. Villáni also discussed propaganda measures—both successful and unsuccessful—conducted among those population groups regarded by Hungary as indifferent or fickle: “The numbers in favor of Hungary were by far not so advantageous that the Hungarian government did not see itself forced right up until the end to employ all possible means to secure victory.”<sup>100</sup> He praised the Hungarians’ commitment to their cause with the most chivalrous recognition, yet he did not write a single word about direct fraud or falsification during the plebiscite. No official Austrian report on the plebiscite exists, since Austria withdrew its observers in protest before the plebiscite. “Whereas the voting records have since disappeared, it is doubtful if the degree of inaccuracy in the

96 Odo Röttig, “Die deutsche Bewegung,” *Die Lupe: Halbmonatsschrift für Deutsch-Westungarn* (Zweites Jännerheft 1919): 3.

97 Ernst Traeger, *Die Volksabstimmung in Sopron, 14.–16. Dezember 1921: Aus den Tagen der Trauer, Zuversicht und Treue* (Sopron: Röttig-Romwalter, 1928); A “Sopronvármegye” népszavazási emlékalbuma (Sopron: Lapkiadó, 1932).

98 László Fogarassy, “Die Volksabstimmung in Ödenburg (Sopron) und die Festsetzung der österreichisch-ungarischen Grenze im Lichte der ungarischen Quellen und Literatur,” *Südost-Forschungen: Zeitschrift für Geschichte, Kultur und Landeskunde Südosteuropas* 35 (1976): 151.

99 Frigyes Villani, *Jelentés a soproni népszavazásról és a magyar-osztrák határ megállapításáról* (Sopron: n.d.).

100 Villani, *Jelentés a soproni népszavazásról*, 29.

balloting can ever be proven.”<sup>101</sup> To this day, Hungarian accounts do not discuss these allegations in any detail.

Of the 27,069 eligible voters registered by the Hungarian authorities, 24,063 actually voted: 502 votes were invalid, 15,338 voted for Hungary, and 8,223 for Austria. In Ödenburg/Sopron, 72.8 percent voted for Hungary, while this figure in the surrounding municipalities only came to 45.4 percent.<sup>102</sup> In the aftermath of the plebiscite in December 1921, Ludwig Leser, the deputy governor, tried to have the city occupied in a surprise attack with the help of a workers’ militia, yet the Social Democratic party executive prevented this adventurous undertaking.<sup>103</sup> Following the handover of the city in January 1922, a commission was tasked with determining the border. The Hungarian prime minister visited Vienna that same month, thereby initiating a “politics of reconciliation”<sup>104</sup> and affirmed to Schober the importance of finding a compromise.

### The Determination of the Border and Further Plebiscites, 1922/23

The peace treaties stipulated that the course of the border should be determined by a commission made up of representatives from the United Kingdom, Italy, Japan, Austria, and Hungary.<sup>105</sup> The first meeting of the commission took place in Graz on July 28, 1921. Suggestions and disputes were to be submitted to the League of Nations, which reserved the right of final arbitration.

Since the Hungarian representatives’ repeated attempts to enforce more sweeping revisions to the border had failed,<sup>106</sup> they submitted a significantly reduced proposal. In a preparatory phase, the border was divided into three sections and sub-commissions were established for local inspections. “The activity and movements of the committees extended only along a narrow lane on both sides of the Trianon line, thus demonstrating that they were only prepared for local adjustments.”<sup>107</sup> The work was further complicated by the fact that the border region was not en-

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<sup>101</sup> Berlin, “The Burgenland Question,” 352.

<sup>102</sup> Gustav Ernst, *Geschichte des Burgenlands* (Vienna: Verlag für Geschichte und Politik, 1987), 187.

<sup>103</sup> Josef Püchler, “Memoiren,” quoted in Leser, “Vom Sinn der burgenländischen Geschichte,” 31.

<sup>104</sup> “Ein wichtiger Fortschritt in der Versöhnungspolitik,” *Neue Freie Presse*, January 13, 1922, 2.

<sup>105</sup> *Klare Grenze—gute Nachbarschaft: 30 Jahre österreichisch-ungarischer Grenzvertrag* (Vienna: Bundesministerium für wirtschaftliche Angelegenheiten, 1994), 10.

<sup>106</sup> Gerald Schlag, “Die Grenzziehung Österreich-Ungarn 1922/23,” in *Burgenland in seiner panonischen Umwelt: Festgabe für August Ernst*, Burgenländische Forschungen, Sonderheft 7 (Eisenstadt: Amt der Burgenländischen Landesregierung 1984), 337; Otto Guglia, “Die Angliederung des Burgenlandes an Österreich,” in *50 Jahre Burgenland*, 41; and Villani, *Jelentés a soproni népszavazásról*, 49.

<sup>107</sup> János Suba, “A trianoni országhatárok kialakítása,” *GeoMetodika* 5, no. 1 (2021): 7–24, <https://doi.org/10.26888/GEOMET.2021.5.1.1>, last modified September 1, 2022.

tirely pacified: Skirmishes occurred repeatedly,<sup>108</sup> although they were more related to widespread regional smuggling activities by this point. A questionnaire on traffic-related issues, trade and market relationships, as well as religious affiliations was intended to expedite the process. However, since each side accused the other of manipulating the results, the survey was eventually canceled.

The first inspections and hearings took place in March 1922,<sup>109</sup> during which both sides sometimes resorted to open terror to sway the local population to their cause.<sup>110</sup> The municipalities submitted petitions to the League of Nations, in which economic arguments once again predominated.<sup>111</sup> The arbitrations were also justified according to purely economic considerations, aiming wherever possible to keep estates within one country, addressing issues relating to water law, alleviating traffic between municipalities, and preserving infrastructural integrity.

Both sides continued to badger the representatives of the League of Nations in Geneva, using all imaginable methods, until a final verdict was reached. On September 19, 1922, the League of Nations Council revised the suggestions of the commission in some areas. As the Austrian delegate, Stefan Neugebauer, noted derisively in his report, since “it proved utterly impossible to satisfy the aspirations of both delegations,” the intention was “obviously to at least find a line that would spark dissatisfaction on both sides,” a policy that “after all evinces a certain degree of objectivity.”<sup>112</sup> Frigyes Villáni again described the individual steps of the commission’s work in meticulous detail in his evidently resentful and petty report, this time also taking potshots at the Austrian side.

The arbitration of the League of Nations Council was finally approved by the Conference of Ambassadors on November 15, 1922, but the border would be changed again at various places following local plebiscites held between January 10<sup>113</sup> and March 9, 1923.<sup>114</sup> The result was a topographically rather problem-

108 László Fogarassy, “Határmenti események Burgenland alakulásától az új határvonal megállapításáig,” *Soproni Szemle* 19, no. 2 (1975): 37–58.

109 Tibor Zsiga, “*Communitas Fidelissima*” *Szentpéterfa: A magyar-osztrák határmegállapítás 1922/23* (Szombathely: Corn, 1993), 56.

110 Balázs Varga, “A Trianon utáni (1922–1923-as) határkiigazítások tálalása a korabeli országos sajtóban,” in *A múltból táplálkozó jövő—hagyomány és fejlődés*, ed. Anikó Makkos et al. (Győr: Széchenyi István Egyetem, 2021), 129–38.

111 Johann Temmel, “Zwei Nachbarn werden getrennt—Oberbildein/Felsőbeled und Pernau/Pornóapáti,” in *Hart an der Grenze: Burgenland und Westungarn*, ed. Traude Horvath and Eva Müllner (Vienna: Verlag für Gesellschaftskritik, 1992), 55–64.

112 Schlag, “Die Grenzziehung Österreich-Ungarn,” 343.

113 “Die Beraubung des Burgenlandes,” *Der freie Burgenländer*, January 21, 1923, 2; “Kurze Nachrichten,” *Der freie Burgenländer*, February 25, 1923, 2.

114 “Die Grenzberichtigung zwischen Österreich und Ungarn,” *Reichspost*, March 6, 1923, 2.

atic border,<sup>115</sup> yet “Hungarians acquiesced in the ceding of the German villages because the town [of Sopron], replete with Hungarian historical mementos, remained in Hungary. The result was that though Sopron would be the ‘natural’ capital of Burgenland by all economic and rational criteria, the Austrian-Hungarian border came to be one of the few borders in the 1918–1919 arrangement that were seen as mentally reassuring and balanced.”<sup>116</sup>

Maps depicting the final course of the border were produced at a scale of 1:250,000 and 1:2,880, respectively, as were three topographical sketches and border descriptions in German, Hungarian, and French. On this basis, a detailed description and map was produced, comprising altogether 18 booklets and 180 maps.<sup>117</sup> Discussions over the material of the boundary stones and their specific locations led to further friction, which was only overcome in 1924. Technically and topographically, the border had been marked by July 1924, and the commission for the regulation of the border held its seventieth and last meeting in Ödenburg/Sopron on August 2, 1924—although the issue of financial compensation in respect of material losses and devastation wrought by military actions had to finally be settled by an international court. The relationship between Austria and Hungary subsequently relaxed; the arbitration court contract<sup>118</sup> signed on April 10, 1923, already contained a secret additional clause regarding mutual foreign policy consultations.<sup>119</sup> The convention signed between Austria and Hungary on March 11, 1927, finally brought the protracted process of demarcating the border to a close, and all further legal and transport-related issues were regulated in a law passed in 1928.<sup>120</sup>

### The Invention of Burgenland and of “Most Loyal” Sopron

Even though the highest governmental levels continued to alleviate tensions, these never disappeared entirely during the interwar period. Hungary was still

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115 Erwin Schranz, “Burgenlands Ostgrenze als Zick-Zack-Linie: Wie vor 100 Jahren die Staatsgrenze gezogen wurde,” in Rathkolb et al., *Burgenland schreibt Geschichte*, 101–12.

116 István Bibó, “The Miseries of East European Small States,” in *The Art of Peacemaking: Political Essays by István Bibó*, ed. Iván Zoltán Dénes, translated by Péter Pásztor (New Haven: Yale University Press, [2015]), 167–68.

117 “Grenzfestsetzung zwischen Österreich und Ungarn 1918–1925,” OeStA/AdR/NPA Karton 241–244; János Suba, “Magyarország trianoni határanak térképei 1920–1925” *Rendvédelem-történeti Füzetek* 16, no. 19 (2009): 119–20; for a concise account, see Bruckner, “Der lange Weg,” 153–206.

118 “Schiedsgerichtsvertrag zwischen Österreich und Ungarn,” Bgbl. 1923, 86. Stück, Nr. 461, April 10, 1923.

119 “Schiedsgerichtsvertrag 1923,” OeStA/AdR/NPA Karton 361, Liasse Ungarn I/Geheim.

120 “Übereinkommen mit Ungarn betreffend die Regelung der durch die Grenzziehung aufgeworfenen rechtlichen Fragen,” Bgbl. 1928, 25. Stück, Nr. 93, April 18, 1928.

developing plans for a potential incursion into Burgenland in 1934 and 1938,<sup>121</sup> and the region would twice more stand at the center of large foreign relations calamities. The first was during the “Rothermere racket”<sup>122</sup> of 1927, when Lord Rothermere launched a campaign to revise the Trianon borders, including those of Burgenland. The second time was after the *Anschluss* in March 1938, when Burgenland again became the subject of significant tension in Hungarian-German relations.<sup>123</sup> Yet, the domestic political context generally remained intact throughout.<sup>124</sup> However, despite the *détente* described by István Bibó, tensions<sup>125</sup> continued to flare up beyond the realm of high politics “in the form of mutual accusations, irredentism, counter-irredentism, and speculation about the future of Burgenland. For Hungarians, the historic western territory remained one of the many ‘heartbreaking and unjust’ losses of the postwar peace treaties, whereas Ödenburg/Sopron had long been remembered in Austria as the ‘lost heart of Burgenland,’”<sup>126</sup> especially in radical right-wing circles.<sup>127</sup>

During this time, Austria also embarked on the paradoxical process of inventing a genuinely Austrian Burgenland, or what in pan-German ideology was regarded as a “primordially German” province: “Whether the ‘discoverers’ were Austrian or German, national or local, Burgenland was as much a discursive concept as it was a physical reality. Its emergent identity as a region, therefore, much like its actual borders, was fluid and often contested.”<sup>128</sup> Notably, this “Austrianization” was characterized less by ethnic or historical lines of argumentation than by cultural geography and spatial planning.

In 1920, a commemorative publication was issued to mark the “unification of the province of heathland farmers and *Heanzen* [farmers who immigrated from Bavaria in the eleventh century, having retained their own language] with Ger-

121 Wolfdieter Bihl, “Österreich im Kräftefeld der Kleinen Entente,” *Österreichische Osthefte* 21, no. 2 (1979): 132.

122 Ludwig Leser “Das deutsche Burgenland,” *Alpenländische Monatshefte* 5, no. 12 (1927/28): 720.

123 László Gulyás, “A magyar revízió és Burgenland kérdése,” *Közép-Európai Közlemények* 8, no. 4 (2015): 96, <http://www.iskolakultura.hu/index.php/vikekkek/article/view/12314>, last modified September 2, 2020.

124 Peter Haslinger, “Der ungarische Revisionismus und das Burgenland (1922–1932)” (PhD diss., University of Vienna, 1993), 171.

125 Otto Aull, “Zur Burgenlandfrage,” *Alpenländische Monatshefte* 5, no. 11 (1927/28): 680–83.

126 Tamás Székely, “The Agony of Historic Western Hungary and the Birth of Burgenland (1914–1921),” *Studies on National Movements* 6 (2020): 28–29.

127 Ludwig Pflieger, *Ödenburg, das verlorene Herz des Burgenlandes: Feststellungen und Folgerungen* (Vienna: Eckart Schriften, 1971).

128 Ferenc Jankó and Steven Jobbitt, “Making Burgenland from Western Hungary: Geography and the Politics of Identity in Interwar Austria,” *Hungarian Cultural Studies: e-Journal of the American Hungarian Educators Association* 10 (2017): 36, last modified August 31, 2022, <https://doi.org/10.5195/ahca.2017.313>.

man Austria.”<sup>129</sup> Both the title and the publisher reveal the publication’s pan-German orientation, which was evidently geared toward obliterating this territory’s Hungarian/Magyar heritage<sup>130</sup> (not least through the use of “orientalist” tropes<sup>131</sup>) and constructing a “natural” entity within Austria (or, from the pan-German perspective, within southeastern Germany). “Articles stressing the geographic connectivity of Burgenland to the Austrian geo-body were particularly central to this discursive effort.”<sup>132</sup>

To a large degree, however, such “(pan-)German” associations were sidelined, as most publications focused on Burgenland’s unique geographical features, its flora and fauna, and natural resources, stylizing this province as the “Mecca of the Viennese.”<sup>133</sup> The impending loss of Ödenburg/Sopron—which would divide the surrounding region in two like a wedge—was compensated for by the narration of Burgenland as consisting of two distinct geographic and geological sub-regions, namely a Pannonian north and a sub-alpine south.<sup>134</sup> But ultimately, all these identification patterns neutralized each other, “leaving the notion of belonging to a new regional entity, namely, the Burgenland.”<sup>135</sup>

An ethnicized pan-German line of argumentation would finally be pushed through wholesale with the *Burgenland Atlas*,<sup>136</sup> initiated under Austrofascist rule, partly in response to Hungarian revisionist aspirations,<sup>137</sup> partly supported by illegal National Socialists,<sup>138</sup> and which was paradoxically only published after the *Anschluss*, once Burgenland had already been administratively dissolved. Before that, the Nazis had evoked “a radical pan-German variant of regional identity” for the Burgenland “to claim it as a ‘borderland’ in need of internal purification,” which led to short-lived plans for a population transfer after March 1938. Yet, enthusiasm for such plans was quickly exhausted when confronted with the

129 Eduard Stepan, ed., *Burgenland: Festschrift aus Anlaß der Vereinigung des Landes der Heidebauern und der Heinen mit Deutschösterreich* (Vienna: Deutsches Vaterland, 1920).

130 Adam Müller-Guttenbrunn, “Abschied von Ungarn,” in Stepan, *Burgenland: Festschrift*, 6–8.

131 Jankó and Jobbitt, “Making Burgenland,” 23.

132 Jankó and Jobbitt, “Making Burgenland,” 19.

133 Hans Ziermann, “Die Landwirtschaft des Burgenlandes,” in Stepan, *Burgenland: Festschrift*, 61.

134 Heinrich Güttenberger, “Der anthropogeographische Aufriß des Burgenlandes,” *Mitteilungen der Geographischen Gesellschaft in Wien* 65, nos. 1–12 (1922): 47–55.

135 Peter Haslinger, “Building a Regional Identity,” 123.

136 Fritz Bodo, ed., *Burgenland (1921–1938): Ein deutsches Grenzland im Südosten* (Vienna: Österreichischer Landesverlag, 1941).

137 Petra Svatek, “‘Der Burgenlandatlas’: Ein interdisziplinäres Atlasprojekt zwischen Erster Republik und NS-Zeit; Interdisziplinarität—Methodik—Politischer Konnex,” *Burgenländische Heimatblätter* 71, no. 2 (2009): 120–33.

138 Fritz Bodo, “‘Der Burgenlandatlas’ und seine Bedeutung für die Landeskunde des Gaues Niederdonau,” in *Jahrbuch für Landeskunde von Niederösterreich* (Vienna: Verein für Landeskunde und Heimatschutz, 1938), 290.

realities of ethnic self-ascriptions in the region: “Attempts to identify individuals for deportation became entangled in the complex ways in which ethnicity interacted with other identities, thereby provoking resistance.”<sup>139</sup>

Hungary, in turn, insisted throughout the interwar period on an ostensibly historical right to Western Hungary, as the archivist Eugen/Jenő Házi argued in a 1920 German-language publication.<sup>140</sup> Yet, the revisionist ambitions regarding Burgenland—a name that was for a long time simply ignored in Hungarian publications—were not formulated as radically as they were with regard to Transylvania or Upper Hungary/Slovakia, precisely because of the successful plebiscite. At the same time, the plebiscite was used in the construction of an urban identity in Sopron, through which the city was declared a *civitas fidelissima*—a “most loyal city.”<sup>141</sup> This much-evoked “loyalty” was an important argument for the Horthy system in its constant complaints about the injustice of the Treaty of Trianon. When the city elected a Social Democratic representative to parliament,<sup>142</sup> its privileges were quickly abolished, as was its right to a secret ballot.

Yet, there were also aberrations<sup>143</sup> in these binary catechisms of ethnic and historical/legal argumentation. In Burgenland itself, Ludwig Leser, despite his pan-German chauvinism, did not neglect the region’s Magyar heritage,<sup>144</sup> attributing the local population’s openness to the Pannonian landscape “out of which it had grown.”<sup>145</sup> On the Hungarian side, the historian László Rábel employed thoroughly ethnic arguments in a commemorative publication.<sup>146</sup> In any case, both sides kept an eye on each other and took note of each other’s lines of argumentation, a circumstance made possible, not least of all, by the enduring multilingualism of the region. In this respect, aside from the construction of a regional identity, the *Burgenländische Heimatblätter*<sup>147</sup> also dedicated special attention to (local) Hungarian historiography, with the *Soproni Szemle* returning the

139 Mark Pittaway, “National Socialism and the Production of German–Hungarian Borderland Space on the Eve of the Second World War,” *Past and Present*, no. 126 (2012): 152 and 147.

140 Eugen Házi, *Unser geschichtliches Recht auf Westungarn* (Budapest: Pfeifer, 1920).

141 Mária Ormos, *Civitas Fidelissima: Népszavazás Sopronban, 1921* (Győr: Gordiusz, 1990).

142 Zoltán Taschek, “Az 1922. évi nemzetgyűlési választások Sopronban,” *Múltunk* 63, no. 1 (2018): 50–86.

143 Dávid László Törő, “Történészek népi múltkonstrukciói az 1945 előtti Burgenland-vitákban,” *Századok* 156, no. 1 (2022): 195–208.

144 Ludwig Leser “Das deutsche Burgenland,” *Alpenländische Monatshefte* 5, no. 12 (1927/28): 721–24.

145 Ludwig Leser, “Der Burgenländer,” *Burgenland Vierteljahreshefte für Landeskunde, Heimatschutz und Denkmalpflege* 2, no. 4 (1929): 175–77.

146 László Rábel, “A megcsönkített vármegye,” in *Sopron: Civitas fidelissima*, ed. Gusztáv Thirring (Sopron: Székely és tsai, 1925), 15–24.

147 For the history of the journal, see Johann Seedoch, “50 Jahre Burgenländische Heimatblätter,” in *Festschrift für Karl Semmelweis* (Eisenstadt: Amt der Burgenländischen Landesregierung, 1981), 266–97.

favor. Thus, there was genuine communication across borders, albeit not necessarily of a friendly nature.

### The Aftermath: How the Blurred Finally Became a Clear Delineation

The most divisive issue, then as now, was how to interpret the plebiscite: This event could either be regarded as the happy end to a history of salvation and an evocation of “trans-ethnic” loyalty or as a deliberate and treacherous prevention of an “organic ethnic” development. Both interpretations leave little room for alternatives, nor for individual decisions or personal motivations that transcend “ethnic” pan-German or historical/legal Greater Hungarian ideologies. Nevertheless, even into the 1930s, Western Hungary remained a “thoroughly estates-based, multicultural world. This was reflected in language use, social status, and close ties with one’s religious denomination, as well as in the connection of individual national languages (German, Hungarian, Slovenian, and Croatian) to certain social classes and groups.”<sup>148</sup> This would only change after 1945, and then rapidly.

The border would continue to have a restless history, first with the construction of the 1944/45 Südostwall—the fortification line built to defend against the Red Army—during which thousands of Jewish Hungarian forced laborers were murdered, then with the expulsion of German-speakers from Hungary in 1946, then as part of the “Iron Curtain,” the refugee movement of 1956, and finally the opening of the border in 1989. Yet, the border was never again challenged, despite a brief surge in emotions regarding a fictitious Eastern Burgenland<sup>149</sup>—meaning Ödenburg/Sopron—following the expulsion of German-speakers in 1946. This fictitious polity was elevated to the status of a “historical nucleus of Austrianness” in both pan-German<sup>150</sup> and Social Democratic<sup>151</sup> publications, and after 1945, Governor Ludwig Leser may even have established a separate Department for Eastern Burgenland.<sup>152</sup> In Hungary, the trope of the *civitas fidelissima* finally

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148 Éva Kovács, “Határmitoszok és identitásnarratívák az osztrák-magyar határ mentén,” *Replika: Társadalomtudományi folyóirat*, nos. 47–48 (2002): 146.

149 Gerald Schlag, “Die Ostburgenlandfrage nach 1945,” in *Fokus Burgenland: Spektrum Landeskunde; Festschrift für Roland Widder*, ed. Jakob Perschy and Karin Sperl (Eisenstadt: Amt der Burgenländischen Landesregierung, 2015), 397–429.

150 B.L./L.v. Tončić, “Das unbekannte Ostburgenlandproblem: Wie ein besiegter Staat rechtswidrig Österreicher aussiedelt,” *Berichte und Informationen* (February 14, 1947): 641–42, Part 2 (March 7, 1947): 676–77.

151 F[ritz] Z[immermann], “Ostburgenland und Minderheitenfrage,” *strom: Jugend, Geist und Welt* 2, no. 29 (September 16, 1946): 2–3.

152 Leser, “Vom Sinn der burgenländischen Geschichte,” 32.

lost all meaning, and under the Stalinist dictatorship, Sopron was transformed into a heavily guarded exclusion zone on the western edge of the Eastern bloc.

In 1962, Andrew Burckhardt wrote: “Forty years of education and nationalistic preaching have turned this boundary into a sharp divide between German and Magyar.”<sup>153</sup> If one replaces the term “German” with “Austrian,” this sentence (exposing the emergence and consolidation of an Austrian nation in the meantime) holds all the more true today. “Thus, the only common point in the narrative now, however strange this may seem, is the all-dividing border.”<sup>154</sup> Or, as a witness of the twentieth century put it, this was “actually a no man’s land, one could say. That’s how it felt.... We were no longer Hungarians and we were not yet Austrians, so we became Burgenländer.”<sup>155</sup> An old Ödenburger on the other side of the border could presumably say something similar about Sopron.

*Translated by Tim Corbett*

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<sup>153</sup> Burghardt, *Borderland*, 206.

<sup>154</sup> Mónika Varádi, Doris Wast, and Walter Friedrich, “A végek csöndje: Határ narratívák az osztrák-magyar határvidékről,” *Regio* 13, no. 2 (2002): 104.

<sup>155</sup> Frieda Jeszenkowitz and Alois Mayrhofer, “Eigentlich waren wir Niemandsland,” in Birgit Mosser-Schuöcker, *Die letzten Zeugen: Vom Kaiserreich zum “Anschluß”* (Vienna: Amalthea Signum, 2014), 119.

## Chapter Seven

### “Here at the Bleeding Eastern Border, One Could See the Injustice”

July 11, 1920, in the Public Conscience and the *Regierungspräsidium* of  
Marienwerder until 1939

H A R A L D V . K E U D E L L



#### Introduction

In 1937, in the *Ordensburg* (fortress)<sup>1</sup> of Marienwerder (Kwidzyn), information was being shared dramatically about the new border with Poland, which ran along the Vistula River: “One stood here on the bleeding eastern border and saw the injustice that had been inflicted on old West Prussia with the drawing of the border. In the great dining hall of Marienwerder’s *Ordensburg*, the *Regierungspräsident* (president of the district administration), Otto v. Keudell, came right to the point regarding the political reality. Prof. Walther Schulz made a vow on behalf of everyone present to never forget the harrowing borderland experience.”<sup>2</sup> What do we learn from these few lines? In 1920, after the First World War, the demarcation of the border along the Vistula due to the plebiscite was both a trauma and a myth, linked to the medieval history of the Teutonic Order. It became a ritualized event 17 years later, led by the *Regierungspräsident* of the district of Marienwerder.

The 1920 plebiscite, and the subsequent demarcation, brought about profound changes for Marienwerder. The *Regierungspräsidium* (district administration) became the organizational hub for frontier propaganda. After 1926, this role was increasingly carried out under the *Regierungspräsident* Carl Budding, and even more so once Otto v. Keudell took office in 1936. In the networks of the

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<sup>1</sup> An *Ordensburg* was a fortress or castle built by the crusading Teutonic Order in the Middle Ages.

<sup>2</sup> Werner Radig, “Die Vorgeschichte des ostdeutschen Lebensraums,” *Die Burg: Vierteljahresschrift des Instituts für Deutsche Ostarbeit Krakau*, no. 1 (1941): 6.

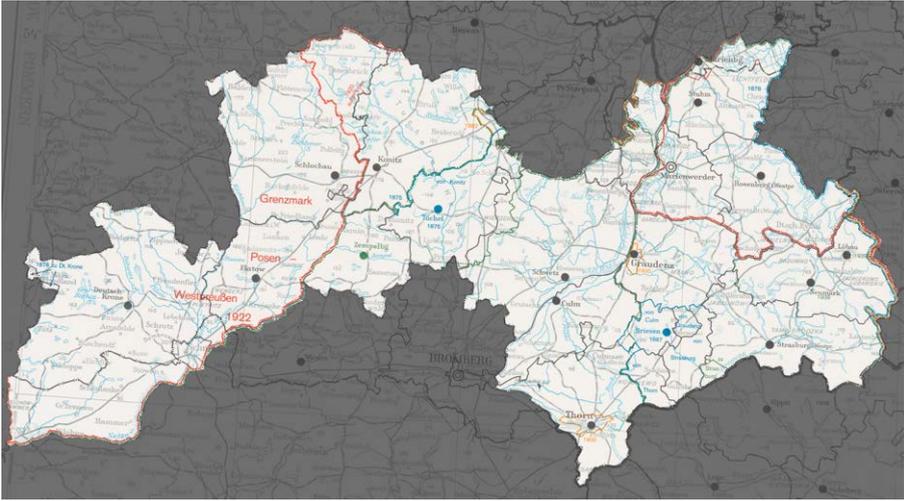


Figure 7.1. Marienwerder Regierungsbezirk until 1918. Source: Walther Hubatsch, *Grundriss zur deutschen Verwaltungsgeschichte, 1815–1945, vol. 1, Preußen* (Marburg: Johann-Gottfried-Herder Institut, 1975). Courtesy of the map collection of the Herder Institute for Historical Research on East Central Europe in Marburg, Germany (Call number K 6 XII K 3 b).

*Nationalsozialistische Staatlichkeit* (National Socialist statehood<sup>3</sup>), the *Regierungspräsidium* increasingly fulfilled the function of bundling together all the anti-Polish propaganda and aligning the population to the *Gauleitung* (regional administration).<sup>4</sup> This chapter examines how the new border along the Vistula River came about, its consequences for the lives of the people in the Marienwerder *Regierungsbezirk* (district) up until 1939, as well as the role of the *Regierungspräsidium*.

### The Marienwerder Plebiscite

The “*Regierungsbezirk* of Marienwerder” lay on the Vistula, along the border with Poland, which was a politically and emotionally loaded area. From 1814 to 1920, West Prussia consisted of the northern *Regierungsbezirk* of Danzig (Gdansk) and

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- 3 Nationalsozialistische Staatlichkeit (National Socialist statehood) is a concept based on *The Dual State* by Ernst Fraenkel from 1941, which dealt with the functionality of the Third Reich’s administration. Fraenkel introduced the terms *Normenstaat* (“normative state”), for the classical bureaucracy that upheld norms and laws, and *Maßnahmenstaat* (“prerogative state”), which, in the form of the SS and other party organizations, denied the usual rights to the alleged “enemies of the state” such as Jews, Communists, etc. However, Fraenkel made it clear that both the “normative state” and the “prerogative state” can exist within one institution, depending on the matter at hand. Ernst Fraenkel, *The Dual State: A Contribution to the Theory of Dictatorship* (Oxford: Oxford University Press, 1941).
  - 4 A *Gauleitung* was the administration for a *Gau*, which was an administrative division in National Socialist Germany from 1934 to 1945. A *Gauleiter* was the head of this administration.

the much larger southern *Regierungsbezirk* of Marienwerder. The border area was a region with an ethnically diverse population. “Region” in this context refers to a heterogeneous entity situated on both sides of shifting political borders, shaped by a variety of societal, cultural, and religious influences. The subjective construction of an “imagined community” was the basis for the national claim to the space. The multiethnic tradition in the Vistula region brought together competing national claims expressed through different spatial concepts. In the nineteenth and twentieth centuries, Germans and Poles attempted to instrumentalize the history of this area for their purposes through selective nationalist historical narratives. The Teutonic Order played a key role in these narratives, portrayed either as a ruthless German conqueror or as a culture-bringing authority.

The classification of Germans and Poles, however, posed difficulties. Poles were primarily considered to be Polish-speaking, Catholic individuals with Polish names. Upon closer examination, these categories proved to be of little help. An Upper Silesian could simultaneously be a Polish-speaking son, a German-speaking father, a Catholic labor activist, a socialist voter, a proud Prussian veteran, and a sympathizer of Polish nationalism.<sup>5</sup> Although the Masurians were considered Poles, they were of the Protestant faith. In the Marienwerder administrative district, the German population was significant in the cities of Marienwerder, Marienburg, and especially Elbing. Poles were mainly engaged in agriculture. Therefore, in the rural regions of Stuhm and Marienburg, the population was highly mixed.

After the First World War, the Polish delegation at Versailles demanded unhindered access to the Baltic Sea and to take possession of Germany’s eastern territories. This demand quickly won the support of the American President, Woodrow Wilson, and French Prime Minister, Georges Clemenceau. West Prussia and Posen (Poznan) were duly ceded to Poland without a plebiscite, and Danzig became a free city. An Inter-Allied Commission under Italian leadership was sent to Marienwerder to oversee the preparations and implementation of the plebiscite. The prospect of the plebiscite in Marienwerder politicized and radicalized the local population, with both Poles and Germans trying various measures in advance of the plebiscite to influence the outcome in their favor.

Both sides set up campaign committees. A close-knit network of German propagandists tried to influence the population while the local Poles expressed concern about the influence of the uninterrupted German administration, judiciary,

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5 Brendan Karch, *Nation and Loyalty in a German-Polish Borderland: Upper Silesia 1848–1960* (Cambridge: Cambridge University Press, 2018), 22.

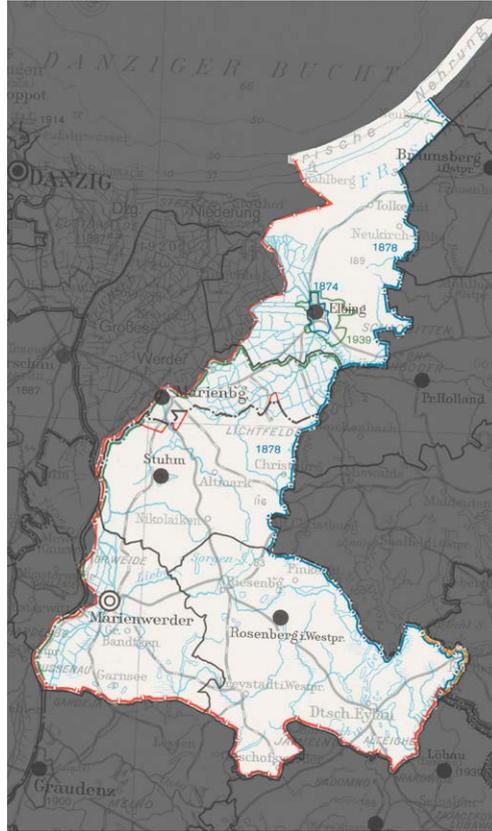


Figure 7.2. Marienwerder (West Prussia) Regierungsbezirk, 1920–1939. Source: Hubatsch, *Grundriss zur deutschen Verwaltungsgeschichte, vol. 1, Preußen*. Courtesy of the map collection of the Herder Institute for Historical Research on East Central Europe in Marburg, Germany (Call number K 6 XII K 3 b).

post office, and school system. They called for the removal of anti-Polish officials, German police, and residents' forces, as well as the establishment of Polish schools and the disarmament of Germans whom they accused of having hidden weapons. The Germans, on the other hand, feared a possible Polish invasion of the plebiscite region. The *Weichsel-Zeitung* (Vistula News), the leading regional newspaper, was founded in 1920 to serve as a propaganda paper in the “decisive fight during the plebiscite”<sup>6</sup>—it retained this character until 1945, agitating unrestrainedly against Poland and excessively exaggerating events in the district. The Inter-Allied Com-

6 Quotation in *Weichsel-Zeitung*, April 27, 1920, Geheimes Staatsarchiv Preußischer Kulturbesitz, ZG 50, 86; Erich Balla, “Ziele und Aufgaben der Grenzpresse unter besonderer Berücksichtigung der Grenzverhältnisse des Weichsellandes,” *Stadtarchiv Celle, SAC N9 Nr. 81* (1933): 142.

mission tried to alleviate the tense situation by assigning Polish aides to the German *Landräte* (district councilors).

The heated situation in the voting areas went too far even for some German offices. The mayor of Marienburg (Malbork)<sup>7</sup> warned against exaggerated and “irresponsibly incorrect” newspaper reports.<sup>8</sup> The tension in Marienwerder was exacerbated by the rumor that the “West Prussian voting area would definitely” fall to the Polish Republic, regardless of the result of the plebiscite, because “if necessary, it would be conquered by the Poles by force.”<sup>9</sup> Armed conflict in Upper Silesia in August 1919 did nothing to calm the situation. News got out that supreme command over the police would be transferred from the Italians to the French, and there was fear among the German population that the polonophile French would influence the votes. As a compromise, the security police were disbanded and replaced by a force consisting equally of Germans and Poles.<sup>10</sup>

The plebiscite took place on July 11, 1920, in the two former Danzig districts of Elbing (Elbląg) and Marienburg, situated east of the Vistula River, as well as in the Marienwerder districts of Stuhm (Sztum), Marienwerder, and Rosenberg (Susz). Voter turnout measured 86.5 percent, and over 92 percent of voters chose to stay with Germany. It was only in the Stuhm area that over 40 percent voted for Poland. There were no significant military conflicts in the areas after the plebiscite. Nevertheless, contrary to the results of the plebiscite, minor but politically significant border corrections were made unilaterally by the Allies. On August 12, 1920, the ambassador conference in Paris decided that the villages in the north-west corner of Marienwerder, which had an above-average share of votes for Poland,<sup>11</sup> should be ceded to Poland, despite German objections. In addition to the Germans, the Poles in Marienwerder were also dissatisfied. Several estate districts in the Stuhm area applied for membership in Poland, citing German terror and the falsification of voting results. Like the German demand for revising the border, the Polish demand was also ignored. On July 1, 1922, the district of Marienwerder was incorporated in its final form into East Prussia and changed its name to “*Regierungsbezirk* of West Prussia.”<sup>12</sup>

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7 Marienburg was part of the *Regierungsbezirk* of Danzig until 1920, but it was included in the plebiscite. Later, it became part of the *Regierungsbezirk* of Marienwerder.

8 Mayor of Marienburg to Baudissin, March 9, 1920. In Russisches Staatliches Militärarchiv Moskau (hereinafter: RGWA) 1503 Rep 1 St. 6, Bl. 2.

9 Letter from Baudissin, May 5, 1920. (Münkler, 2009) RGWA 1503 Rep 1 St. 3, Bl. 47.

10 RGWA 1503 Rep 1 St. 3, Bl. 48.

11 Kleinfelde, Johannisdorf, Kramersdorf, Neu-Liebenau, and Außendeich.

12 In 1939, the name changed again to the Marienwerder *Regierungsbezirk*. To avoid confusion, the district will be called “Marienwerder” throughout this chapter.

## The New Border: Ideologies, Discourses, and Issues of Everyday Life

The new border demarcation posed some problems for everyday life. In winter, ice prevented Poland from supplying the five villages that now belonged to it, and they were thus often dependent on the German authorities. In addition, the border divided estates in two, leaving the farm buildings in Germany and the fields in Poland, which could then only be entered by means of a special agricultural work permit issued by the district office. The owners and each of their workers therefore had to carry identification with them, and crossing the border could only take place at certain times, namely, between sunrise and sunset.<sup>13</sup> This system presented daily difficulties, such as when the identity document expired, when it had been forgotten, or when the longer working hours during harvest time were severely restricted. Furthermore, the dike system on the Vistula was precarious because it was divided into four German and four Polish sections, making joint repair work considerably more difficult.<sup>14</sup>

For the new state of Poland, the extension of the border turned out to be a burden. In the eyes of the Germans, Poland's occupation of the eastern bank of the Vistula constituted a breach of the provisions of the Treaty of Versailles and served as a severe humiliation. The Treaty guaranteed the German population access to the Vistula under "reasonable conditions," but Polish influence at this point had been extended to the entire width of the river, including the eastern bank. The pre-existing resentment and prejudice against Poland were thereby reinforced. The memory of the establishment of the border did not fade in Marienwerder for the next twenty years, and continued to be a point of reference for war propaganda in 1939. It appeared in monuments and the press as the so-called "bleeding border," and remained a troubling topic. With a bitter undertone, the 1930s advertising brochure for the city of Marienwerder pointed out the breach of the Treaty of Versailles alongside an image of the border: "A Polish barrier blocks East Prussia's free access to the Vistula, which is guaranteed in the Treaty of Versailles. When visiting the border, it is important to note that the East Prussian *Korridor*<sup>15</sup> border does not run along the middle of the Vistula, as guaranteed in the Treaty of Versailles, but along the East Prussian riverbank."<sup>16</sup>

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13 "Rosenberg und das Schanddiktat von Versailles," in *Heimatkalendar des Kreises Rosenberg 1939*, 33f., DNBL ZA 27868.

14 Landrat Dr. Ulmer in the "Festschrift zur 700-Jahrfeier der Ordensstadt Marienwerder," Stadarchiv Celle (hereinafter: SAC) N09 Nr. 81.

15 The *Korridor* was the Polish territory between Eastern Prussia and the rest of Germany between 1920 and 1939.

16 SAC N09 Nr. 1.

For the next 20 years, all administrative levels, from the *Regierungspräsident* to the mayor to the *Landrat*, unanimously took a public stand against the “nonsensical demarcation” that separated the Vistula villages from the river.

A distinctive characteristic of the district was the history of the Teutonic Order, which was represented by the two Marienwerder and Marienburg fortresses. The Prussians saw themselves as successors to the Teutonic Order and emphasized their role as “defensive settlers.” Especially after the loss of most of West Prussia to Poland, and the creation of the new borders in 1920, the narrative of the Order’s tradition and its task of colonizing the land and defending it against the Slavs was omnipresent. The commemorative publication marking the 700th anniversary of Marienwerder in 1933 stated: “The flood of Slavs is blazing from the Baltic Sea to the Brenner and is licking German soil with great desire. The Slavs broke through the German dam on the Vistula. Let us be aware that we, as border residents, belong on the border wall—that we are *Markmannen*.<sup>17</sup> Every father should call out to his son, with his arm pointing at the area that has been snatched from us: ‘Your father’s country!’ Today, the Vistula is the German river of destiny.”<sup>18</sup> The Poles, on the other side, demonized the Teutonic Order and reconstructed the history of Marienwerder as a story of oppression and as an ancient Polish region, ignoring the *Pruzzen*<sup>19</sup> that had previously settled in that region. Both sides reinterpreted and simplified the complicated and multi-causal past of ethnogenesis and border development according to contemporary ideas of a continuity of *Volk* (people) and *Raum* (space). Depending on the speaker’s perspective, then, the Teutonic Knights of the Middle Ages became either “defensive German settlers” against “Slavic barbarism” or “brutal German oppressors” of Polish victims. In doing so, the nationalist agents deliberately ignored that the majority of the German minority in Poland lived in good relations with their Polish neighbors.

The new *Regierungsbezirk* of “West Prussia,” affiliated with the province of East Prussia, consisted of six areas: Rosenberg, Marienwerder, Stuhm, Marienburg, Elbing-City, and Elbing-Land. The infrastructure of the Marienwerder *Regierungsbezirk* had been severely affected by the 1920 reorganization: three railway lines came to dead ends, the Vistula could no longer be used as a waterway, and the road and path networks, as well as the electricity networks, had been cut.

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17 *Markmannen* is the romanticized word for the knights who guarded the borders of the realm in the Middle Ages.

18 Major von Schack-Wengern in the “Festschrift zur 700-Jahrfeier der Ordensstadt Marienwerder,” SAC No9 Nr. 81.

19 The *Pruzzen* (or “Old Prussians”) were a Baltic people that settled between the Vistula and Memel rivers in the twelfth and thirteenth centuries.

Nevertheless, thanks to extensive funds from Berlin, a concerted effort was made to build up the road network. By 1939, there were several hundred kilometers of new paved roads. On the other hand, freight costs and the consequent price of goods rose because the territory had no direct connection with the Reich, resulting in considerably longer rail routes. Train traffic through the *Korridor* had been regulated on the so-called “privileged routes” since 1922. Coming from the west, one traveled 130km from the Reich territory, through the *Korridor*, to Marienburg in 1½ hours. Overall, the rail traffic (including German military transports) flowed more smoothly and more precisely than described in the press and recounted by some contemporary witnesses, whose memories were only filled with scandals. The Polish train staff also carried out their duties appropriately for the most part. In 1923, rail traffic had already reached 1913 levels, and by the late 1920s, 800,000 travelers were using privileged transit.

Marienburg became the most important traffic junction in the district. The port on the Nogat arm of the Vistula became the main transshipment point in western East Prussia. In fact, it was already overloaded by 1929 and required expansion. In addition, five railways converged here, including the important Eastern Railway, which connected the port with East Prussia. Unemployment dropped significantly. For the border river south of Marienwerder, regulations were planned by a joint German-Polish committee and paid for by both countries, enabling areas on both sides of the river to be protected from flooding and to be made usable. Overall, the government district’s infrastructure improved in the second half of the 1920s through fruitful German-Polish cooperation. Due to the district’s exposed location, however, it was deemed defenseless from a military point of view. As a result, it was disparaged as an “evacuation area”—that is, an area to be evacuated if there was a risk of war.

The population decline in East Prussia was cause for concern. In 1900, the birth rate in the province was 36 per 1,000 inhabitants, decreasing to 26 in 1925, and to 20 in 1933. Between 1925 and 1933, there were 12,000 emigrations from East Prussia annually. The problem of rural exodus worried the German nationalists, in particular, because they feared the Slavification of the Eastern Region. Specifically, the exposed Marienwerder area was perceived as a national boundary in which Germanism had to be strengthened under all circumstances. As late as 1937, the *Weichsel-Zeitung* urged readers to have at least five children to prevent the “death of the (German) people.”<sup>20</sup>

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<sup>20</sup> “Marienwerder unter dem Durchschnitt—Viel zu wenig kinderreiche Familien: Eine unerfreuliche Statistik,” *Weichsel-Zeitung*, April 22, 1937, Bibliothek des Instituts für Zeitgeschichtsforschung der Stadt Dortmund (hereinafter: DM) 11 F70821.

East Prussia received annual funding from Berlin to counteract the population decline and the dire effects of the global economic crisis, which would come later. After 1933, *Gauleiter* Koch started his “Erich Koch Plan” to increase the economic success of the province. Emigration stopped after 1933 and even turned to net immigration, while the birth rate rose again for the first time. The “Erich Koch Plan” achieved some success: The farmers in East Prussia enjoyed better circumstances after 1933 than they had before. With the help of the RAD (*Reichsarbeitsdienst*), remote villages of West Prussia were connected to local economic centers via new roads for the first time. The population felt the economic upswing after 1933 and attributed these successes to Nazi economic policy.

Overall, the development of the district initially stagnated in the 1920s, following the defeat of the First World War, the reorganization of the district, and the economic crises of 1923 and 1929. But due to the large investments from Berlin in the 1930s, the situation started to improve. The “Erich Koch Plan” intensified the feeling of an upswing, which, in reality, was only moderate. After all, the separation of West Prussia from the rest of Germany had not relegated the province to the economic sidelines. Nevertheless, the memory of the *Korridor* as a threat to Marienwerder, and as an economic stumbling block, remained alive until well after 1945.

The year 1920 thereby developed into an identity-forming, admonishing founding myth. It functioned as a line of defense along the German–Polish frontier, defending the symbolic order and serving as a combative means of contesting opposing claims. On July 13, 1930, the eight-meter-high West Prussian Cross was built as a widely visible symbol of the intended reunification of West Prussia. It was even floodlighted at night. It was to stand as a warning to the Poles and a sign of comfort for the Germans across the border. In the second half of the 1930s, the cross became a major travel destination. Visitors from Germany were welcomed by the *Regierungspräsidium*, which viewed it as an opportunity for providing information about the border.<sup>21</sup> The *Westpreußen-Zeitung* (West Prussian News) in Elbing had a section called “News from the Stolen Territory,” featuring stories from the *Korridor* about crime, discrimination, and German activities. The commemorative publication for the 700th anniversary of Marienwerder in 1933 is permeated by constant references to profound injustice in the drawing of boundaries, and how it was “unnatural” as well as a “humiliation for the Germans.”<sup>22</sup> Excursions and pilgrimages to various historical landmarks created a “monumentalization of the landscape,”<sup>23</sup> which took on a mythical aura and

21 *Westpreußen-Zeitung*, May 29, 1937, Elbinger Stadtbibliothek (ESB) 12658.

22 “Festschrift zur 700-Jahrfeier der Ordensstadt Marienwerder,” SAC N09 Nr. 81.

23 Term defined in Herfried Münkler, *Die Deutschen und ihre Mythen* (Berlin: Rowohlt-Verlag, 2009), 12ff.

attained an almost sacred status. The narrative of the plebiscite and the humiliating repositioning of the border, the iconic compression by the West Prussian Cross and corresponding pictures, as well as the ritual staging of pilgrimages and vows of allegiance, fulfilled all the rules of a myth.

Since 1920, the *Regierungspräsidium* in Marienwerder had supported “borderland propaganda” in the form of border excursions, which were expanded in 1925 under the auspices of the *Regierungspräsident* Carl Budding. After the National Socialist German Workers’ (Nazi) victory in the *Reichstag* election on September 14, 1930, the German–Polish relationship deteriorated significantly. The Marienwerder district increasingly became the scene of border incidents, border violations, and espionage by both sides in the subsequent years. There was a significant increase in discrimination against the German minority in Poland, countered by attacks in the German media. In this heated situation, Lieutenant Hans Martin (under the pseudonym Hans Nitram), stationed in Marienwerder, published a novel in 1932 titled *Achtung! Ostmark-Rundfunk! Polnische Truppen haben heute Nacht die Ostpreußische Grenze überschritten* (Attention! Ostmark radio! Polish troops crossed the East Prussian border last night!). It was published with a circulation of 30,000 copies, and captured the feeling of the threat of an invasion, as in the lines: “We [Poland] will remove the *Korridor* by annexing East Prussia to Poland. Marienwerder was deeply asleep. The residents had no idea that they would wake up under the white eagle in the morning.” It included maps illustrating the short distances from the border to the central cities of East Prussia, and thus the ease of a Polish invasion. “An armored car takes 20 minutes from the border to Marienwerder, a motorcyclist 15 minutes! A pedestrian walks 10 minutes from the Danzig border to Marienburg!”<sup>24</sup> In the typical style of the invasion literature genre, the book describes an overwhelming Polish surprise attack. It ends with the grim but hopeless determination of the last German troops in East Prussia striving to defend every inch of German soil. The perception of Marienwerder as an evacuation district, which could not be defended, served as the basis for the book.

### The Border during the National Socialist Period

After the National Socialists came to power in 1933, statehood in Germany changed fundamentally. The special authorities that developed in parallel with the administration, such as the heads of Nazi mass organizations, the special commissioners directly appointed by Hitler, the *Gauleitern*, such as Koch in

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24 Translation by the author.

East Prussia, and the *Reichsstatthaltern* (Reich governors or deputies) in the occupied areas after 1939, such as Albert Forster in Danzig-West Prussia, were dependent on Hitler’s approval. Instead of professional competency, their qualifications were personal loyalty, dedication, and good faith, as well as ideological loyalty and toughness in dealing with opponents.<sup>25</sup> The competition for influence and power raged on at all levels. More traditional official channels were undermined by these special authorities, who flooded them with new laws and regulations as they tried to create their own, personalized sphere of influence through personal network structures.<sup>26</sup> In the context of loyalties and personal dependencies, the *Regierungspräsidium* was the central administrative authority between the *Gauleitung* and the *Landräte*, which served as a control node and were staffed with compliant men.

The government and party offices increasingly merged, and they did so particularly quickly in the Vistula region. After 1933, *Gauleiter* Koch became the *Oberpräsident* of East Prussia, and after 1939, *Gauleiter* Forster became *Reichsstatthalter* of the new *Gau* of Danzig-West Prussia. This protected Forster from the constant attacks by his main competitor, the HSSPF<sup>27</sup> Richard Hildebrandt. Forster used the ideal of the *Volkgemeinschaft*, or the ethnic German community, in disputes over competence and competition. He celebrated the apparent unity of the national community and the common goals of the administration through visits to the most distant regions of his *Reichsgau*,<sup>28</sup> constantly accompanied by the *Regierungspräsident* and his administration. The *Regierungspräsident* of Marienwerder, Otto v. Keudell, obeyed and followed Forster unconditionally. Even after 1945, he still wrote respectfully of his former superior. The jostling in western German territories between the party and the civil administration, as a “bulwark of reaction,” hardly made an appearance in Marienwerder, since they cooperated, for the most part, at all levels. The idea of a “German East,” and the German claim to the Vistula region, was a common belief in the traditionally

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25 Rüdiger Hachtmann, “Neue Staatlichkeit—Überlegungen zu einer systematischen Theorie des NS-Herrschaftssystems und ihrer Anwendung auf die mittlere Ebene der Gaue,” in *Die NS-Gaue—regionale Mittelinstanzen im zentralistischen “Führerstaat”*, ed. Jürgen John, Horst Möller, and Thomas Schaarschmidt (München: Oldenbourg, 2007), 60ff.

26 Arne Hennemann, *Dimensionen der Verstrickung: Die Bezirksregierung Arnberg 1933–1945; Eine historische Untersuchung des Behördenhandelns der südwestfälischen Mittelinstanz unter den Bedingungen des NS-Staates* (Arnsberg: Becker-Druck, 2016), 140.

27 The *Höhere SS- und Polizeiführer* (HSSPF) was the title of Himmler’s representative in the region, being both the chief of the SS and the chief of the regional police.

28 A state administrative district and self-governing body in parts of the German Reich during the Nazi period from 1939 to 1945. They fell under the leadership of a Reich Governor, who was usually also the *Gauleiter* of the Nazi party.

anti-Polish administration. *Regierungspräsident* v. Keudell represented a new type of civil servant, with his SS uniform serving as an important integrative node in the otherwise centrifugal system. The unified appearance on public holidays, receptions, and rallies underpinned the picture of a united *administration*, which was deliberately evoked and maintained.

Otto v. Keudell generally got along well with his *Landräte* and *Kreisleiter*, and maintained a good relationship with the powerful *Landrat* and *Kreisleiter* Arthur Franz in particular, whom he supported in order to win him over as a follower. After 1939, a network of speakers from the *Gau* was tasked with boosting motivation to build up the new *Gau* and, later, to strengthen the will to persevere until the end of the war. *Regierungspräsident* v. Keudell of Marienwerder proved to be an influential and powerful speaker in his district. Hitler and Forster remained the constant points of reference in his speeches, and he thus strengthened the connection of the local people to Hitler. All state and party institutions, as well as the press, pulled together in the Vistula district to recover the lost territories.

In 1934, a German–Polish non-aggression pact was concluded to the general amazement of the public. Of course, this tactical and preliminary waiver of a revision of the German–Polish border did not mean the final recognition of the border, but this pact—and the secret German–Polish press agreement included within it—ended the heated journalistic battles. The press would be kept in check by the relevant government agencies in both countries, and reports of border violations did indeed fall sharply and were soon relegated to only local papers. In Germany, commemorative plaques were removed from monuments that had been criticized by Poland, as were the dashed pre-war borders from schoolbook atlases.

Despite the agreement, the border excursions continued. They even increased significantly as of 1936 under the new *Regierungspräsident* Otto von Keudell, following Budding's retirement.<sup>29</sup> From the beginning, von Keudell had seen the border as unnatural and temporary, and he personally trained *Kreisleiter* (circle leaders) of the *Kraft durch Freude* (KdF)<sup>30</sup> recreational organization to provide border excursions in the future: "At the border, Mr. von Keudell gave a lecture on the history of West Prussia, in which he explained, among other things, that the injustice committed in the Treaty of Versailles had to be set right and that he

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29 Otto v. Keudell to the Ministry of the Interior about the border excursions, May 31, 1937, Bundesarchiv Berlin (hereinafter: BA) R 122868 Duplicate J. Nr. 5261, 24.6.1937.

30 *Kraft durch Freude* (Strength through Joy) was the recreational division of the German Labor Organization. It was set up to promote tourism, make recreational activities available to all parts of society, and demonstrate the benefits of National Socialism.

had no doubt this would happen at the right moment.”<sup>31</sup> The *Regierungspräsident* was convinced that the borders would soon be changed. In 1938, he explained to students at the Hitler Youth (*Hitlerjugend*) schools “that he had recently had numerous important meetings in Berlin and could tell the students that the German government, especially Hitler, continued to fight to recapture the territories lost in the last war. Two mosaic states<sup>32</sup> had already been dealt with. If there is a reasonable regime in Russia, one could also see a division of Poland. According to one view, this should be accomplished within about a year.”<sup>33</sup>

In 1936, the *Ostlandführer* school was founded in Marienwerder Castle. In it, Hitler Youth leaders were given a three-week training course on the *Volkestums-politik* (ethnic politics)<sup>34</sup> of the eastern frontier.<sup>35</sup> The *Regierungspräsidium* acted as an extended arm of the Hitler Youth leadership, planned the conversion of the castle, and supported the goals of the *Ostlandführer* school in its instruction of West Prussian history, as well as the traditions of the Teutonic Order. Laying the foundation stone of the Elbing Hitler Youth student residence, East Prussian regional Hitler Youth leader Willi Boeckmann said, “that no other *Regierungspräsident* in all of Prussia [was] as committed to the Hitler Youth as v. Keudell.” *Regierungspräsident* v. Keudell justified his commitment thus: “I am doing this because, according to the *Führer*’s [Hitler’s] orders, I am deeply convinced by the fact that it is precisely through close and trusting work with and on the youth that the National Socialist state will become more firmly anchored in the long run.”<sup>36</sup>

In the period of the non-aggression pact, from 1934 to 1938, the relationship between Germans and Poles on the Vistula was characterized by distrust, but also by mutual pragmatism. If one side threatened to expel members of their minority, an advance warning from the opposite side to do the same was sufficient to prevent the action.

Behind the scenes, there was also deep-seated distrust and covert activity. In fact, while v. Keudell hoped that the Polish question would soon be resolved, he considered how to overcome obstacles to the “complete destruction of the Polish minority” in his district. In internal documents, he made no secret of his dis-

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31 For reports from Germany by *Sopade* from 1938, see Klaus Behnken, *Deutschland-Berichte der Sozialdemokratischen Partei Deutschlands (Sopade)* (Frankfurt am Main: Petra Nettelbeck Zweitausendeins, 2017), 393.

32 These refer the two small states (Austria and Czechoslovakia) that came, one after another, under German influence.

33 Behnken, *Deutschland-Berichte*, 1172f.

34 *Volkestumpolitik* refers to the politics of supporting Germans against other peoples.

35 SAC N09 Nr. 1.

36 Letter from *Regierungspräsident* v. Keudell to *Gauleiter* Koch from July 4, 1939, Geheimes Staatsarchiv Preußischer Kulturbesitz (hereinafter: GStPK) XIV HA Rep 181 Nr. 33321, Bl. 337f.

like of the Polish Consul General in Marienwerder, Edward Czyżewski,<sup>37</sup> and used this “miserable figure of a Polish consul as a tool to gain advantages for the German minorities in the *Korridor*.”<sup>38</sup> In the secret reports of the *Sicherheitsdienst* (Security Service),<sup>39</sup> the close observation of the Polish minority in Germany becomes clear. They warned of subversive support for the Polish state “in East Prussia to set up Polish museums of local history and publications of traditional Polish songbooks.” Of course, museums of local history were at the center of the national struggle at the frontier, and the National Socialist leadership also supported such projects in Poland. In Marienwerder in particular, these Polish “attempts to infiltrate” were perceived as threatening.

November 1937 saw the opening of a Polish boarding school in Marienwerder. Its opening had been blocked by the administration for fear of fueling “Polish intelligentsia” and thus threatening the assimilation of the Polish minority. In the end, permission for the school had to be granted because the Polish government had closed some German schools in Poland and considered this a precondition for reinstating them. In 1939, 161 Polish students from all over Germany attended the school and were taught by 13 teachers. All students lived in the boarding school together with the teachers and staff. The goal of promoting Polish nationalism failed because the Polish individuals who came were almost exclusively from the Reich territory and lived quite isolated. In the 21 months of its existence, there were repeated brawls between German and Polish students in the city.

How did the local population perceive the border in their everyday life? Unfortunately, there are no sources disclosing people’s private thoughts and personal opinions, such as letters or diaries. The unanimous statements of the authorities, the press, and educational institutions on the “unnatural border” will undoubtedly have had a certain effect, but personal perspectives would likely have depended on an individual’s occupation and place of residence. For example, the farmers mentioned above, whose daily work required them to cross the border, would certainly have regarded the division in a poor light. The same

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37 Edward Czyżewski was an experienced officer in the Polish secret service, and had overseen the secret service post in Amsterdam until 1936. He supported legal and illegal activities in the Marienwerder district until his expulsion in 1939, shortly before the outbreak of the Second World War. Wojciech Skóra, “Przygotowania polskiego Ministerstwa Spraw Zagranicznych do wojny w 1939 roku,” in *Wrzesień 1939 roku: Geneza II wojny światowej w polskiej perspektywie*, ed. Janusz Faryś, Tomasz Sikorski, and Przemysław Słowiński (Gorzów Wielkopolski: Państwowa Wyższa Szkoła Zawodowa, 2011), 433ff.

38 Letter from *Regierungspräsident* v. Keudell to *Gauleiter* Koch from July 4, 1939, GStPK XIV HA Rep 181 Nr. 33321, Blatt 335–343.

39 The *Sicherheitsdienst* was the secret service of the National Socialist German Workers’ Party.

could be said for traders whose goods were moved through the *Korridor*, and who had to deal with border police. People who had relatives or former possessions across the border, and who were told of alleged and actual discrimination by the Polish government, doubtlessly perceived the border as “unnatural.” The relevance of the topic also depended on the *Landkreise*. With their history of the Teutonic Order, Marienwerder and Marienburg had a more pronounced awareness of the “settler mentality” and the traditional anti-Polish sentiment. The continuous reporting, speeches, festivals, literature, and monuments in these two areas suggest a keenly interested population. In Stuhm, on the other hand, where most of the Polish minority lived, direct interactions and experiences of living together as neighbors and spouses led to a greater ethnic mix, and likely to more openness toward one another as well. It is evident that the subject played a minor role in Elbing, as the city’s major newspaper *Westpreußen-Zeitung* hardly reported on the border in the ensuing decades. On the contrary, it reported at least neutrally, sometimes even appreciatively, on visits by Polish groups in the district. Before 1920, Elbing had belonged to the *Regierungsbezirk* of Danzig and, due to its port, had a different economic and cultural orientation than the southern areas of the district.

The growth of the Polish population alarmed the German elites. The birth rate in Germany, which had been declining since the turn of the century, was particularly disturbing given the simultaneous growth of the Polish population. Considering that the loss of the West Prussian territories in 1920 had been justified by the size of the Polish population, further Polish claims needed to be warded off through population policy. Rhetoric therefore brought up the fear of *Volkstod* (the extinction of the race), which could only be prevented by a “biological victory.” This explains the headline of the *Weichsel-Zeitung* in 1937: “Those who can have children and do not have them endanger the future of our people.”<sup>40</sup> The perceived threat of Poland making further claims was exacerbated by the existence of a Polish minority in Germany.

Anxiety about the size of the Polish minority in Marienwerder, together with increasing German emigration and concomitant economic damage, resulted in Marienwerder being considered an “emergency district.”<sup>41</sup> Minority protection was regarded as a danger to the state, especially at the frontier, and tolerance would not be rewarded, but rather viewed as a weakness in this context. Further

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40 “Marienwerder unter dem Durchschnitt—Viel zu wenig kinderreiche Familien: Eine unerfreuliche Statistik,” *Weichsel-Zeitung*, April 22, 1937. DM11 F70821.

41 “Denkschrift des Reichsminister des Inneren zur Begründung einer vordringlichen Berücksichtigung des Ostens aus Grenzfondsmitteln,” February 17, 1930, BA R 43 I/1800, 213–215.

Polish claims might have been limited through a contractual recognition of the borders, similar to those in the west, if Germany had been willing to waive its own claims on West Prussia, but this, of course, was not an option for the German elites. From that point onwards, the Poles were viewed as less and less “capable of Germanization.” The old goal of Germanizing the people became one of Germanizing the soil.<sup>42</sup> Within this paradigm, the *Fremdvölkischen* increasingly lost their rights and freedoms, especially after the outbreak of war in 1939.

### Toward the War

After Hitler canceled the German–Polish non-aggression agreement on April 28, 1939, tensions in Marienwerder increased significantly.<sup>43</sup> The German media came up with exaggerated horror stories about acts of violence against the German minority in Poland. In the *Weichsel-Zeitung*, the editor-in-chief, Dr. Max Krause, stirred up hatred against Poles, Jews, and “Gypsies.” The newspaper reported daily from Poland about alleged and actual riots against Germans: “Germans’ existence is destroyed—council pharmacy in Kulm has been closed”; “German agitation at the church door—public call to all Polish insurgents in Myslowitz”; “Escaped to avoid starvation—50 refugees again in the Marienwerder refugee camp from Graudenz, Schwetz, and Lodz”;<sup>44</sup> “The men were fired and forced to flee due to unemployment”; “Every day we have the opportunity to see the miserable, pitiful figures of the German refugees from Poland in our streets, who were only persecuted and terrorized in the worst and most arbitrary way because they were members of the German culture.”<sup>45</sup> *Regierungspräsident* v. Keudell also stepped up anti-Polish propaganda. He planned a propaganda publication that would emphasize the German character of West Prussia from the Middle Ages to the present. He suggested a table of contents and wel-

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42 Hitler consistently rejected the “Germanization” of the Poles. In the second part of *Mein Kampf*, he criticized the idea that Poles could become Germans solely through language policy. Instead, such Germanization would actually result in a “de-Germanization.” Only segregation or “removal” of the “racially foreign elements” would remain as a solution. See Christian Hartmann et al., eds., *Hitler, Mein Kampf: Eine kritische Edition*, 2nd vol. (München: Institut für Zeitgeschichte, 2016), 997. In his speech on February 3, 1933, before the leadership of the Reichswehr, he reiterated these intentions with unusual openness.

43 Behnken, *Deutschland-Berichte*, 1170f.

44 “Deutschen wir die Existenz vernichtet,” *Weichsel-Zeitung*, June 3, 1939, DNBL ZDo ZC 94 20; “Deutschenhetze an der Kirchentür—Öffentlicher Aufruf aller polnischen Aufständischen in Myslowitz,” *Weichsel-Zeitung*, June 3, 1939, DNBL ZDo ZC 94 20; “Geflohen, um nicht zu verhungern,” *Weichsel-Zeitung*, May 11, 1939, DNBL ZDo ZC 94 20; “Wir lassen uns nicht provozieren!” *Weichsel-Zeitung*, May 11, 1939, DNBL ZDo ZC 94 20.

45 Translations by the author.

comed participation in discussions about the publication. The outbreak of war put an end to the project.<sup>46</sup>

Border excursions, especially by Northern European guests, increased by leaps and bounds. It started with Swedish journalists and travel agency representatives. The *Weichsel-Zeitung* reported:

Naturally, the arbitrary demarcation of the Vistula and the resulting national, political, and economic problems attracted the greatest interest from the Swedish guests.... They received such compulsory visual lessons that not only triggered shocked shakes of the head and stunned amazement, but also curious questions. The local guides who accompanied the Swedish group along the Vistula were repeatedly bombarded with questions which made it clear that the foreigners were aware, at first glance, of the blatant injustice of this Versailles demarcation and the violent disruption of an organically connected group of people and economic area.<sup>47</sup>

A Danish government committee followed in July. Under the guidance of the *Regierungspräsident*, they visited “the impossible conditions on the Vistula border.”<sup>48</sup> Only a week later, as part of a youth exchange between the Hitler Youth and Finland, guests came to the border again: “The guests’ astonished words were heard again and again: ‘We would never have imagined it to be that bad.’ Then the Finnish exchange youths met with the local Hitler Youth leaders at the *Regierungspräsident*. In a historical presentation, he showed them the total senselessness of the Vistula *Korridor* and made them aware of the plight of the Germans living under Polish tyranny.”<sup>49</sup>

The *Ostlandführer* school had the potential to escalate tensions. Hitler Youth leaders were trained here, with a particular focus on courses in *Volkstumspolitik*. The Polish boarding school was their natural enemy, so both physical and verbal attacks by the Hitler Youth were disproportionately high. At the end of May 1939, young people from the Hitler Youth tried to storm the Polish school.<sup>50</sup> The *Regierungspräsident* informed the police commander, who appeared on the spot and was able to calm the crowd. The *Regierungspräsident* Otto v. Keudell even drove around the school several times that night in order to prevent

46 Ostland-Institut to Dr. Papritz, June 6, 1939. BA R153/1394.

47 “Kopfschütteln über die Weichselgrenze,” *Weichsel-Zeitung*, May 30, 1939, DNBL ZDo ZC 94 20.

48 “Dänische Gäste kommen nach Marienwerder,” *Weichsel-Zeitung*, July 5, 1939, DNBL ZDo ZC 94 20.

49 “Gäste aus dem Land der Tausend Seen,” *Weichsel-Zeitung*, July 14, 1939, DNBL ZDo ZC 94 20.

50 Letter from the *Regierungspräsident* v. Keudell to *Gauleiter* Koch from July 4, 1939, GStPK XIV HA Rep 181 Nr. 33321, 343.

others from disturbing the peace. Nevertheless, Polish students and teachers were repeatedly assaulted in the city.<sup>51</sup> The conflicts resulted in the police and Gestapo storming the Polish school on August 25, 1939—a mere 21 months after it was established.

The war with Poland began on September 1, 1939. The *Regierungspräsidium* had been preparing for the impending war for several months, and had taken precautionary measures in case the district had to be evacuated.<sup>52</sup> Poles in the border area were expelled and their assets confiscated.<sup>53</sup> Using the district as a base, a commando company was to seize the strategic Vistula bridge in Dirschau, 18km away, as it was a crucial connection between East Prussia and the *Reich*. The attack failed and Polish soldiers were able to destroy the bridge, but the city of Dirschau was captured about 24 hours later after heavy battles. Later, *Regierungspräsident* v. Keudell particularly praised the leadership of *Gauleiter* Koch, who “had transformed Marienwerder, formerly known as the ‘evacuation district’ that could not be defended in times of danger, into an insurmountable bulwark and a German starting position from which, at dawn on September 1, 1939, the young regiments of this district launched enthusiastic counter-attacks against Polish attacks, threw out the enemy, and restored the borders of the ancient, proud German *Lebensraum*.”<sup>54</sup>

Following this German victory, the longest occupation endured by any country during the Second World War began for Poland. In addition to the *Wehrmacht* (armed forces), the Poles suffered at the hands of the German *Selbstschutz* (“self-defense”) groups, comprised of ethnic Germans, and the *Einsatzgruppen* (deployment groups) within the SS, who carried out mass killings in German-occupied Europe. Polish elites, Jews, and people with illnesses and disabilities were murdered.

In November 1939, the former West Prussian territories were annexed and united under the new Danzig-West Prussia *Reichsgau*. From the outset, the reintegration was effectively linked, through propaganda, to the settlement of the medieval Teutonic Order. Readers were reminded of the “knightly colonizers” who “impose a special obligation on today’s people in this area to strengthen Germanism.”<sup>55</sup> In the months that followed, all the district’s newspapers called for the takeover of former Prussian, as well as annexed Polish, areas: “The work of

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51 Letter from the *Regierungspräsident* v. Keudell to *Gauleiter* Koch from July 4, 1939, 341.

52 Letter from the *Regierungspräsident* v. Keudell to *Gauleiter* Koch from July 4, 1939, 232.

53 Letter from the *Regierungspräsident* v. Keudell to *Gauleiter* Koch from July 4, 1939, 335.

54 *Weichsel-Zeitung*, November 2, 1939, DM11, F70822.

55 Headline from the *Weichsel-Zeitung*, December 13, 1939, DM11 F 70822.



Figure 7.3. Ceremonial handover of the Marienwerder administrative district to the Reichsgau Danzig-West Prussia on November 3, 1939. From left to right: Gauleiter Erich Koch, Gauleiter Albert Forster, and Regierungspräsident Otto v. Keudell. Photo by Klaus Krauskopf, *Weichsel Zeitung*, November 3, 1939, *Deutsche Nationalbibliothek in Leipzig*, ZDo ZC 94 20.

the Knights of the Teutonic Order will continue!” The protective wall of the Teutonic Order against the Slavs was thereby once again called into memory.<sup>56</sup> Furthermore, the history of the area was revised such that it had always been settled by Germans, and the establishment of the Danzig-West Prussia *Reichsgau* would have a vitalizing effect on Germany. The Battle of Tannenberg in 1410 played a key role in this narrative: On May 25, 1940, the 18 flags that “had fallen into Polish hands” in 1410 were transferred from Kraków to Marienburg, and handed over by Governor General Frank to *Gauleiter* Forster in a celebratory ceremony.

The five Vistula villages, separated in 1920, were reintegrated with particular attention. The years under Polish rule were described as pure disgrace and oppression. In January 1940, the *Weichsel-Zeitung* rejoiced that the Germans “who have suffered the pain of a defenseless ethnic group under arbitrary Polish rule for twenty years” could now finally experience “the day of the national uprising” for the first time, “having returned to the *Großdeutsche Reich*” (greater Germany), and able to participate via “loudspeakers in this largest holiday of the Ger-

<sup>56</sup> “Der Schwarze Tag des deutschen Ordens gesühnt,” *Weichsel-Zeitung*, May 20, 1940, DNBL ZDo ZC 94 20.

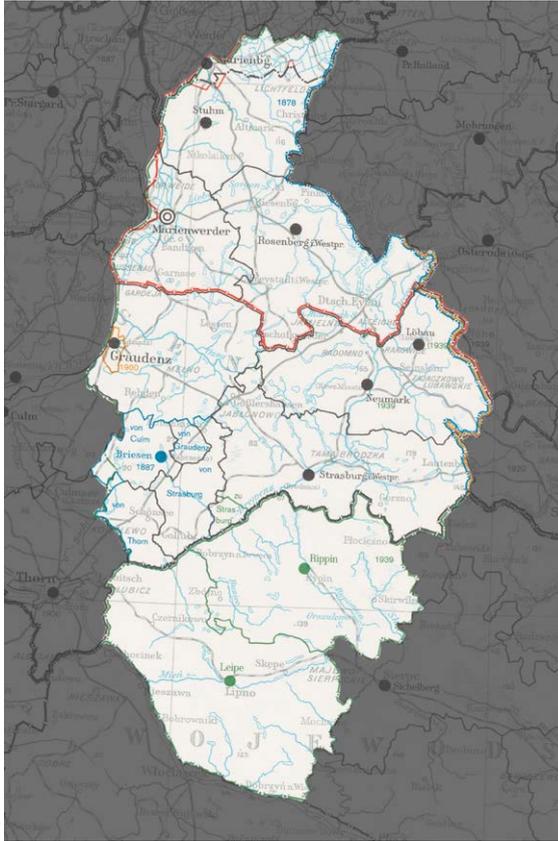


Figure 7.4. Marienwerder Regierungsbezirk, 1939-1945. Source: Hubatsch, Grundriss zur deutschen Verwaltungsgeschichte, vol. 1, Preußen. Courtesy of the map collection of the Herder Institute for Historical Research on East Central Europe in Marburg, Germany (Call number K 6 XII K 3 b).

man nation.”<sup>57</sup> The fact that in 1920, more than half of the villagers had voted to belong to Poland was, of course, ignored. Instead, in the next few months, the *Weichsel-Zeitung* published several articles referring to the “Polish foreign rule” and thanking the people for returning to the old district. Over the next few years, construction work in the five villages was reported repeatedly in the press.<sup>58</sup> The last visit of *Reichsstatthalter* Forster took place on July 16, 1943. He was greeted at the district border by the *Regierungspräsident* together with chil-

57 “Kreisleiter Franz bei den Volksdeutschen in Johannisdorf,” *Weichsel-Zeitung*, March 31, 1940, DNBL ZDo ZC 94 20.

58 “Mein Führer, du allein bist Weg und Ziel?—Die Befreiungsfeier der fünf Weichseldörfer,” *Weichsel-Zeitung*, September 2, 1940, DNBL ZDo ZC 94 20.

dren from the villages: “And after the children finished singing the song ‘The mill rattles on the rushing stream,’ one knew that the German people had regained one hundred percent of their German culture.”<sup>59</sup>

The reintegration of the Vistula villages and West Prussia remained a constant media topic until 1945. HSSPF Hildebrandt said in an interview with the *Weichsel-Zeitung* in December 1940: “This land, which owes everything it is and has to German culture, will never become lost again.... No German blood should and will flow in the *Volkstumskampf* as it has for so many centuries.... Because today the knights of the twentieth century are standing here, the politically conscious fighters for the all-German future ... to ensure that never in history can the question of the country’s ethnicity be asked again.”<sup>60</sup> Hence, millions of Poles were deported, and hundreds of thousands of ethnic Germans from Eastern Europe were re-settled in the Danzig-West Prussia *Reichsgau*, including in the Marienwerder district, providing a “biological border” to defend against the Slavs. After 1945, this cruel policy backfired on the German population, millions of whom fled or were driven out.

## Conclusions

The Vistula border and its formation were omnipresent concerns in Marienwerder. The 1920 plebiscite, and the subsequent border correction, fueled a feeling of threat and a fear of Polish invasion. Subsequently, the old narrative of colonization and the “fortified settler” was linked to the trauma of 1920. The district developed well in terms of infrastructure and economics, and the bilateral cooperation on infrastructure projects showed the possibility of German-Polish productive coexistence. However, the Polish minority in Marienwerder was perceived as a Trojan horse, and was therefore viewed with suspicion. The Polish boarding school, in particular, was the flashpoint of numerous attacks on Polish students and teachers. The Marienwerder youth had a very close affinity to National Socialism early on, with numerous youth border excursions organized by the Hitler Youth and schools, visiting mythical places on the Vistula or the West Prussian Cross. In its brochures, the Tourist Office explicitly referred to the places of interest on the border, and foreign delegations were directed to the critical points. The *Weichsel-Zeitung* published regular reports on visiting groups from near and far, and continually reminded readers about the

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59 *Weichsel-Zeitung*, July 16, 1943, DM11 F 70823. The song “Es klappert die Mühle am rauschendem Bach” is a well-known old German folk song.

60 “Ordenritter des 20. Jahrhunderts,” *Weichsel-Zeitung*, December 12, 1940, DNBL ZDo ZC 94 20.

year 1920 and the separation of the Vistula villages. The *Regierungspräsidium* under Carl Budding, and especially under Otto v. Keudell, played a key role in this by inviting guests to the border and organizing, managing, and giving lectures. In the networks of the *Nationalsozialistische Staatlichkeit*, the *Regierungspräsidium* expanded its role and acted as an integrating node between the district government and the local population. Life on the Vistula border was perceived as a *Volkstumskampf* that could only be won through a “biological victory.” The reintegration of the previously lost areas was symbolically and ritually linked to the history of the Teutonic Order and the plebiscite of 1920. These thoughts and sentiments remained present until the evacuation of Marienwerder in 1945, and were one of the reasons for the delayed evacuation of the area, which only occurred in January 1945. Indeed, these sympathies led some protagonists, such as Otto v. Keudell, to fight to the end in the hope of preventing a repeat of 1920 at all costs.

## Chapter Eight

# A Gendered View on the Plebiscitary and Post-plebiscitary Carinthian Slovene Minority: Roles and Realities of Women

TINA BAHOVEC



### Introduction

In 2020, commemorations were held to mark the centennial of the Carinthian plebiscite in which a majority of the local population voted to become part of Austria rather than join Yugoslavia. Several activities and publications focused on the past and present of women and their roles in memory culture.<sup>1</sup> Among them was a commentary in a leading online newspaper by stage director Ute Liepold, who condemned the fact that for decades, Austria's southernmost province of Carinthia was characterized by a male-dominated *Heimattümelei* (i.e., petty display of patriotism) and a deficit in gender equality.<sup>2</sup> She also mentioned two women who will play a central role in this chapter: Angela Piskernik (1886–1967) and Milka Hartman (1902–1997), the most famous Carinthian Slovene women of the twentieth century. From a national viewpoint, they can be seen as fighters for minority rights, but Liepold, from her feminist viewpoint, described them as fighters for women's rights.

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1 Tina Bahovec, "[P]rosimo, da si zapomnijo take junakinje: Ženske in plebiscit med spominom in pozabo," in *Koroški plebiscit—100 let kasneje*, ed. Danijel Grafenauer (Ljubljana: Slovenska matica, Inštitut za narodnostna vprašanja, 2021), 123–38, here 123–24.

2 Ute Liepold, "100 Jahre Volksabstimmung: Von Diandlan und von Buabm," *Der Standard online*, October 12, 2020, accessed July 26, 2022, <https://www.derstandard.at/story/2000120828385/100-jahre-volksabstimmung-von-diandlan-und-von-buabm>.

Both Piskernik<sup>3</sup> and Hartman<sup>4</sup> grew up in a rural and Slovene-oriented environment in Southern Carinthia and were socialized in Slovene families and organizations. Piskernik's educational career is exceptional, both in the sense of being unusual and of being excellent. It led her from the Ursuline convent college of education in Klagenfurt/Celovec, to a high school diploma in Graz, to the University in Vienna, where she graduated in 1914 as the first female Slovene biologist. Hartman's educational career is an illustration of the often-limited possibilities for women: World War I interrupted her elementary education after six years and, despite her wishes, she would be unable to pursue studies to become a teacher. Instead, she attended two training courses for housekeeping in Slovenia.

Piskernik relocated to Slovenia during World War I—a fate shared by many Slovene intellectuals after the plebiscite—because her Slovene national identification made it difficult for her to find adequate employment opportunities. Hartman became an itinerant teacher of domestic science in Carinthia from the end of the 1920s to the mid-1950s; at the same time, she was a poet and author, and one of the (very few female) leading cultural representatives and voices of the Slovene minority in Carinthia.

Neither married nor had children, thus eschewing traditional female roles. Both campaigned for the Slovene or Yugoslav side in border disputes after both world wars. Both were actively engaged in various women's and (Carinthian) Slovene organizations, sometimes in high-ranking positions. Among other mem-

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- 3 For the following biographical outline, see Janez Stergar, "Dr. Ángela Piskernik (1886–1967), koroška naravoslovka, naravovarstvenica in narodna delavka," in *Ženske skozi zgodovino: Zbornik referatov 32. zborovanja slovenskih zgodovinarjev*, ed. Aleksander Žižek (Ljubljana: Zveza zgodovinskih društev Slovenije, 2004), 227–57; Janez Stergar, "Ángela Piskernik (1886–1967): Prva slovenska botaničarka in naravovarstvenica," in *Pozabljena polovica: Portreti žensk 19. in 20. stoletja na Slovenskem*, ed. Alenka Šelih, Milica Antić Gaber, Alenka Puhar, Tanja Rener, Rapa Šuklje, and Marta Verginella (Ljubljana: Tuma, SAZU, 2007), 220–24; Janez Stergar, "Oživiljeni spomin: dr. Ángela Piskernik (1886–1967), najpomembnejša koroška Slovenka 20. stoletja," *Koroški koledar* (2010): 135–75.
- 4 For the following biographical outline, see Feliks J. Bister, ed., *Milka Hartman*, vol. 1, *Življenje* (Celovec and Vienna: [self-published], 1982); Andreja Sturm, "Oris življenja in dela Milke Hartman," in *Milka Hartman*, ed. Marija Makarovič (Celovec: Krščanska kulturna zveza, 2004), 23–64; Marija Milenković, "Milka Hartman (1902–1997): Učiteljica, pesnica in kulturna delavka," in *Pozabljena polovica*, ed. Šelih et.al., 380–84; Andrej Leben, "Nachwort," in *Milka Hartman, Der Frost verspinnt die Beete mir mit feinen Netzen*, ed. Andrej Leben (Klagenfurt/Celovec: Drava, 2007), 116–41; Tina Bahovec, "Hartman, Milka," in *Enzyklopädie der slovenischen Kulturgeschichte in Kärnten/Koroška: Von den Anfängen bis 1942*, vol. 1, ed. Katja Sturm-Schnabl and Bojan-Ilija Schnabl (Vienna, Cologne and Weimar: Böhlau, 2016), 482–83, accessed July 26, 2022, <https://library.oapen.org/handle/20.500.12657/32403>; Eva-Maria Verhnjak-Pikalo, "Ein Leben für die Muttersprache: Zur Darstellung der Frau im literarischen Werk der Kärntner Slowenin Milka Hartman," (PhD Diss., University of Klagenfurt, 2017), accessed July 26, 2022, <https://netlibrary.aau.at/urn:nbn:at:at-ubk:1-30658>.

berships, Piskernik was part of the interwar Slovene Christian Women's Association (*Slovenska krščanska ženska zveza*) and the emigrant Club of Carinthian Slovenes (*Klub koroških Slovencev*) in Slovenia; Hartman was active in the post-World War II Antifascist Women's Front (*Antifašistična fronta žena*) and the Christian Cultural Association (*Krščanska kulturna zveza*) in Carinthia.

These two women therefore present examples of the complex and contradictory national(ized) and gender(ed) roles and realities of women during and after the plebiscite. Based on newspapers and (auto)biographic material, this chapter analyzes Piskernik's leading role in mobilizing women during the plebiscite, and Hartman's later activities, with a particular focus on her interwar cooking courses. This provides the context for understanding the gendered Carinthian Slovene national ideology through both historical periods. The final section then analyzes gendered aspects of the Slovene minority's interwar (party) politics.

### Angela Piskernik: Women's Engagement in the Carinthian Plebiscite

The border question in Carinthia, with its Slovene and German speaking population,<sup>5</sup> was resolved by plebiscite on October 10, 1920, with 59 percent voting for Austria and 41 percent for Yugoslavia. This was the first time that women in Southern Carinthia had an equal right to vote, and they actively engaged in the border conflict.<sup>6</sup>

Activities around the Carinthian plebiscite led to the establishment of the Association of Women's Societies in Carinthia (*Zveza ženskih društev na Koroškem*), the first Slovene women's political organization in the province. Founded in autumn 1919, it grew to include almost 7,000 members—mostly rural women—in 56 local societies. A major aim of the societies was to win women's plebiscite votes for the Yugoslav state, but they also engaged in social welfare, women's education, and the struggle for equality. To reach these goals, they organized national demonstrations, charity festivities, cooking courses, and other activities. The Carinthian Association was also supported by women's societies in Slovenia and other parts of Yugoslavia. From April to October 1920, the Association published *Koroška Zora* (*Carinthian Dawn*), the first women's magazine for Slovenes in

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5 According to a 1910 census, Slovenian speakers accounted for 21 percent of the overall population of Carinthia (amounting to about 70 percent in the southern part), but they were under-represented in the upper social strata.

6 See Tina Bahovec, "Stimmrecht, Wahlrecht und Wahlakt von Frauen beim Kärntner Plebiszit 1920" in "An uns, ihr Frauen, ist die Reihe": 100 Jahre Frauenwahlrecht; *Historische Streifzüge durch Kärntens Geschichte*, ed. Andrea M. Lauritsch (Klagenfurt/Celovec: Heyn, 2018), 115–38.

Carinthia. It emphasized Slovene and South Slavic patriotism and tried to mobilize women, both nationally and politically, while also supporting the traditional female roles of “housewife” and mother.<sup>7</sup>

Piskernik played a leading role in the Association and, in a wider context, in women’s participation in the border dispute.<sup>8</sup> Already in March 1919, women held Yugoslavia-wide rallies to promote their vision for the borders. During one such protest, Piskernik gave a speech titled “For the Slovene Kosovo Field,” referring to the Gosposvetsko polje/Zollfeld in Carinthia. This field, as the center of the early medieval Slavic principality of Carantania, played an important part in Slovene national ideology, and propaganda repeatedly compared its historical significance to the Kosovo field, which is a pivotal symbol of Serb national ideology centered around the battle against the Ottomans in 1389. In her elaborate and patriotic declaration, Piskernik addressed a plea and a warning to the peacemakers in Paris:

Therefore, do not create there in Paris what cannot succeed! Every Slovene part of Carinthia that is separated from the Kingdom [of Serbs, Croats, and Slovenes] will be the hearth and center of irredentism, which we will instill into the blood and soul of our children. And this irredentism will be the nucleus of a new, disastrous war. Therefore, we protest every forceful separation of the compact Slovene territory and beseech you, who measure borders and forge states, not to sacrifice a single Slovene family, a single Slovene village, to insatiable imperialism. In Carinthia, we Slovenes are autochthonous, and therefore we will not tolerate any part of our territory being sacrificed to our worst enemy, the perfidious German!<sup>9</sup>

In May 1919, she was the only female speaker at a protest gathering of “representatives of Slovene political, non-political, cultural, and professional organizations” who were appealing to the peace conference “to solve the question of the Yugoslav borders justly.”<sup>10</sup> In July 1919, Piskernik spoke at what she called “the

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7 Tina Bahovec, “Love for the Nation in Times of War: Strategies and Discourses of the National and Political Mobilization of Slovene Women in Carinthia from 1917 to 1920,” in *Gender and the First World War*, ed. Christa Hämmerle, Oswald Überegger, and Birgitta Bader Zaar (London: Palgrave Macmillan, 2014), 231–50, here 234.

8 For the following, see Tina Bahovec, “Me Korošice zahtevamo, da nam pripozna mirovna konferenca vso južno Koroško: Angela Piskernik in koroški plebiscit” (unpublished manuscript).

9 Angela Piskernikova, “Za slovensko Kosovo polje,” in *Jugoslovanska žena za narodovo svobodo*, ed. Alrè [Alojzij Res] (Ljubljana: Pisarna za zasedeno ozemlje, 1919), 11–16, here 16. This and all following translations from Slovene and German by the author.

10 “Poslednji klic naroda,” *Slovenec*, May 13, 1919, 1–2, here 1.

first meeting of all Carinthian Slovene women” about the importance of a female organization and the national duties of women. She explicated historical, geographic, and economic reasons why Southern Carinthia should belong to Yugoslavia and appealed to women as mothers and educators who should teach their children to love their home.<sup>11</sup> This meeting marked the beginning of the establishment of the Association of Women’s Societies in Carinthia, and some sources name Piskernik as its president. Piskernik gave an acclaimed speech at the general assembly of the Association in April 1920.<sup>12</sup> She also visited smaller meetings and initiated the founding of a women’s society in her home town, as one newspaper reported:

We are ... approaching the day when we will decide the northern border of our Yugoslavia with our votes. Therefore, we women, who were till now bereft of all rights, also want to take an interest in national work, and not only take an interest, but also engage seriously. We were introduced to this work by the president of the “Women’s organization for Carinthia,” Ms. Piskernik (PhD), who visited us on the 29th [of September] and gave us basic information for this purpose. The “Women’s society for Žel[ezna] Kapla and surroundings” was founded and a committee assembled to advise and help with its work. Thus, we can hardly wait for the happiest moment when we will be able to show our victory to the world.<sup>13</sup>

Piskernik’s various public appearances show that she saw herself—and was seen by others—as a representative of and speaker for women, Slovenes, and Slovene Carinthians. Moreover, she was well connected with (Carinthian) Slovene politics; for example, she participated in an information visit by Janko Brejc, the president of the Slovene government, through Carinthia in September 1919.<sup>14</sup> But her activities also drew criticism from the pro-Austrian side. A spiteful news article attacked her, invoking general resentment toward women’s intellectual abilities and public activities, as well as the allegedly uncivilized Balkans:

A certain PhD, Angela Piskernik, uses her sharp tongue at various meetings ... and opens her mouth widely as if out of breath. Surely she finished her de-

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11 “Koroškimi slovenskim ženam in dekletom! (Govor g. dr-ice Ang. Piskernikove na zaupnem sestanku zastopnic koroškega ženstva v Sinčivasi in v Borovljah),” *Mir*, August 29, 1919, 115–17.

12 See, for example, “Poročilo o občnem zboru Zveze ženskih društev,” *Koroška Zora*, May 13, 1920, 3–8.

13 “Železna Kapla,” *Korošec*, October 11, 1919, 1.

14 See, for example, “Naš deželni predsednik na Koroškem,” *Mir*, September 19, 1919, 1.

gree somewhere down there in the Balkans, namely, a degree in lies, deception, and subterfuge, but surely not a degree in honesty, because as a true rabble-rouser, she spreads rubbish and lies that she ... gathered on the other side of the Karawanken Mountains like a beggar gathers lice. Missy,... why don't you tell women that they will be without any rights in your "golden, blessed" Yugoslavia?! Here your long tongue becomes quite short, doesn't it? You just need a common voting herd, don't you? We would just advise you to use your skills in the kitchen; that will surely please the man more.<sup>15</sup>

Nevertheless, Piskernik's activities illustrate that women's national-political mobilization was deemed to be important, if not decisive, for the plebiscite, although the precise impact of these activities on the outcome is hard to judge. Furthermore, it must be emphasized that textual and visual propaganda was often specifically gendered, addressing topics such as women's suffrage, divorce, and militarism.<sup>16</sup> Following the pro-Austrian result, however, the Association of Women's Societies stopped appearing in public and its publication was shut down. In addition, the intellectual brain drain that affected the Slovene minority after the plebiscite also carried away female teachers who had played a notable role in women's societies but who now lost their jobs or had to leave Carinthia.<sup>17</sup>

### Milka Hartman: Gender(ed) Roles and Ideologies in the Interwar Period

In 1947, when the border was again disputed, Hartman published an autobiographically-tinted article titled "On the fight of Carinthian women for the national rights of Carinthian Slovenes" in Slovenia's leading women's magazine. She reminded her readers of the plebiscite, underlining that women had participated "in the whole propaganda apparatus, be it gatherings and speeches, confidential meetings and events, the distribution of leaflets, as well as detailed agitation from woman to woman and to men and boys in the home village and the neighboring village. The Carinthian woman risked everything during the plebiscite era: health and life, love and fortune, spare time, and hours for long

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15 "Pisker na glavo!" *Koroško Korošcem*, May 10, 1920, 4.

16 See, for example, Bahovec, "Love for the Nation," 239-43.

17 Tina Bahovec, "Zur Rolle der slovenischen Frauen in der Ära der Nationalisierung," in *Eliten und Nationwerdung: Die Rolle der Eliten bei der Nationalisierung der Kärntner Slovenen/Elite in narodovanje: Vloga elit pri narodovanju koroških Slovencev*, ed. Tina Bahovec (Klagenfurt/Celovec, Ljubljana/Laibach and Vienna: Mohorjeva/Hermagoras, 2003), 345-85, here 363-67; Bahovec, "[P]rosimo, da si zapomnijo take junakinje," 127-28.

walks.”<sup>18</sup> Furthermore, she stated that nationally conscious “girls” like herself received “malicious discrediting and threatening letters, for example: ‘We wish it upon you wholeheartedly that drumming is practiced upon your body’ [threatening physical attacks].”<sup>19</sup>

After the plebiscite, Hartman played a leading role for the Slovene minority in Carinthia and, as such, was described in a report by a visiting member of the Minority Institute in Slovenia as “an ideal Slovene girl” and “an ideal Yugoslav apostle in Carinthia.”<sup>20</sup> In 1927, she was elected to the steering committee of the Slovene Christian Social Association (*Slovenska krščansko socialna zveza*),<sup>21</sup> a cultural umbrella organization divided into sections by age and gender. It offered gendered spheres and activities such as cooking courses and Mother’s Day celebrations, as well as opportunities for female education, exchange, and community. The Women’s Association was founded in 1923,<sup>22</sup> and the Girls’ Association (*Dekliška zveza*), led by Hartman, in December 1930; it encompassed around 30 sections and organized, among other things, girls’ days, scenic performances, and excursions.<sup>23</sup> The girls were also expected to work with children (namely, in private kindergartens) and thus, as Hartman explained in a 1937 circular, fulfill the work of spiritual mothering.<sup>24</sup> These gendered organizations and activities reflected, and at the same time shaped, the conservative gender(ed) views of the Carinthian Slovene national ideology that had predominated since the nineteenth century, and that intensified during the 1930s.<sup>25</sup>

18 Milka Hartmann[!]ova, “O borbi koroških žena za narodne pravice koroških Slovencev,” *Niša žena* 6, no. 2 (1947), 39–41, here 40.

19 Hartmann[!]ova, “O borbi,” 39.

20 Koroška, April 1935, Arhiv Inštituta za narodnostna vprašanja (hereafter AINV), 18, manjšinski institut, fasc. 146 Slovenska Koroška, ov. 6; Tina Bahovec, “Some examples of Slovene-German conflict in Austria between the First and Second World Wars,” *Slovene Studies* 22, nos. 1–2 (2000 [2003]): 101–16, here 103.

21 Bahovec, “Hartman, Milka,” 482.

22 See the following section.

23 See among others: Koroška, April 1935, AINV; “Poročilo Dekliške zveze (Odsek SKSZ Gospodinj-ska prosveta) na Koroškem v letih 1931 in 1932,” in *Milka Hartman*, ed. Marija Makarovič (Celovec: Krščanska kulturna zveza, 2004), 539–42.

24 Bister, *Milka Hartman*, 82–83.

25 See Tina Bahovec, “Frauenfrage,” in Sturm-Schnabl and Schnabl, *Enzyklopädie der slowenischen Kulturgeschichte*, 358–61; Tina Bahovec, “Mutter—Heimat—Gott: Das weibliche Prinzip in der slowenischen Nationalideologie in Kärnten,” *Signal: Jahresschrift des Pavelhauses—Letni zbornik Pavlove hiše* (2008/2009): 121–25. On women and nation(alism) in general cf. among others: Nira Yuval-Davis, *Gender and Nation* (London: Sage Publ., 1997); Tamar Mayer, “Gender Ironies of Nationalism: Setting the Stage,” in *Gender Ironies of Nationalism: Sexing the Nation*, ed. Tamar Mayer (London, New York: Routledge, 2000), 1–22; Mrinalini Sinha, “Gender and Nation,” in *Feminist Theory Reader: Local and Global Perspectives*, 2nd ed., ed. Carole R. McCann and Seung-Kyung Kim (New York, NY: Routledge 2010), 212–31.

A woman's place was seen to be with her family, and, according to the weekly *Koroški Slovenec* (Carinthian Slovene)<sup>26</sup> newspaper, the family was a "small state" with defined hierarchical roles, where "the father is the prime minister, the children are the subjects, the mother is in charge of internal affairs, but at the same time she is the secretary for religion, justice, education, and health."<sup>27</sup> The newspaper held similar views on roles and hierarchies outside the family: "Creation is reserved for the man. In the economy and education, in religion and all social life the man commands and leads. And the woman, the girl? She should be an assistant to the man not only in the family but also in the larger, national life."<sup>28</sup> They furthermore alleged that it was "not inherent" to a woman "that she would act outside and participate in discussions at municipal boards, that she would lead the neighborhood of the village and the parish and fight for the rights of the nation and its language on the frontline."<sup>29</sup> But the woman as "housewife" and mother was seen as "the true defender of the home and the preserver of prosperity, faith, and the nation."<sup>30</sup> As the school system in Carinthia was not minority-friendly, it largely fell to mothers to pass on the national heritage and language to the children. Furthermore, the newspaper discussed population policy, rejected contraception and abortion, and generally criticized modern influences that had allegedly spread from the (historically German-oriented) towns to the (Slovene-oriented) countryside.<sup>31</sup> The emancipation of women, and a change in the traditional gender order, was therefore seen as a danger not only to womanhood but also to the existence of the Slovene minority.

Hartman herself followed traditional concepts of womanhood, as highlighted in an article entitled "Slovene woman, be religious, social, and national!" where she spoke of the "sublime mission" of the Slovene woman whose "kingdom" is the Slovene home. She outlined the role and "true image" of the Slovene woman through history, underlining her religious devotedness, her "innate social sense," and her faithfulness to her people and homeland. Finally, she demanded that the Slovene woman protect her home and make an effort "so

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26 See Tina Bahovec, "Die Frau muss Frau bleiben und darf die von der Natur gegebenen Grenzen nicht überschreiten: Geschlecht und Nation in der Kärntner slowenischen Geschichte," in *Kulturelle Dimensionen von Konflikten: Gewaltverhältnisse im Spannungsfeld von Geschlecht, Klasse und Ethnizität*, ed. Wilhelm Berger, Brigitte Hipfl, Kirstin Mertlitsch, and Viktorija Ratković (Bielefeld: transcript, 2010), 54–71.

27 "Dom sreče," *Koroški Slovenec*, September [November] 2, 1932, 3.

28 "Dve, tri misli za dekleta in žene," *Koroški Slovenec*, March 11, 1936, 3.

29 TO, "Zaključna beseda o družinski vzgoji," *Koroški Slovenec*, July 19, 1939, 3–4, here 3.

30 Podjunčanka, "Dekle—mati," *Koroški Slovenec*, May 9, 1934, 3–4, here 4.

31 Bahovec, "Die Frau," 57–59.

that in your house the Slovene language ... remains honored and utilized as it has been for a thousand years.”<sup>32</sup>

Because the home and its kitchen were focal points of Hartman’s activities, it is important to analyze their complex role as private, yet political, places for Carinthian Slovene women. That is to say, the kitchen is the heart of the home, a symbol of maternal care for both the family and the nation. The home is a private sphere, where the woman is protected from the influences of an (often German-dominated) outside life. It contributes to the preservation of the Slovenedom of the woman and thereby the Slovenedom of the whole family, gathering around the woman as nourisher and housekeeper. This explains why the place of women was seen as being primarily in the home. On the other hand, we encounter arguments for women to step into, and engage with, the public sphere for the good of the nation because of national necessity and especially in crucial moments.<sup>33</sup> Both sides of this argument were explicated in an article by an (unnamed) female author in 1922: “Often one can hear voices ... expressing resentment if someone mentions that the woman is also called upon to contribute to raising national consciousness, morals, etc. They [women] should work at home and look after the household, nothing else is their concern, and [why] should they encumber themselves with these burdens too when they have enough domestic ones.”<sup>34</sup>

The author thinks it is detrimental for women to only look after the home, thus limiting their horizons. She believes that women should walk on the path toward cultural progress alongside men, as the times of women being slaves to men were over and women could now contribute in various public spheres. Nevertheless, she sees women as being entrusted with an even more important duty: “A good, honest, religious, and nationally conscious woman will raise her children well, and the more such mothers we have, the sounder the character of the people [the nation] will be.”<sup>35</sup>

This brings us to Hartman’s cooking courses; what were their aims and their impact?<sup>36</sup> The primary purpose of her courses was to offer a theoretical and prac-

32 M[iilka] H[artman], “Slovenka, bodi verna, socialna in narodna!,” *Koroški Slovenec*, April 5, 1939 (Easter supplement, 1).

33 Tina Bahovec, “‘Cvenkljeva gospodinja’ in koroški ‘nudeljni’: O oblikovanju spolne in narodne identitete na slovenskem Koroškem v 20. stoletju,” in *Socialna in kulturna zgodovina hrane*, ed. Dragica Čeč and Branko Šuštar (Ljubljana: Inštitut za novejšo zgodovino, Zveza zgodovinskih društev Slovenije, 2016), 157–75, here 165.

34 Slovenka iz Roža, “Koroške Slovenke kvišku!,” *Koroški Slovenec*, July 19, 1922, 1–2, here 1.

35 Slovenka iz Roža, “Koroške Slovenke kvišku!,” 1; Bahovec, “Die Frau,” 67.

36 See Bahovec, “Die Frau,” 63–65; Verhnjak-Pikalo, “Ein Leben,” 134–48.

tical education in cooking as well as in gardening, animal husbandry, baby care, sewing, and so forth. The second purpose of the courses was, in Hartman's own words, "national education, awareness raising."<sup>37</sup> Similarly, the national merit of the courses was expressed in a session of the Christian Social Association in 1932: "The girls learn to read and write Slovene, they learn declamations and good expression in written Slovene; from their ranks come our best actresses on the rural stages and, most of all, our [nationally] conscious housewives." But the courses also faced opposition from a few religious conservatives, which shows that the significance of religion could rival national goals. These people criticized the courses for having "too mundane a character" or for "compromising the morals" of the girls because they took place in taverns; a local chaplain even "went from house to house and advised participants to cancel their registration."<sup>38</sup>

The courses, with their concluding exhibitions which also entailed public participation, speeches, and cultural presentations, were focal points for Slovene socializing and national affirmation. But because of this, the courses, their leaders, and their participants also encountered German opposition. German papers and organizations agitated against them, repeatedly attacking them verbally and physically. State authorities kept them under scrutiny, and rival German courses were held with the support of provincial authorities.<sup>39</sup> Various reports by Austrian authorities offer interesting—albeit biased—insights into Hartman's activities and her courses.<sup>40</sup> According to the Federal Police Commissioner's Office in Klagenfurt, Hartman was, together with her parents and siblings, known as "a fanatical adherent of southern Slavia" and "a paid promoter" of the Carinthian Slovene Party. She was said to hold cooking courses "preferably in places where the population is Yugoslav-minded or, at least, Slovene." The participants of the courses were not allowed "to speak a single word in German," and the "serbophile clergy" and other Slovene leaders were invited to the concluding exhibitions. The Federal Police Commissioner's office in Villach requested special attention be directed at "the activities of this dangerous female agitator," and indeed the District Commissioner's Office in Völkermarkt was already surveilling Hartman.<sup>41</sup> Furthermore, Hartman and ten male members

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37 "O pevki in učiteljici (Pogovor z Milko Hartman)," *Koroški koledar* (1988): 93–98, here 95.

38 Seja S.K.S.Z. za Koroško 3. novembra 1932, AINV 18, manjšinski institut, fasc. 146 Slovenska Koroška, o. 6; Bahovec, "Some examples," 102.

39 Bahovec, "Die Frau," 63–65.

40 Bahovec, "Some examples," 102–4.

41 Bundespolizeikommissariat Villach an Amt der Kärntner Landesregierung, 14.7.1932, streng vertraulich; Antwortentwurf, 26.11.1932, both Kärntner Landesarchiv, LReg, Präs., Sch. 555, 2–4/24/1926/1932.

of the managing board of the Slovene Cultural Association (*Slovenska prosvetna zveza*) were noted as “promoting Yugoslav-irredentist endeavors,” and there was allegedly no doubt about their “attitude, which was friendly toward Yugoslavia and hostile toward Austria.”<sup>42</sup>

Hartman’s cooking courses also played a role in the politics of the day. In her memoirs, Milena Gröblacher recalls participating in the course in the spring of 1938. She recounts that Slovene posters supporting the independence of Austria in the referendum planned by Chancellor Schuschnigg, shortly before the German *Anschluss*, were handed out “so we would affix them and distribute them in the village.” Gröblacher did this, as she was convinced that “one has to fight against the Nazis.”<sup>43</sup>

After the *Anschluss* in March 1938, the Nazis first hindered Slovene cooking courses and then prohibited them in 1939.<sup>44</sup> But Hartman found other means of public engagement; in the summer of 1938, at the so-called “Slovene Day” in Sigmontitsch/Zmotiče, she and a group of girls performed a one-act play presenting the essence of the gendered Carinthian Slovene national ideology. It was reported by a country constable as follows:

The meaning of the one-act play was the portrayal of the village linden tree, which was glorified as a Slov[ene] symbol. The plot was the following: A Slov[ene] peasant woman (played by Hartmann [sic]) and three maidservants; the latter complain about the amount of work and trouble and the hardships of the time. Only the peasant woman was content and praised the beauty of rural life, and spoke also about the evergreen linden tree and the sun rising every day anew. Then two girls who work in town appeared, one as a parlor maid and the other as a hairdresser’s assistant, and they spoke about the hard work, the bad treatment, and the whims they were exposed to. They said that if their parents only owned a small house in the countryside, they would never leave for the city. Then an old woman appeared, and the maidservants complained to her that today the world is not beautiful anymore. The woman replied: “In my youth, it was very cheerful. The most beautiful days of my life were my wedding day and when I became a mother; when my husband wooed the little children, when we loved each

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42 Österreichisches Staatsarchiv, Archiv der Republik, Neues Politisches Archiv, Liasse Österreich 2/22, K. 248, Fol. 511–512.

43 Vida Obid and Helena Verdel, *Šolo, ne šivanko! Milena Gröblacher—Slovenka na Koroškem v 20. stoletju* (Klagenfurt/Celovec and Vienna: Drava, 2012), 84.

44 “Prepoved gospodinjskih tečajev S.P.Z.,” *Koroški Slovenec*, February 15, 1939, 2–3.

other, worked on the soil, prayed, and trusted in God.” The maidservants believed that nowadays one cannot get a decent husband, whereupon the old woman consoled them that they should just trust in God, then everything will change, decent suitors will come as well, only they should not let themselves be seduced. Now the maidservants decided not to go to the city but to stay at home, and as Slov[ene] girls stay faithful to the Slov[ene] soil. Right afterwards, a song (a serenade) rang out behind the stage, and Hartmann told the remaining girls that the boys were singing under the linden tree. With this, the one-act play ended.<sup>45</sup>

### A Gendered View on Carinthian Slovene Interwar Politics

In the interwar period, in all elections for the provincial and national assemblies, only male candidates ran to represent the Slovene minority; on the other hand, women’s political support was seen as crucial. Therefore, this final section of the chapter analyzes gendered aspects of the minority’s (party) politics.<sup>46</sup>

The Political and Economic Association for Slovenes in Carinthia (*Politično in gospodarsko društvo za Slovence na Koroškem*), (re)founded in 1921, was the community’s central political organization and the publisher of the weekly *Koroški Slovenec*. The Association entered elections as the independent Carinthian Slovene Party (*Koroška slovenska stranka*), except for the national assembly elections of 1930, when it endorsed the Austrian Christian Social Party. With between five and seven percent of the vote (an average of 9,600 votes), the party gained two provincial mandates in every election. Thus, the party represented about one-third of Slovene-speaking voters.<sup>47</sup>

From 1923 onward, the programmatic principles of the Slovene party declared the party to be a representative of nationally conscious Carinthian Slovenes, underlining the role of the Catholic faith, advocating for equal rights for the Slovene population, and Slovene interests in school, church, and so on. The party principles did not mention gender relations, but their emphasis on national interests and religion also provided a framework for female participa-

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45 Gendarmeriepostenkommando Fürnitz, Bezirk Villach, Kärnten, An die Bezirkshauptmannschaft in Villach, Fürnitz, 27.6.1938, streng vertraulich, AINV, Oddelek za mejna vprašanja, Koroška, š. 12; Bahovec, “Die Frau,” 65.

46 This section is based on Tina Bahovec, “Politische Partizipation und nationale Agitation von Frauen in Kärnten unter besonderer Berücksichtigung der Sloweninnen (1918–1934),” in “*Sie meinen es politisch!*” 100 Jahre Frauenwahlrecht in Österreich: Geschlechterdemokratie als gesellschaftspolitische Herausforderung, ed. Blaustrumpf ahoi! (Vienna: Löcker, 2019), 161–72, here 168–72.

47 Bahovec, “Politische Partizipation,” 168.

tion.<sup>48</sup> Especially in the beginning of the 1920s, when the minority had to reorganize after the rupture of the plebiscite, women were explicitly asked to participate in political organizations. In 1921, “every Carinthian Slovene,” “men and women” were invited into “our joint Slovene party,”<sup>49</sup> and in 1924, “every Carinthian Slovene male and every Slovene female” were asked to become members of the Political and Economic Association.<sup>50</sup> However, women and female topics played only a minor part in the Association. Reports of the general assemblies mentioned them seldom or with gender-typical references, as in 1923, when household schools and cooking courses were described as part of the Association’s goal of furthering economic education.<sup>51</sup> The participants attending the general assemblies also seem to have been predominantly male; in 1930, *Koroški Slovenec* even noted that “only mature men”<sup>52</sup> had participated.

At the provincial level, as mentioned, only male candidates ran for office and hence only male delegates represented the minority (which never gained enough votes for a delegate in the national assembly). A noteworthy exception was a female political representative in the municipal assembly of Ruda/Ruden, where the Slovene party “also elected a woman to the committee” and thereby the party allegedly “showed that in the truest sense, it also takes into account women’s equality and does not understand the right to vote merely in the name of *Stimmvieh* [German: a voting herd].”<sup>53</sup> Overall, the candidates and delegates reflected the composition of the minority’s elite and leading group, which was dominated by the clergy and a few secular intellectuals. Women were mostly absent, due to the structural disadvantages for women in the educational and professional fields and to the prevailing conservative views on gender. In general, it was almost solely men who were seen and addressed as political representatives.<sup>54</sup> For example, in the election year of 1923, *Koroški Slovenec* underlined how essential it was to have “men of our trust” in the municipal, provincial, and state assemblies.<sup>55</sup> Therefore, a 1921 appeal to “Fellow countrywomen,” written by an (anonymous) female author, is exceptional because it addressed women not only as voters but also as possible elected representatives. With reference to

48 Bahovec, “Politische Partizipation,” 169.

49 “Nova doba človeštva,” *Koroški Slovenec*, April 27, 1921, 1–2, here 2.

50 “Po štirih letih,” *Koroški Slovenec*, October 15, 1924, 1.

51 “Redni letni občni zbor Pol. in gosp. društva za Slovence na Koroškem,” *Koroški Slovenec*, March 28, 1923, 1–2, here 2.

52 “Občni zbor,” *Koroški Slovenec*, June 11, 1930, 1.

53 “Ruda,” *Koroški Slovenec*, October 8, 1924, 3.

54 Bahovec, “Politische Partizipation,” 168.

55 “Volitve!” *Koroški Slovenec*, June 6, 1923, 1.

the “fateful” result of the plebiscite and the ensuing “revenge” by the Germans, the appeal described the upcoming elections as the “only straw” to grasp at and argued that “if we do not have men and women who represent us and our interests, we are at the mercy of those people whose single objective it is to eradicate the Slovene element in Carinthia as soon as possible.... Women and girls, I beg you to understand me.... All to the polling station!”<sup>56</sup>

Whereas women were seldom perceived or acted as political representatives, they were often called upon to exercise their voting rights and be politically active. They were asked to agitate before elections and to financially contribute to the election campaigns. After the elections, gratitude was expressed toward them for their agitation and their vote. The party’s call for votes often addressed both male and female voters,<sup>57</sup> although the calls were sometimes gender-specific, as in 1921,<sup>58</sup> when women and girls were reminded: “Do you know how punctual and how in a hurry you are when coffee is waiting for you! Be as punctual on the day of June 19 and do not forget to cast your vote for the ‘Carinthian Slovene Party.’”<sup>59</sup> The corresponding call to men and boys said: “Do you still remember how punctual you all were on the spot when you were called to arms in the year 1914? Be as punctual on the day of June 19 since your ‘Carinthian Slovene Party’ is calling you to the polling station.”<sup>60</sup>

Women were also called upon to use their influence within the family and toward others so that everyone would participate in elections and vote for the Slovene party.<sup>61</sup> For example, a longer newspaper article in the lead-up to the 1927 elections underlined the special female influence on male voters and, more generally, characterized and compared gendered political spheres, interests, and actions:

Girls! Surely you are aware of your influence on the hearts of men. When you are putting on your hat or your colorful scarf on Sundays, you already have the one in your mind whom you wish to enchant with your glance.... However, you should focus your special attention on bringing all your darlings to the elections on election day, and on this occasion, smile at them especially sweetly. You were in the societies and there you heard many en-

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56 “Rojakinjam,” *Koroški Slovenec*, April 27, 1921, 2.

57 Bahovec, “Politische Partizipation,” 170.

58 Bahovec, “Die Frau,” 68.

59 “Žene in dekleta!” *Koroški Slovenec*, June 8, 1921, 3.

60 “Možje in fantje!” *Koroški Slovenec*, June 15, 1921, 4.

61 Bahovec, “Politische Partizipation,” 170.

couraging words for our Slovene cause, while the men sat in the taverns and ... possibly lost their [national] consciousness amidst antagonistic company. Maybe they have already succumbed to the enticing words of foreign parties and have become indifferent ..., your words must awaken them and bring them to the polling place. This is your sacred duty ..., thus you can retrieve your honor, as you were to a large extent not able to participate in the political gatherings that took place. Women! You have stayed at home and even on Sundays looked after the farm and the household; thus, you have also kept the old views and have not let yourselves be misled by new agitators of foreign parties.... The old custom is Slovene, your prayer is Slovene, and your conversation is also Slovene. Therefore, you must opt for the Sloven party only, which staunchly advocates our hereditary rights! Therefore, you too will encourage your men to vote for this party, with old love you will take them by the hand and lead them to the polling place, where you will all cast your vote for the Carinthian Slovene Party.<sup>62</sup>

The importance of female organization was repeatedly linked to voting. Already in 1921, an anonymous female author referred to the result of municipal elections as a “living picture of German violence and Slovene despair,” and with a reminder of the plebiscite activities of women, who “in many places were the only leaders of the Slovenes,” called upon them to rebuild their organizations.<sup>63</sup> When the Women’s Association of the Slovene Christian Social Association was founded in 1923, Valentin Podgorc, a political leader and priest, underlined the political importance of women, albeit with a religious focus. Referring to the example of St. Catherine of Siena, “how in Christianity the woman can also play a major role in public life,” he emphasized that with women’s suffrage, now came the time to “speak a decisive word” in public affairs. Namely, he saw the previous elections to the Austrian national assembly, where the [German] Christian Social Party “accomplished such beautiful success precisely because of the determined manner of women,” as evidence that women can “contribute a lot to the victory of Christian ideas.”<sup>64</sup>

The importance of women was also emphasized during some local political gatherings. At a 1922 public meeting of the Political and Economic Association, provincial delegate and priest, Vinko Poljanec, emphasized that women “have

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62 “Dekleta,” *Koroški Slovenec*, April 20, 1927, 3; Bahovec, “Die Frau,” 68–69.

63 “In kaj zdaj!” *Koroški Slovenec*, May 3, 1921, 2.

64 “Občni zbor S.K.S.Z. in ustanovni občni zbor Slov. Krščanske Ženske Zveze,” *Koroški Slovenec*, May 2, 1923, 1–2, here 2.

become an important factor, ever since we have had women's suffrage in Austria" and specifically referenced Slovene women: "As they also co-decide in politics and are often more courageous and more [nationally] conscious than many of us men, it is necessary that our women and girls diligently attend gatherings and cooperate with us everywhere in the associations, at elections, etc. After all, it is also known how big of an influence our women have in families and with neighbors and friends. Therefore, our national womanhood must also step forward!"<sup>65</sup> Women taking part in political gatherings were, however, mostly addressed as mothers. At the allegedly "first gathering" after the "unfortunate plebiscite," women and mothers were said to have come "to fill themselves up with national enthusiasm, which they will carry on instilling into the hearts of their children."<sup>66</sup> At another gathering, Poljanec's "highly important admonishments to the females, that mothers and girls should care more intensely for the wellbeing of the Slovene people in Carinthia, brought tears to the eyes of the listeners."<sup>67</sup>

As already seen, topics were often gendered or tailored to a female audience when promoting the Slovene party and its values. Girls and women were reminded that only the Carinthian Slovene Party will "adhere to the old order and care for peace in the family, the sacredness of marriage, and the language of our great-grandfathers!"<sup>68</sup> And they were asked to agitate "with ardent zeal" so that "real Christian representatives" would be elected who would "firmly advocate our religious rights and not just pay lip service to Christianity like the Germans."<sup>69</sup> Similarly, the critique of opposing parties repeatedly encompassed gender-specific moments.<sup>70</sup>

*Koroški Slovenec* particularly criticized left-wing parties and ideologies—Social Democracy (or rather, Socialism) and Communism—for moral and religious reasons. Social Democracy was said to demand divorce, "and with it the complete demise of our families,"<sup>71</sup> and to propagate "free love, namely, unchastity and adultery, as a virtue."<sup>72</sup> Furthermore, the Socialists were accused of wanting to abolish §144 of the criminal code that penalized abortion, which would

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65 "Shod v Ledincah," *Koroški Slovenec*, November 22, 1922, 1–2, here 2.

66 "Pliberk," *Koroški Slovenec*, November 16, 1921, 4.

67 "Brnca," *Koroški Slovenec*, January 17, 1923, 3.

68 "Dekleta!" *Koroški Slovenec*, April 20, 1927, 3.

69 "Volilno gibanje," *Koroški Slovenec*, September 26, 1923, 1.

70 Bahovec, "Die Frau," 69–70.

71 "Koroški Slovenci! Kako bomo volili?" *Koroški Slovenec*, April 13, 1927, 1–2, here 1.

72 "Koroški Slovenci, kako bomo volili?" *Koroški Slovenec*, October 17, 1923, 1.

“completely open the gates for the worst dissolution.”<sup>73</sup> An article in the women’s section warned “how dangerous faithlessness becomes when it infiltrates the family, and it infiltrates the family by means of the mother, the woman.” As indicators of the “danger,” it listed how many Social Democrat party members were female in Carinthia and the number of female votes in election results in Vienna. It also listed the “adversary’s” activities directed at women—such as training for female functionaries and speakers—and demanded that the Slovenes employ similar means as their opponent (i.e., the Social Democrats) and do everything to protect “our women and girls” from this “flood.”<sup>74</sup> Communism was defined as a doctrine in which “everything, agricultural and industrial products, yes, even women and children, are collective state property.”<sup>75</sup> In Russia, the communist-educated youth “no longer know their family, neither mother nor father.”<sup>76</sup> The newspaper warned that if the communists came to power, they would “take property and land from our farmers, break up families, bring dishonor to women and girls, take churches away from us, massacre priests, submit the workers to misery, and turn children into vagabonds and thieves.”<sup>77</sup>

The Slovene party shared various notions with the Christian Socialists, and therefore there was no harsh ideological enmity. When the Slovenes endorsed the (German) Christian Social Party in the 1930 national elections, they called on “Slovene men and women” for support and broached the issues of divorce and “infanticide” (meaning abortion).<sup>78</sup> But since the Slovenes and the Christian Socialists were fishing for votes in the same pond, rivalries did arise. For example, *Koroški Slovenec* criticized the “starchily German” priest in Griffen/Grebinj who, before the national and provincial elections in 1921, allegedly forgot his avowal that he did not want to be a politician. He began to gather “women and old virgins” for the Christian Socialist women’s organization and “was lucky to catch 82 members.” The organization’s members—described as “almost all Slovenes who are German nationalists”—also agitated before the elections with flyers in Slovene. But their apparent success was ridiculed, as the Christian Social Party received only 41 votes; “hence, two virgins equal one vote. Excellent, isn’t it?”<sup>79</sup>

73 “Koroški Slovenci! Kako bomo volili?” *Koroški Slovenec*, April 13, 1927, 1–2, here 2.

74 “Pozor na ženske in dekleta,” *Koroški Slovenec*, July 15, 1925, 4.

75 “Komunizem,” *Koroški Slovenec*, March 15, 1922, 2.

76 “Mladina—korenina narodnega življenja,” *Koroški Slovenec*, May 8, 1935, 1.

77 “Kaj so storili za nas,” *Koroški Slovenec*, October 29, 1930, 2.

78 “Slovenci in Slovenke!” *Koroški Slovenec*, October 22, 1930, 1–2, here 2; “Slovenci in Slovenke!” *Koroški Slovenec*, October 29, 1930, 1–2, here 2.

79 “Grebinj,” *Koroški Slovenec*, July 27, 1921, 4. Compared to the 41 Christian Socialist votes the Slovenes got 213. “Izid volitev v deželni zbor in narodno skupščino dne 19.VI.1921,” *Koroški Slovenec*, June 29, 1921, 3.

Regarding election results, the majority of voters for the Carinthian Slovene Party were women, in accordance with the general trend of female voters tending to vote for clerical parties, as pointed out by Hänisch and Wilscher. Their calculation was based on the national assembly elections of 1927 and 1930, and showed that the Slovene party received 19.5 percent among male voters and 22.7 percent among female voters.<sup>80</sup> On several occasions, *Koroški Slovenec* mentioned differences between male and female votes in local election results, for example, after the national and provincial assembly elections in 1923: Women were praised in Svetna vas/Weizelsdorf when they gave 99 votes to the Slovene party; there were “distinctly fewer” male votes (78).<sup>81</sup> In Bilčovs/Ludmannsdorf, women were said to deserve particular praise when the Slovene party received 131 female votes compared to 123 male votes.<sup>82</sup> In the same commune, the obituary of a seamstress emphasized her political decisions: “Whenever duty called us to the polling station, the deceased gladly answered the call so that she cast her vote for our party. Although her life was quiet and uneventful, and she was thus not much noticed, due to her fulfilling her voting duty alone, she deserves that we allocate a little room in the [newspaper] in remembrance of her.”<sup>83</sup> On the other hand, after the national and provincial assembly elections in 1921, the German nationalist newspaper *Freien Stimmen* (Free Voices) insulted the Slovene party and voters in Köstenberg/Kostanje with a misogynistic remark about voters for Slovenes being “almost exclusively” comprised of “old crones, who acted in ignorance.”<sup>84</sup>

To complete this discussion, I offer the example of two elected Slovene male representatives who seldom considered women, and when they did, did so with gender-specific viewpoints.<sup>85</sup> In 1924 in the provincial assembly, the delegate Poljanec mentioned women living in “concubinage,” who refuse to get married if one tries to instill “morals” into them, because they do not want to lose disability benefits.<sup>86</sup> In 1925, he referenced German farmers’ daughters learning to become “good housewives” in household schools and demanded the same for Slo-

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80 Dirk Hänisch and Heidi Wilscher, “Das Wahlverhalten der Volksgruppen in Kärnten 1907–1954,” in *Nationale Frage und Öffentlichkeit*, ed. Werner Drobesch and Augustin Malle (Klagenfurt: Heyn; Klagenfurt/Celovec, Ljubljana/Laibach, and Vienna: Hermagors/Mohorjeva 2005), 91–147, here 121–22.

81 “Svetna vas,” *Koroški Slovenec*, November 21, 1923, 3.

82 “Bilčovs,” *Koroški Slovenec*, October 31, 1923, 3.

83 “Bilčovs,” *Koroški Slovenec*, February 2, 1927, 4.

84 “Köstenberg,” *Freie Stimmen*, June 22, 1921, 5.

85 Bahovec, “Politische Partizipation,” 171.

86 *Verhandlungsschriften des Kärntner Landtages*, 13th legislative term, 9th meeting, March 17, 1924, 280. See also “Proračunska razprava,” *Koroški Slovenec*, March 26, 1924, 1–2, here 2.

vene farmers' daughters, thereby asking that the Slovene household school in Št. Rupert pri Velikovcu/St. Ruprecht bei Völkermarkt not be obstructed. He underlined how the female religious order in charge of the school would "work diligently for the education of our farmers' daughters, for whom we have the right to demand progress, too."<sup>87</sup> Another elected member of the provincial assembly, Franc Petek, who was a physician and thus represented the secular part of the leadership, mentions household courses in his memoirs.<sup>88</sup> This is not surprising, as he was the one who organized their official permits. The other noteworthy exception to women's absence from his memoirs brings us back to the plebiscite: Referring to priests' houses as the organizational centers of the plebiscite, Petek called the priests' "female cooks" (housekeepers) the "main activists."<sup>89</sup>

### Conclusion

If one were to follow the traditional divisions, Piskernik would stand for the political and the polling station, whereas Hartman would stand for the private and the kitchen. But these spheres were intertwined and, at the same time, nationalized and politicized. The lives of Piskernik and Hartman offer valuable insights into the possibilities and restrictions they faced as women and Slovenes and into the gendered functioning of society and politics during and after the Carinthian plebiscite.

In general, Carinthian Slovene women played important roles, even though they often had to follow a conservative gender order. Nevertheless, traditional gender concepts were partially adapted to new political circumstances and the necessities of national preservation. Female spheres and activities that, at first glance, seemed unpolitical became essentially political. On the other hand, formal (party) politics and minority organizations were dominated by men and gender hierarchies.

By highlighting female examples and developments in the specific regional case of Carinthian Slovenes, I strive to underline the importance of further gender research on plebiscites and minorities in general. Despite the massive mobilization of women during border struggles, despite women's central role in national ideologies and women's political importance due to suffrage, historiography and collective memory are often (still) male oriented.

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87 *Verhandlungsschriften des Kärntner Landtages*, 13th legislative term, 19th meeting, January 28, 1925, 767–68. See also "Proračun o deželnem zboru," *Koroški Slovenec*, February 11, 1925, 1–2, here 1.

88 Franc Petek, *Iz mojih spominov* (Ljubljana: Slovenska matica, Borovlje: Drava, 1979), 111–12.

89 Petek, *Iz mojih spominov*, 50.

*P a r t F o u r*

The Post-World War I Plebiscites  
in the *Longue Durée*



## Plebiscites, Minorities, and the Right of National Self-determination—Some Lessons from 1920

MARTIN KLATT



### Introduction

The Schleswig solution for minority reconciliation and accommodation after the division of the region—and its eventual political, economic, and social integration into two different nation states—is praised as a European model of conflict resolution, re-bordering, and finally de-bordering by many of its stakeholders.<sup>1</sup> This praise focuses on the ultimately non-violent political solution to the national conflict by popular approval in an internationally supervised, peaceful plebiscite, and with the resulting border being drawn in line with practical considerations<sup>2</sup> as well as the principle of the right to self-determination. This chapter will reflect on the use of self-determination in the form of plebiscites to define national borderlines. Following a short historical overview of the history of boundary-making, I will discuss the use of self-determination to define borders. A presentation of the Schleswig case will illustrate the practical implementation of self-determination to confirm a previously set agenda. I will conclude with some considerations around the need for stable, unchallenged borders for preserving peace in the current world system of sovereign states, and the challenge of finding democratically acceptable procedures to align these borders with socioeconomic and ethnographic situations on the ground.

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- 1 Jørgen Kühl and Robert Bohn, ed., *Ein Europäisches Modell? Nationale Minderheiten im deutsch-dänischen Grenzland 1945–2005* (Bielefeld: Verlag für Regionalgeschichte, 2005); Martin Klatt, “Von der Abgrenzung zur Grenzüberwindung: Die Minderheiten und die Bonn-Kopenhagener Erklärungen als Wendepunkt der deutsch-dänischen Beziehungen?” *Grenzfriedenshefte* 62 (2015): 55–64.
  - 2 Troels Fink, “Den første streg på kortet—Clausen Linjen,” in *Grænsen i 75 år*, ed. Henrik Becker-Christensen (Aabenraa: Institut for Grænseregionsforskning, 1995), 11–23.

## Borders and Border Drawing—A Historical Overview

Borders contain states and thus societies and communities. They are territorial markers of sovereignty and, as such, influence the daily lives of people living (not only) in border regions. They are both barriers and meeting points—though the meeting-point function is only there because of the barrier function. Borders can be resources too, generating specific border-related activities, border economies, and border region societies. With this in mind, it should seem natural in a community of democratic states that the people have a decisive say on where borders should be, and how far they should function as barriers or meeting points. This is not the case, though, as today's European borders, as well as most other global borders, are the result of historical processes, which usually did not involve "the people"—neither as actors within the border region, specifically, nor in the wider state, in general. Rather, bordering has been a matter of international treaties, negotiated between state governments.

Until the French Revolution, bordering processes were a matter of aristocratic land accumulation and division, with medieval Europe largely forming a patchwork of aristocratic and clerical territorial entities. This was complemented by city states ruled by merchant families. Ethnic kinship could be mobilized to legitimize rule,<sup>3</sup> but interethnic dynastic marriages were common, as was ruling over lands settled by various ethnic groups. Larger empires, such as the Holy Roman Empire and the Caliphates, were based on religious legitimation. Stability was ensured by integrating local elites, as well as confirming legal and other privileges. Thus, bordering was multiple and flexible, meaning that medieval borders did not have the same character or impact on borderland residents as modern state borders have.

In the early modern period, powerful monarchies and empires consolidated the patchwork maps of medieval Europe, with mercantilism central in aligning borders with economic policies. The peace treaty of Westphalia in 1648 lent its name to so-called Westphalian sovereignty and the derived principles of territorial integrity and non-interference. Following this treaty, a state system of Spain, Britain, France, Sweden, Denmark-Norway, and Prussia, combined with the Habsburg, Russian, and Ottoman empires, ruled Europe more or less peacefully until World War I. Two geopolitical conflicts resorted to violence: on the domination of the Baltic Sea (Sweden, Denmark, and the Russian Empire), as

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<sup>3</sup> Azar Gat, *Nations: The Long History and Deep Roots of Political Ethnicity and Nationalism* (Cambridge: Cambridge University Press, 2013).

well as the Balkans and the Mediterranean (the Habsburg Empire, Venice, and the Ottoman Empire). Additionally, conflicts about colonial expansion and unresolved royal succession also resulted in wars and changing borders. The French Revolution and Napoleon's struggle to redesign the map of Europe constituted a major disruption to European peace. The Holy Alliance of Russia, Prussia, and the Habsburgs, formed in 1815, attempted to secure international peace in Europe. It was challenged by nationalist movements in all empires but managed to avoid a large European war until 1914.

Thus, European borders were far from stable. Territories were traded among the aristocracy without involving the people who lived in them and who, regarded only as subjects, experienced these events as merely a change of landlord, while regional customary laws and practices often remained untouched. Legal homogenization within a state, differentiated from other states, was not yet the norm. But, increasingly, the modernization of states and their administration encouraged incremental legal homogenization. In effect, though, pre-World War I borders were far from having the divisive territorial and systemic consequences that modern borders do. Rather, they were multifaceted lines of aristocratic possessions and taxations, often with no clear distinctions between inter- and intra-state borders. For example, the Danish Jutic Law prevailed as the civil law code in Schleswig after its integration into Prussia in 1867, displaced only on January 1, 1900, when the comprehensive German civil code, the *Bürgerliches Gesetzbuch*, came into force.

The democratization processes that followed the French Revolution, however, moved toward the inclusion of "the people" in government and the definition of states. As such, the French Revolution was universal in its approach and welcomed by democrats and republicans all over Europe, but especially in the German border regions with France. Here, a short-lived republic arose in the German town of Mainz in March 1793, pledging integration into the French Republic, only to be crushed by Prussian troops in July. Napoleon's campaigns likewise saw the advent of new states, which would not be based on aristocratic inheritance rights. These did not survive the restoration following the Congress of Vienna, though. Nonetheless, "the people" as actors in state construction remained in place; most prominent among these were the German national movement for democracy and unity and national movements among the peoples of the Austro-Hungarian Empire. A pan-Scandinavian movement argued for a union of the Nordic kingdoms, and a Swedish-speaking elite in Finland, which had been part of the Russian Empire since 1814, laid the groundwork for revitalizing the Finnish language as well as a Finnish national movement.

Thus, national self-determination was a key issue for democratic movements in the nineteenth century. This meant democratization, but also a redrawing of the map of Europe. Although existing states were not based on ethnic affiliation, state centralization and social mobility had created state languages for use in administration, courts, and increasingly in education. Nevertheless, nineteenth-century European states were not linguistically homogeneous, and ethnolinguistic borders were far from clear. National movements aspired to homogeneous nation-states while geographers and historians argued for *natural* national borders.<sup>4</sup> Border zones were thus transformed into delineated, controlled borders, accompanied by a changed perception of these borders.<sup>5</sup> In Schleswig, this became explicit in the Eider-Danish movement's claim that the Eider River was Denmark's *natural* and legal southern border, challenged by the Schleswig-Holsteiners' legal claim to indivisibility, as well as Hoffmann von Fallersleben's geographical markers of Germany as *von der Maas bis an die Memel, von der Etsch bis an den Belt*.<sup>6</sup> While only bilateral in Schleswig, national self-determination was more challenging for the three large empires in Europe: Russia, Austria-Hungary, and the Ottoman Empire. The latter experienced a series of violent secessions starting with Greece in 1830, and by 1914 had lost all its European dependencies. Austria-Hungary was increasingly challenged by national movements, resulting in the Compromise of 1867, which granted autonomy to Hungary in the form of a dual monarchy. This did not solve the conflict, however, as Magyarization alienated the Slavic-speaking population. World War I erupted out of the Balkan question, when Serb nationalism challenged Austro-Hungarian rule and eventually led to the collapse of the four continental European empires: Russia, Germany, Austria-Hungary, and the Ottoman Empire.

Using plebiscites to define borders was already being discussed during the Schleswig conflicts of 1848–51 and 1864. The London peace negotiations, following the Danish defeat at Dybbøl in April 1864, considered several future border options between Denmark and Prussia/Schleswig-Holstein to reflect national affiliation. Territorial indivisibility, as well as dynastic and legal claims, hindered an agreement, though, eventually resulting in Denmark ceding all of Schleswig-Holstein to Prussia and Austria after the defeat on the island of Als in June. Following the Austro-Prussian War of 1866, however, Austria ceded

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4 Very prominently: Friedrich Ratzel, "The Laws of the Spatial Growth of States," in *The Structure of Political Geography*, ed. Roger E. Kasperson and Julian Minghi (New York: Routledge, 2017), 17–28.

5 Christophe Duhamelle, Andreas Kossert, and Bernhard Struck, eds., *Grenzregionen: Ein Europäischer Vergleich vom 18. bis zum 20. Jahrhundert* (Frankfurt and New York: Campus, 2007).

6 "Belt" referred to the Lillebælt Strait as Germany's northern border.

its claims on Schleswig-Holstein to Prussia in the Treaty of Prague. Denmark was not a party to the treaty, but France, as mediator, included Article 5, which would allow for a plebiscite in Northern Schleswig, giving the population an opportunity to voice its wishes for unification with Denmark. Strategic Prussian interests made it impossible to find an acceptable boundary line for the plebiscite zone, and this provision was deleted by Austria and Germany in 1878, after Germany had defeated France in 1870. Nevertheless, Article 5 remained alive as a promise of eventual return to Denmark within the core Danish minority of North Schleswig,<sup>7</sup> who, along with national activists in Denmark, used it as a focus for their narrative of injustice. A new border was discussed around 1900, with hopes for a settlement already at the outbreak of World War I (for further details concerning this particular case, see below).<sup>8</sup>

World War I marked the collapse of Europe's multinational empires and a major redrawing of the continent's borders. The major role of the US in the outcome and aftermath of the war brought with it a heightened interest in national self-determination as a basis for statehood, as can be seen in the subsequent border movements: Russia became Bolshevik and reconquered the short-lived republics of Ukraine, Georgia, and Armenia. Finland, Estonia, Latvia, and Lithuania gained independence from Russia. A reunified Poland regained independence with territory derived from Russia, Germany, and Austria-Hungary, as did Czechoslovakia. Hungary was reduced to its core-lands, and the newly established Yugoslavia united most of the Southern Slavs into one country. Romania, Italy, and Greece increased their territory at the expense of Russia, Austria-Hungary, and Bulgaria. The Ottoman Empire and its possessions were divided among the victorious Allies, with only a Turkish rump state remaining after the Treaty of Sèvres. This was revised four years later after the Turkish War of Independence (1919–1923), resulting in Turkey's contemporary borders and a Greek-Turkish (or rather Orthodox Christian-Muslim) population exchange in 1923.<sup>9</sup>

The post World War I borders were drafted at the Paris Peace Conference, but not by "the people." They were the result of a complicated process of negotiation by often-biased experts. Demographic and geographic principles were applied, but usually to the disadvantage of the losing powers. The principal aim was to align borders with nations so as to create homogeneous nation-states, thereby

7 Hans Schultz Hansen, Lars N. Henningsen, and Carsten Porskrog Rasmussen, eds., *Sønderjyllands Historie*, vol. 2, *Efter 1815* (Aabenraa: Historisk Samfund for Sønderjylland, 2008), 137–40.

8 Fink, "Den første streg på kortet—Clausen Linjen."

9 Eric Goldstein, *The First World War Peace Settlements 1919–1925* (London: Pearson Education, 2002).

implementing the right to national self-determination. In effect, though, self-determination was tempered by geographical considerations (e.g., Poland's entitlement to a seaport in Gdynia/Gdingen). Plebiscites were applied to border decisions in only six cases: Schleswig (Denmark–Germany), East and West Prussia (Poland–Germany), Upper Silesia (Poland–Germany), Burgenland (Austria–Hungary), and Carinthia (Austria–Yugoslavia), immediately after the war (1920–21). The sixth case, the Saar region, was detached from Germany and put under French administration for 15 years, with the inhabitants voting to return to Germany in a plebiscite in 1935. In all cases, the plebiscites involved Germany or Austria—the losers of the war. Three of the borders that resulted from these plebiscites are still in effect today, whereas the Polish–German border delimitations of 1920–21 were changed by the re-bordering of Poland after World War II. For the Saarland, the post-World War I procedure was repeated—it was put under French administration in 1945, with the people overwhelmingly voting for reunification with (West-) Germany in 1957.

Since then, plebiscites have not really been applied when delimitating national borders. New borders have appeared on the map, for example, as a result of the breakup of the Soviet Union in 1991 and the breakup of Yugoslavia in 1991–92. Here, though, previously existing administrative borders were transformed into national borders. Where plebiscites were enacted, they were about independence. The same applies to the decolonization of Africa, where the newly independent states' borders also follow colonial administrative borders, mostly drawn by the imperial powers around the turn of the twentieth century. Eritrea's secession from Ethiopia in 1991, following a 30-year civil war, was confirmed by a plebiscite under UN auspices in 1993, restoring pre-1935 colonial borders. The only significant change in post-colonial borders involved South Sudan, which gained independence in 2011—again, after a decades-long civil war, and again following a plebiscite under international supervision. Neither of these processes has led to sustainable economic development or pacification of the region, however, as is evident from recent conflicts in Ethiopia's Tigray region and ongoing instability in South Sudan. So, the question remains as to whether the use of plebiscites for border delimitation has been a success and, if so, why it has not been applied more frequently in situations of territorial conflict. Based on the Schleswig case, I will illustrate the challenges of applying and implementing self-determination and its divisive consequences for a hitherto socioeconomically integrated region.

### Schleswig—Did the People Decide?

Schleswig is an example of post-imperial border drawing as nation states evolved out of the feudal conglomerate empires during the long nineteenth century. Previously, Schleswig and Holstein had been territories dynastically tied to the Danish crown, which had, until 1814, ruled a conglomerate empire in Northern Europe. This arrangement worked well until a national awakening resulted in the 1848 revolution and culminated in a separatist declaration of independence in Kiel. A national-liberal government in Copenhagen then attempted to integrate Schleswig into Denmark proper, separating it from Holstein. Denmark won the first military conflict regarding Schleswig, with diplomatic help from the European powers, but the peace agreement of 1852 returned it to the status quo ante, meaning that neither the Schleswig-Holstein insurgents nor the Danish nationalists had achieved their primary aim. In consequence, there was no positive peace process; rather, a smoldering conflict prevailed. This hampered constitutional development in the conglomerate state, accompanied by the expectation of another war.

When Denmark introduced a joint constitution for the kingdom and Schleswig in November 1863, Prussia interpreted this as breaching the 1852 peace agreement and as a *casus belli*. Together with Austria, Prussia declared war on behalf of the German Confederation. As mentioned above, the Danish forces faced a decisive defeat in April 1864 at the battle of Dybbøl, followed by peace negotiations in London. Here, the division of Schleswig was proposed and negotiated, including the possibility of a plebiscite. No agreement was reached, though, and fighting resumed in June. In a short campaign, the Prussians invaded the island of Als. Denmark sued for peace and had to cede Schleswig and Holstein to Prussia and Austria. In 1867, the former duchies were integrated into the Prussian kingdom as a province. From the 1880s onward, the Prussian authorities implemented an oppressive policy of national assimilation as well as discrimination against all Danish cultural activities.

### On the Way to the Plebiscite

When the *Kaiserreich* surrendered to the Allies in November 1918, Denmark put the issue of Schleswig on the agenda of the Paris Peace Conference. The terms of the plebiscite were coined primarily by Hans Peter Hanssen, a newspaper editor and the only Danish member of the German *Reichstag* from 1906 to 1919. Both the Danish government and H. P. Hanssen aimed to regain the Danish parts

of Schleswig by popular vote rather than by annexation. Denmark should be preserved as a nation-state, but geopolitics required a solution to the Schleswig question without the humiliation of Germany. The democratic parliamentary government of Germany, established in October 1918, was ready to accept a plebiscite, but aimed at a bilateral Danish–German solution. This was not permitted by the Allies. In effect, the rules of the coming plebiscite were negotiated between the Danish government’s delegation to the Paris Peace Conference, which included H. P. Hanssen, and the Allies. The terms of the plebiscite reflect a program passed by the North Schleswig Electoral Association (*Nordslesvigske Vælgerforening*), the political party of Danes in the *Kaiserreich*, just one week after the German surrender in November 1918.<sup>10</sup> It provided for *en-bloc* voting in a zone bounded by the 1867 border between Denmark and the *Kaiserreich* and a line dividing the former duchy of Schleswig, running south of Tønder in the west but north of Flensburg, the duchy’s largest city, in the east. This line was not drawn coincidentally; it followed a line drawn by the Danish expert, folklorist, and linguist Hans Victor Clausen, who around 1900 had already identified it as the optimal southern border, with national as well as geographical considerations in mind.<sup>11</sup> In a second zone, some 25–50km further south, voting by parish would determine possible alterations to the Clausen Line. January 1, 1900 was set as the cut-off date: residents who had moved to the plebiscite zone after that date were not allowed to participate.

The plebiscite campaigns played not only on nationality but also on regional identity and rational reasons to vote for either Denmark or Germany.<sup>12</sup> The result confirmed Clausen’s and Hanssen’s assessment of the situation: a clear majority of 75 percent voted for Denmark in Zone 1, while 80 percent voted for Germany in Zone 2. Still, about 25 percent in the north and 20 percent in the south had wished for a different outcome. The terms secured Zone 1’s integration into Denmark, despite German majorities in the towns of Tønder, Aabenraa, and Sønderborg. In Zone 2, only three small villages on the island of Föhr had a Danish majority. Flensburg, the region’s largest city and its economic and cultural center, was the scene of major campaigning, but only 25 percent of its votes were for Denmark.

10 Troels Fink, *Da Sønderjylland blev delt 1918–1920* (Aabenraa: Institut for Grænseregionsforskning, 1979).

11 Fink, “Den første streg på kortet—Clausen Linjen.”

12 Nina Jebsen, *Als die Menschen gefragt wurden: Eine Propagandaanalyse zu Volksabstimmungen in Europa nach dem Ersten Weltkrieg* (Münster: Waxmann, 2015); Nina Jebsen and Martin Klatt, “The Negotiation of National and Regional Identity during the Schleswig-Plebiscite following the First World War,” *First World War Studies* 5, no. 2 (2014): 181–211.

The 1920 plebiscite was an attempt to solve the territorial issue of Schleswig. It was a compromise between the Eider-Danish vision of Denmark as a nation-state, on the one hand, and the Schleswig-Holstein movement's desire for indivisibility, on the other. The former saw a Danish state reaching as far as the Eider River, which formed the northern border of the Holy Roman Empire and the German Confederation. The latter saw both duchies being integrated into a German nation-state. In practice, it meant dividing a hitherto undivided, socioeconomically integrated territory along a line that best reflected national affiliation.

Today, the narrative surrounding the border drawing in Schleswig is one of successful conflict resolution and accommodation of a nationally diverse border region population. The plebiscite is considered a central element in this narrative: "the people have voted for this border." There is a political consensus that Denmark and Germany have one of the (or even "the") best borders in the world.<sup>13</sup> This narrative neglects the fact that the new border was challenged in the 30–40 years after its implementation.<sup>14</sup> The immediate challenges were grounded in the terms of the plebiscite. Here, Germans primarily challenged the *en-bloc* voting in Zone 1, which predestined the zone's return to Denmark, despite German majorities in the cities of Tønder, Aabenraa, and Sønderborg, as well as in a few rural parishes. The exclusion of people who had migrated to the region after January 1, 1900, was also criticized. The issue of returning voters was also discussed: Denmark had motioned for the inclusion of people who had been born in Schleswig but who had migrated from there. The motion focused on young Schleswigers who had left the region to avoid military service or German political pressure, but it also applied to emigrants to North America and to domestic German migration, which, as it turned out, was quite considerable. In the end, this extension of voting rights to emigrants favored the German side, although not decisively. The German minority in Denmark, and its supporters in Schleswig-Holstein, put border revision on their agenda from day one, and maintained this political aim until the German surrender in May 1945.<sup>15</sup>

13 Martin Klatt, "1920-Grænsen: national optimal, økonomisk katastrofal? Et overset aspekt af den slesvigske model," *Akademisk Kvarter* 21 (2020): 60–73.

14 Axel Johnsen, *Dannevirke mænd og Ejderfolk: Den grænsepolitiske opposition i Danmark 1920–1940* (Flensburg: Studiefællesskabet ved Dansk Centralbibliotek for Sydlesvig, 2005); Johan Peter Noack, *Det Sydslesvigske Grænsespørgsmål 1945–1947* (Aabenraa: Institut for Grænseregionsforskning, 1991); Jørgen Kühl and Marc Weller, eds., *Minority Policy in Action: The Bonn-Copenhagen Declarations in a European Context 1955–2005* (Aabenraa: Institut for Grænseregionsforskning, 2005).

15 Henrik Becker-Christensen, *Det tyske mindretal i Nordslesvig 1920–1932* (Aabenraa: Institut for Grænseregionsforskning, 1990); Martin Klatt, "Johannes Schmidt-Wodder und Jens Möller—nordschleswigsche Folketingsmitglieder der Zwischenkriegszeit zwischen Alldeutschtum, Friedensverein und

There were no calls for violence, but there was constant political pressure on Denmark to renegotiate the border with Germany.

Danish resistance to the new border started with one of the most severe constitutional crises in modern Danish history: the 1920 Easter Crisis (*Påskekrisen*). As already mentioned, the plebiscite conditions were based on the ideas of H. P. Hanssen and his so-called Aabenraa faction of the Danish minority's North Schleswig Electoral Association, which stood in opposition to the Flensburg- or Eider faction aiming for a more southerly border. The former enjoyed the support of the Danish government of Prime Minister Carl Theodor Zahle from the radical-liberal party *Radikale Venstre* and its parliamentary backers, the Social Democrats, but there were conservative and right-liberal politicians who dreamed of recovering the historic Eider border. In the aftermath of the plebiscite, these politicians managed to convince the Danish king to dismiss the Zahle government, even though it was backed by a majority in Parliament. Threatened by a general strike, the king reversed his decision at the last moment. After that, Danish opposition to the border remained marginal in the interwar years.<sup>16</sup> This changed after the German surrender in 1945, when considerable forces in Denmark, but also in South Schleswig, demanded a border revision.<sup>17</sup> Ultimately, there was no political majority in Denmark supporting a direct claim, and a border revision was not in the interest of the British occupying power. The Cold War led to the establishment of the Federal Republic of Germany (West Germany), which became an ally of Britain and Denmark by joining the North Atlantic Treaty Organization (NATO) in 1955. The Danish and West German governments accommodated the border issue, and their respective minorities, with the simultaneous Bonn-Copenhagen Declarations, guaranteeing the minorities' right to non-discrimination, the right of subjective decision to belong to the minority, as well as the right to cultural and financial support from the kin-state.<sup>18</sup> The Danish minority still maintained the right to self-determination but eventually resigned itself to the existing border. Today's opposition to the border is marginal and based on prospects many decades in the future; it rests with right-wing nationalist politicians in Denmark,

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Nationalsozialismus," in *Parlamentarier der deutschen Minderheiten im Europa der Zwischenkriegszeit*, ed. Benjamin Conrad, Hans-Christian Maner and Jan Kusber (Düsseldorf: Droste, 2015), 47–64.

16 Johnsen, *Dannevirke mænd og Ejderfolk*.

17 Noack, *Det sydslesvigske grænsespørgsmål 1945–1947*.

18 Johan Peter Noack, *Det danske mindretal i Sydslesvig 1948–1955* (Aabenraa: Institut for Grænseregionsforskning, 1997); Jørgen Kühl, ed., *København-Bonn Erklæringerne 1955–2005: De dansk-tyske mindretalserklæringernes baggrund, tilblivelse og virkning* (Aabenraa: Institut for Grænseregionsforskning–Syddansk Universitet, 2005); Kühl and Weller, *Minority Policy in Action*.

whose core identity includes a *Genforeningshåb*—a hope for the future reunification of South Schleswig with Denmark.

Despite this history of contesting the border, it appears that Denmark and Germany have reached a consensus on the nationally optimal borderline. This story, however, neglects the socioeconomic consequences of bordering. The historiography of Schleswig has long been dominated by this singular, teleological focus of continuous progress toward the contemporary ideal of a homogeneous, democratic nation-state, neglecting other possible outcomes. An initial paradigm shift, in the Danish context, was Steen Bo Frandsen's dissertation, *Opdagelsen af Jylland* (The discovery of Jutland),<sup>19</sup> which for the first time added a regional perspective to Danish historiography. It demonstrated how an economically more equal and balanced Denmark had been centralized according to the interests of a Copenhagen-based elite during the eighteenth and nineteenth centuries. Later, Morten Andersen's PhD thesis demonstrated the immediate economic consequences of the new border, and how the Danish government, in particular, aimed to cut North Schleswig's socioeconomic ties with Germany.<sup>20</sup> The interwar years were a period of crisis in both the Danish and German Schleswigs. Economic development continued to lag behind other nearby regions in Denmark and Germany after World War II. A narrative of peripherality has dominated regional policy discourse in both regions, but especially in the south, from the 1950s until today.<sup>21</sup>

### Plebiscites—A Success?

One of the key arguments for not using plebiscites to delimit borders can be found in the history of Schleswig: precedence. Historical experience teaches us that territorial integrity, with mutually respected borders, is a key factor for stabilizing the state system and preserving peace. Conflicts over borders can easily turn violent. Demographics may change, which can be used in political agendas of irredentism, as is presently the case in Ireland/Northern Ireland and Israel/Palestine. If there has been a vote on a border before, what should be the conditions for having another one? After 1945, 25 years (or one generation) after the

19 Steen Bo Frandsen, *Opdagelsen af Jylland: Den regionale dimension i Danmarkshistorien 1814–1864* (Aarhus: Aarhus Universitetsforlag, 1995).

20 Morten Andersen, *Den følte grænse: Slesvigs deling og genopbygning 1918–1933* (Aabenraa: Historisk Samfund for Sønderjylland, 2008).

21 Martin Klatt, *Fra modspil til medspil? Grænseoverskridende samarbejde i Sønderjylland/Schleswig 1945–2005* (Aabenraa: Institut for Grænserregionsforskning, 2006); Klatt, "1920-Grænsen: National Optimal, Økonomisk Katastrofal?"

first plebiscite, South Schleswegians could have made the argument of reversed, new circumstances: the experience of the Nazi dictatorship and its total war had demonstrated that they would be better off in the apparently peaceful Denmark. They had been granted a plebiscite in 1920, after Germany had started and lost one world war; why not in 1945, when Germany had started and lost another? The same argument is voiced by the Scottish independence movement. In the 2014 plebiscite, UK membership in the European Union was used as a central argument for Scotland remaining in the UK. Now, with Brexit complete, proponents of Scottish independence argue that conditions have changed and there should be a second referendum on independence. Similarly, there is an ongoing debate on whether another referendum on EU membership should be held, now that the practical consequences of Brexit have become clearer. Thus, referenda, as elements of democratic decision-making processes, must be a regular, repetitive exercise. Renan characterized the nation as a daily plebiscite of belonging or not belonging.<sup>22</sup> While these daily plebiscites are rather stable in national centers, they may be fluid in ethnically diverse border regions. This was demonstrated for much of the duration of the Austro-Hungarian Empire, where multiple nationalities, as well as national indifference, remained core categories long into the twentieth century.<sup>23</sup> For Schleswig, the same can be ascertained both in history<sup>24</sup> and today, when minority identification can be fluid and multifaceted.<sup>25</sup>

This illustrates the dilemma of nations as communities of identification and states as inherently territorial constructions. The United Nations system of sovereign states has a key focus on territorial integrity to ensure stability and the absence of war. According to the United Nations, and most international law experts, the right to self-determination is not understood as the right of an administrative unit to declare independence from the state in which it exists. Since the controversial secession of Kosovo from Serbia in 2008, the international community has been very reluctant to support secessionist movements.

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22 Speech at the Sorbonne on March 11, 1882. Ernest Renan, *Qu'est-ce qu'une nation? Conférence faite en Sorbonne, le 11 Mars 1882* (Paris: Calman Levy), [https://fr.wikisource.org/wiki/Qu%2%80%99est-ce\\_qu%2%80%99une\\_nation\\_%3F](https://fr.wikisource.org/wiki/Qu%2%80%99est-ce_qu%2%80%99une_nation_%3F), accessed January 18, 2023.

23 Tara Zahra, "Imagined Noncommunities: National Indifference as a Category of Analysis," *Slavic Review* 69 (2010): 93–119; Pieter M. Judson and Marsha L. Rozenblit, eds., *Constructing Nationalities in East Central Europe* (New York Oxford: Berghahn, 2005).

24 Martin Klatt, "Mobilization in Crisis—Demobilization in Peace: Protagonists of Competing National Movements in Border Regions," *Studies on National Movements* 4 (2019): 30.

25 Jørgen Kühl, "Ihr seid nicht vergessen worden: Königliche Neujahrsgrüsse 2001–2017 und Vorstellungen von der dänischen Minderheit in Südschleswig," in *Klaar Kiming: Festschrift für Thomas Steensen*, ed. Jørgen Kühl (Bredstedt/Bräist: Nordfriisk Institut, 2018), 110–16; Ruairidh T. Tarvet, *Re-Imagining Sleswig: Language and Identity in the German-Danish Borderlands* (Odense: Syddansk Universitetsforlag, 2021).



Figure 9.1 *The Fergana Valley (with population density data). Courtesy of RANE Network Inc. ([www.ranenetwork.com](http://www.ranenetwork.com)).*

Parastates, such as Abkhazia, South Ossetia, or the Turkish Republic of Northern Cyprus, are recognized by but a handful of minor states, besides their respective protectors, Russia and Turkey. The Scottish and Catalan movements for secession have received little international support. The only two newly independent states in Africa—Eritrea, which seceded from Ethiopia in 1993, and South Sudan, which seceded from Sudan in 2011—are considered by the author to be failed states, characterized by continuous oppression, severe economic inequality, extreme poverty, and violent conflict.

Has the international community formed a consensus that secession does not solve the problems of uneven development and discrimination? Or has it simply been proven too problematic to elevate administrative borders to state borders, separating functionally integrated spaces and causing economic disruption?

The latter is explicitly visible in the Fergana Valley in Central Asia, divided among Uzbekistan, Tajikistan, and Kyrgyzstan (see figure 9.1). The borders of these former Soviet republics were designed centrally in Moscow and do not reflect ethnographic or natural geographic conditions on the ground. As long as they were administrative borders, that did not matter. The elevation of these administrative borders to state borders, though, has caused many problems on the ground, resulting in violent clashes among inhabitants and with state authorities. Could self-determination and plebiscites provide a solution to these matters, or would they fail to satisfy the three states involved, triggering more violence? I would argue that plebiscites give legitimacy to newly drawn borders, but they do not create stability. The history of Schleswig shows that acceptance

of the 1920 border was achieved in a top-down process: the integration of Denmark and West Germany into NATO and the European Community, as well as the common Soviet threat during the Cold War, required an accommodation. Ultimately, European integration—especially with the implementation of the Schengen Agreement in 2001—rendered the border superfluous. Although national borders still constitute notional barriers, the abolishment of permanent passport control has provided incentives for cross-border mobility. Many border region residents, and especially the two respective minorities, have accepted the opportunities presented by a cross-border living space, such that neither Denmark nor Germany need to face a challenge to their territorial integrity. In conclusion, the question is not so much how to decide where the borders should be, but how to ensure their openness and permeability.

## Chapter Ten

### Militarized Plebiscite?

#### The Legacy of the 1920 Carinthian Plebiscite

ROBERT KNIGHT



#### Introduction

On October 10, 1920, a plebiscite was held in Southern Carinthia, resulting in a 60:40 vote in favor of Austria over the new Kingdom of Serbs, Croats, and Slovenes (SHS), which soon became Yugoslavia. The context, implementation, and consequences of this plebiscite have been much studied and debated, often bitterly.<sup>1</sup>

In his extensive survey of referenda, Matt Qvortrup classifies the 1920 Carinthian plebiscite as an example of “right-sizing” referenda, which “refer to the preferences of political agents at the center of existing regimes to have what they regard as appropriate external and international territorial borders.” Yet, a consideration of the broader historical context, including the influential mythologies around the plebiscite which became established in the subsequent decades, suggests that it also fits—perhaps more closely—the category of what Qvortrup

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\* This chapter builds on Robert Knight, *Politik der Assimilation: Österreich und die Kärntner Slowenen nach der NS-Herrschaft* (Vienna: New Academic Press, 2020). For a shorter English version, see Robert Knight, *Slavs in Post-Nazi Austria: Carinthian Slovenes and the Politics of Assimilation, 1945–1960* (London: Bloomsbury, 2017). Translations from German are by the author—original German can be found in the author’s 2020 book.

1 Recent publications include: Claudia Fräss-Ehrfeld, ed., *Volksabstimmungen und andere Grenzlösungen nach dem Ersten Weltkrieg* (Klagenfurt: Verlag des Geschichtsvereines für Kärnten, 2020); Jürgen Pirker, *Geschichte(n) im Konflikt: Der Konsens- und Dialogprozeß in Kärnten; Vom nationalen Konflikt zur Friedensregion Alpen-Adria?* (Vienna: Facultas, 2018); Arnold Suppan, *The Imperialist Peace Order in Central Europe: Saint-Germain and Trianon, 1919–1920* (Vienna: Austrian Academy of Sciences, 2019), chap. 14; Danijel Grafenauer, ed., *100. obletnica plebiscita na Koroškem: Zgodovinske izkušnje in pogled v prihodnost/100 Jahre Kärntner Volksabstimmung: Historische Erfahrungen und Blick in die Zukunft* (Ljubljana: Slovenska Matica, 2021); Brigitte Entner, “Ungeliebte, unsichtbare Minderheit: Zur Geschichte der Kärntner Slowenen bis in die Gegenwart,” in *100 Jahre Republik: Meilensteine und Wendepunkte in Österreich 1918–2018*, ed. Heinz Fischer (Vienna: Czernin, 2020), 292–325.

calls “difference-eliminating” and “homogenizing” referenda.<sup>2</sup> From this perspective, many of the province’s dominant German-speaking elites pursued the project of what Brendan O’Leary calls “right-peopling”; under Nazi rule came a radicalization, which led to the obliteration of Slovene culture and language and the deportation of over 1,000 Slovenes.<sup>3</sup>

To support this claim, I distinguish here between two intertwined strands in the militarization of Carinthia’s culture after 1920. The first effectively extended the plebiscitary idea beyond a decision on the state’s boundaries to a range of other ethno-political issues, such as education and place names. The second strand was militaristic in the sense that it stressed, as much as the plebiscite itself, if not more so, the heroism of those who had resisted the South Slav military in the two preceding years. Both strands of ethnic politics encouraged what has been called (in the Northern Ireland context) the “blunt reductionism” of ethnic and social complexity to the requirement of polarizing either-or decision-making.<sup>4</sup> For all these reasons, the Carinthian plebiscite, like others, largely failed, in Brendan Karch’s words, “at the most fundamental level, to achieve their aim of resolving national questions in borderlands.”<sup>5</sup>

### Military Values in the Wake of the Plebiscite

In the six months of fighting in Southern Carinthia which followed the armistice of November 1918, the military balance between South Slav forces and German-Austrian formations shifted several times. There were 430 fatalities, 274 of them on the German-Austrian side (186 Carinthians) and 156 on the Yugoslav side (9 Carinthians). In the narrative established in Carinthia in the decades after the plebiscite, the act of self-determination was portrayed, above all, as a victory in the “defensive struggle” (*Abwehrkampf*) thanks to the heroism ascribed to the German-Austrian side. Several of the causal links between the fighting and the plebiscite outcome are debatable, but the claim that the final outcome was

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2 Matt Qvortrup, *Referendums and Ethnic Conflict*, 2nd ed. (Philadelphia: University of Pennsylvania Press, 2022) 94, Chapter 6.

3 Brendan O’Leary, “The Elements of Right-Sizing and Right-Peopling the State,” in *Right-sizing the State: The Politics of Moving Borders*, ed. Brendan O’Leary, Ian Lustick, and Thomas Callaghy (Oxford: Oxford University Press, 2001), 15–73. For a discussion of the key concept of assimilation in the Carinthian context, see Knight, *Slavs*, 2–7.

4 See Roger Mac Ginty, “Constitutional referendums and ethnonational conflict: The case of Northern Ireland,” *Nationalism and Ethnic Politics* 9, no. 2 (2003): 3–4.

5 Brendan Karch, “Plebiscites and Postwar Legitimacy,” in *Beyond Versailles: Sovereignty, Legitimacy, and the Formation of New Politics after the Great War*, ed. Marcus M. Payk and Roberta Pergher (Bloomington: Indiana University Press, 2019), 29.

“fought for” (*er kämpft*), or “forced” (*erzungen*) by German (Austrian) soldiers, presumably met a strong psychological need: in a society reeling from all the bereavement and suffering caused by four years of war and subsequent defeat and collapse, it could be seen as what Robert Gerwath called a “victory in defeat.”<sup>6</sup>

On the tenth anniversary of the plebiscite, the Carinthian Social Democrat Hans Lagerer noted how the events of 1918–20 were being instrumentalized by the militaristic right:

In some circles the war psychosis has not yet ebbed away!... People ... are busily active in falsifying and distorting the true picture of the defensive struggles [*Abwehrkämpfe*] and the plebiscite through all sorts of fairy tales, fables, and legends.<sup>7</sup>

The plebiscite was also celebrated as an act of “self-determination,” but this too tended to be reduced to a crass majoritarian calculation and a simplistic assertion of “freedom.” Slovene speakers who had voted for Austria (usually estimated at 10,000)<sup>8</sup> were assumed to be ready or willing to assimilate to *Deutschum*, while many Slovenes who had voted for Yugoslavia were given little choice between assimilating or being denounced as traitors. Yet, there was arguably a third way between assimilation and denunciation, implied by the formal pledge which the Provincial Assembly (*Landesversammlung*) made on the eve of the plebiscite: that it would “preserve now and always for the fellow Slovene countrymen their linguistic and national identity” and would promote “the same spiritual and economic blossoming as that enjoyed by the German inhabitants of the province.”<sup>9</sup> One possible way to achieve this was through some form of autonomy statute, either by establishing a register of Slovene nationals (*Kataster*) or by delimiting a specific territory. Clearly, there were plenty of difficulties in both of these options, and the international climate—not least the relationship

6 Robert Gerwath, *The Vanquished: Why the First World War Failed to End, 1917–1923* (London: Allen Lane, 2016); Suppan, *Imperialist Peace Order*, chap. 9.

7 Hans Lagerer, *Abwehrkampf und Volksabstimmung in Kärnten 1918–1920* (Klagenfurt: Verlag der Sozialdemokratischen Landesparteivertretung Kärntens, 1930), 110.

8 For a recent statistical analysis questioning this assumption, see Guido Tiemann, “‘Kärnten’ = Austria, ‘Koroška’ = Yugoslavia? A Novel Perspective on the 1920 Carinthian Plebiscite,” *Historical Social Research/Historische Sozialforschung* 45, no. 4 (2020): 309–46.

9 Helmut Rumpler, “Die nationale Frage im Spannungsfeld von kärntnerischem Landespatriotismus, österreichischem Staatsbewußtsein und völkischem Nationalismus 1918–1938,” in *Kärnten und Wien: Zwischen Staatsidee und Landesbewußtsein*, ed. Helmut Rumpler and Claudia Fräss-Ehrfeld (Klagenfurt: Hermagoras and Heyn, 2005), 23f.

between Austria and Yugoslavia—was far from favorable.<sup>10</sup> In the event, negotiations on Slovene autonomy began in 1925 but soon hit the buffers, foundering on the key issue of how membership of the minority should be established, and a blame game followed. Much later, Catholic leader Mgr. Valentin Podgorc, a leading negotiator on the Slovene side, judged that in 1920 “much had been promised but none of it kept.”<sup>11</sup>

As the autonomy option evaporated, assimilatory pressures on the minority intensified. The social and economic pressures arising from the basic power asymmetry between German and Slovene speakers were reinforced by an increasingly strident German national agitation; in Carinthia, this came in particular from the *Landbund* (Land League) and the *Großdeutsche Volkspartei*, and later from the illegal Nazi party, while parts of the clerical *Christlich-Soziale Partei* offered some support for Slovenes, especially in agrarian areas.

Overall, the province’s German-speaking elites saw the 1920 plebiscite result as both a confirmation of German superiority and as a green light for future assimilation. Shortly after the plebiscite, the provincial governor Arthur Lemisch had urged the “return” (sic) of those “seduced” into voting for Yugoslavia within a generation, at the same time adding, unconvincingly, that this would need to be achieved with “Carinthian moderation” (*Kärntner Gemütlichkeit*) as well as German culture.<sup>12</sup> The body which had exercised self-determination in Carinthia’s southern part was imagined as a homogeneous German *Heimat* (homeland). Notwithstanding the general racialization of scholarly and popular discourse, most Carinthian understandings of this homogeneity combined “race” with culture, and even hinted at the liberal idea of the free, autonomous individual. One influential version of the mix can be found in the work of the prominent historian Martin Wutte, who sought to explain non-German-speakers’ pro-Austrian vote by constructing a quasi-ethnic group labeled “*Windisch*”—this term had previously been little more than a synonym for Slovene but later acquired the connotation of endorsing German superiority. Now Wutte argued that the *Windisch* attachment to *Deutschtum* and their loyalty to Carinthia had both been shown by their readiness to vote for Austria.<sup>13</sup> The fuzzy ontological status of this “group”

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10 See Arnold Suppan, *Jugoslawien und Österreich 1918–1938: Bilaterale Außenpolitik im europäischen Umfeld* (Vienna: Verlag für Geschichte und Politik, 1996).

11 Außerordentliches Konsistorium, December 3, 1947, Archiv der Diözese Gurk, Klagenfurt. Alphabetische Ablage, Staat und Kirche, Box 3.

12 Lemisch’s speech to *Landesversammlung*, November 25, 1930, quoted in Rumppler, “Die nationale Frage,” 23–24.

13 Martin Wutte, *Deutsch-Windisch-Slowenisch* (Klagenfurt: Kollitsch, 1927); on Wutte, see Ulfried Burz, “Martin Wutte (1876–1948): Ein Kärntner Historiker und die Janusköpfigkeit in der natio-

meant that it was sometimes labeled as a “floating nationality” (*schwebendes Volkstum*), but this blurred the key issue: the asymmetrical power relations under which assimilation took place. The *Windisch* were floating in one direction only.

Here it is also perhaps worth noting that—despite a superficial resemblance—this assimilatory pattern hardly fits the category of “national indifference,” which has been much discussed in recent years; some of this debate seems to be contradictory in the sense that it implies a group identity for those who supposedly resist being mobilized into a group.<sup>14</sup> While some self-declared *Windisch* might well have been seeking to avoid a politically and economically risky commitment to either “side,” for many more, the self-designation as *Windisch* meant, *de facto*, distancing themselves from Slovene nationalism and a commitment—even if partly coerced—to a vision of *Heimat* that was exclusively German.<sup>15</sup> If this was indifference, it was not apolitical but the result of ethno-national pressures.

### Plebiscite Commemoration under Nazi Rule and War

The plebiscite held in April 1938 to confirm the *Anschluss* was explicitly, and devastatingly, “difference-eliminating.” In Carinthia, the new Nazi regime built on and radicalized the Germanizing implications of the 1920 result; both strands—militarized self-determination and majoritarian coercion—were now backed by the power of the Nazi state and were pushed forward by radicals like Alois Maier-Kaibitsch.<sup>16</sup> The 1920 plebiscite was reinvented *post facto* as a precursor to the triumphant return of the “*Ostmark*” (a Nazi term for Austria) 18 years later. In the words of the director of the provincial history society (*Geschichtsverein*) Hans Paul Maier: “Our Carinthian land ... can now recall with pride that it

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nal en Frage,” in *Österreichische Historiker: Lebensläufe und Karrieren 1900–1945*, ed. Karel Hruza (Vienna: Böhlau, 2012), 201–61.

14 See Rogers Brubaker, *Ethnicity without Groups* (Cambridge, MA: Harvard, 2004).

15 On this debate see, for example, Jeremy King, *Budweisers into Czechs and Germans: A Local History of Bohemian Politics, 1848–1948* (Princeton: Princeton University Press, 2005); Tara Zahra, “Imagined Noncommunities: National Indifference as a Category of Analysis,” *Slavic Review* 69, no. 1 (2010): 93–119; for a recent discussion, see Maarten van Ginderachter and Jon Fox, eds., *National Indifference and the History of Nationalism in Modern Europe* (London: Routledge, 2019). For criticism, see Gerald Stourzh, “The Ethnicizing of Politics and ‘National Indifference’ in Late Imperial Austria,” in Stourzh, *Der Umfang der österreichischen Geschichte: Ausgewählte Studien 1990–2010*, Studien zu Politik und Verwaltung 99 (Vienna: Böhlau, 2011), 283–323; see also Knight, *Politik der Assimilation*, 27–30.

16 Wilhelm Wadl and Alfred Ogris, eds., *Das Jahr 1938 in Kärnten und seine Vorgeschichte: Ereignisse—Dokumente—Bilder* (Klagenfurt: Kärntner Landesarchiv, 1988); Helmut Rumppler and Ulfried Burz, eds., *März 1938 in Kärnten: Fallstudien und Dokumente zum Weg in den “Anschluss”* (Klagenfurt: Kärntner Druck- und Verlagsgesellschaft, 1989); Avguštin Malle and Valentin Sima, eds., *Der “Anschluss” und die Minderheiten in Österreich/“Anšlus” in manjšine v Avstriji* (Klagenfurt: Drava and Hermagoras, 1989).

gained its southern border—the Karawanken wall—for this new Greater Germany by fighting (*erkämpft*).<sup>17</sup>

With the outbreak of war, and especially after the invasion of Yugoslavia in April 1941, the mythology of the *Abwehrkampf* was completely harnessed to the war effort; school books now celebrated it as a “struggle for German unity and a struggle against the Versailles *Diktat!*” Carinthia’s “German struggle” had continued to the “liberation of March 1938.” The war effort and victories like the conquest of Norway were also lauded as Carinthian achievements: Carinthian schoolchildren were to learn that “as loyal warriors of the Reich, the Carinthians today stand at all fronts of this war. Above all, they have won Narvik for the Reich alongside the Styrians.”<sup>18</sup>

The other side of this hubris was the acceleration of Germanization in Carinthia. This meant increased pressure on Slovene leaders, undermining the minority’s economic base (especially the agricultural cooperatives),<sup>19</sup> and the Germanization of Slovene-speaking children in schools and kindergartens. After the invasion and occupation of Yugoslavia in April 1941, the task was extended to annexed areas of Yugoslavia, including the newly labeled Upper Carniola (*Oberkrain*). This too was justified as the fulfillment of the legacy of the *Abwehrkampf*. Shortly after it culminated in the brutal mass deportation of around 1,000 Slovenes in April 1942, Maier-Kaibitsch castigated his fellow Carinthians for their complacency, complaining:

[H]ow little the average Carinthian understands his border task. He simply forgot what the issue was. He continued to rest on the laurels of October 10. He has no longer comprehended the age, which is giving him great new tasks to fulfill. He failed to understand that on the one hand the Slovenes were deported out of Carinthia while on the other hand there was the task of Germanizing Upper Carniolans.... In the area north of the Karawanken, German must be spoken: this has to be implemented by every means.<sup>20</sup>

17 Hans Paul Meier, “Zu Kärntens Heimkehr ins Reich,” *Carinthia I*, 128 (1938).

18 NS-Lehrerbund, *Lehrstoffverteilung für die Kärntner Grundschule* (Klagenfurt, 1941). On the Narvik mythology, see Peter Pirker, “Alte Traditionspflege oder neue Erinnerungskultur? Waffen-SS, Wehrmacht und das Bundesheer in Kärnten,” in *Koroška/Kärnten: Wege zu einer befreienden Erinnerungskultur*, ed. Nadja Danglmaier, Brigitte Entner, Ute Holfelder, and Elisabeth Klatzer (Vienna: Mandelbaum, 2022), 72–75.

19 Avguštin Malle, Alfred Elste, Boris Jesih, Valentin Sima, Birgit Entner, and Heidi Wilscher, *Vermögensentzug, Rückstellung und Entschädigung am Beispiel der slowenischen Minderheit, ihrer Verbände und Organisationen*. Österreichische Historikerkommission 23/1 (Vienna: Oldenbourg, 2004), 341–91.

20 Maier-Kaibitsch’s speech, July 10, 1942, in Tone Ferenc, ed., *Quellen zur nationalsozialistischen Entnationalisierungspolitik in Slowenien 1941–1945/Viri o nacistični raznarodovalni politiki v Sloveniji 1941–1945*

The 1920 plebiscite was now no longer praised as a democratic act of self-determination but rather as the crowning glory of heroic soldiers defending the Carinthian *Heimat*. Martin Wutte wrote that their struggle for freedom had created forces “which also led to victory in the plebiscite on October 10.”<sup>21</sup> At the same time, the idea of individual choice survived in vestigial form: supposedly, the *Windisch* had not just shown their racial affinity to Germans, they had “chosen” to listen to the “voice of blood.” In that sense, *Gauleiter* (District Leader) Friedrich Rainer recalled on October 10, 1943, that in World War I, the “Carinthian ‘Windisch,’ German in their racial elements and German in their culture and their willing (*Wollen*), also stood at the front.”<sup>22</sup> In short, Nazi rule was not limited to racial categorization and dissimulation; it also allowed those Slovenes who collaborated (e.g., by joining the *Wehrmacht*) to gain a place alongside other “Aryans” in the so-called *Volksgemeinschaft*.<sup>23</sup>

### The 1920 Plebiscite in Post-Nazi Carinthia

The militarized plebiscite was celebrated every October 10 between 1938 and 1944. Even in the final hours of the Third Reich, it continued to weave its spell. In May 1945, as Yugoslav partisans and British troops advanced on Klagenfurt, Maier-Kaibitsch called for a second *Abwehrkampf*.<sup>24</sup> The events of 1918–19 also provided a shared reference point for the negotiators of the last-minute transfer of power between *Gauleiter* Friedrich Rainer and a group of Carinthian politicians. In a final discussion on May 6, the tone of which was described by Rainer’s chief administrator as “really friendly,” Rainer was concerned not only that “nominal Nazis” should not be punished under the new regime, but that the new body should incorporate what he called “the idea of the *Abwehrkampf*.” He proposed that a “League of Defenders of the Border” (*Abwehrkämpfervereinigung*) be mobilized in defense of the border. This should be organized in a way that would avoid the charge of being “a camouflaged SA [*Sturmabteilung*/Brownshirts] or something like it.” Nazi members would need to be swiftly integrated into the post-

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(Maribor: Založba Obzorja, 1980) 455; see also Brigitte Entner and Valentin Sima, eds., *Gabrijel Wutti, Pasje kvatre: Dnevniški zapisi iz pregnanstva 1942 in 1943/Hunds Jahre: Tagebuchaufzeichnungen aus der Vertreibung 1942 und 1943* (Klagenfurt: Drava, 2021).

21 Martin Wutte, *Der Kärntner Freiheitskampf 1918–1920*, 2nd rev. ed. (Klagenfurt: Kärntner Geschichtsverein, 1943), 69.

22 Friedrich Rainer, “Grenzgau Kärnten: Träger einer stolzen Reichstradition” [Essay], in Ferenc, *Quellen*, 563–65.

23 See Devin O. Pendas, Mark Roseman, and Richard F. Wetzell, ed. *Beyond the Racial State: Rethinking Nazi Germany* (Cambridge: Cambridge University Press, 2017).

24 Hermann Gruber, *Die Jahre in der Politik—Erinnerungen* (Klagenfurt: Carinthia, 1982), 35.

Nazi system, simply because they were “the best *Abwehrkämpfer*,” who would be lost if they were spurned by the new powerholders. Punishment of mere “small party members” should also be avoided. The politicians expressed agreement.<sup>25</sup>

Some of Rainer’s views—like his concern for his pension arrangements—may have been deluded, but his understanding of the continued salience of the mythology of the militarized plebiscite was accurate enough. His basic assumption, that the plebiscite outcome was a recognition by the minority of the superiority of *Deutschtum* (whether understood racially or culturally), survived both the collapse of the Nazi regime and the limited disruption to Nazi members which followed in the form of internment and denazification. A key aspect of this, sometimes overlooked, was the way in which German superiority had been internalized by many Slovene speakers in the form of “self-stigmatization.” This could also be seen in the attitudes of the younger generation, which had experienced seven years of propaganda in the education system and, in many cases, recruitment into first the Hitler Youth and then the *Wehrmacht*. According to one post-war report, the impact of Germanization on school-age children had been so “massive” (*kolossal*) that today children of Slovenes “were refusing to speak, let alone learn Slovene, even when ordered to by their parents.”<sup>26</sup>

The stigmatization of Slovene was reinforced by its association with the advance of the Partisans from south of the Karawanken Mountains. The image of the barbaric partisan “bandits” played an important part in the Nazi propaganda war. It was perpetuated in post-war Carinthia by tendentious accounts of the Slovene Liberation Front’s (*Osvobodilna Fronta*—*OF*) brief occupation of part of Southern Carinthia in May 1945 and the substantial claim for a border revision which was made by the Yugoslav government. At the end of June 1945, the OF declared that Slovenes “had entered the struggle against our greatest enemy, German Nazism, with the aim of joining [*angeschlossen zu werden*] the mother state of Yugoslavia.”<sup>27</sup> This assumption was central to the OF agitation of the following two years.

In January 1947, the claim was formally put forward by Yugoslavia to the Austrian treaty negotiators assembled in London: it covered an area of about 2,470

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25 Meinrad Natmeßnig, “Erinnerung an die Geschehen Kärntens in den Tagen des Zusammenbruches Großdeutschlands, den schwersten Tagen in der Geschichte des Deutschen Reiches und den schicksalsschwerste Tage [sic] meines Heimatlandes Kärnten,” n.d., Slovene Scientific Institute, Klagenfurt/Celovec, C. XII.

26 Bericht “Kärnten” n.a., September 13, 1945, Niederösterreichisches Landesarchiv, Leopold Figl Papers, Ö144.

27 OF Memorandum to British Military Government, June 27, 1945, in *Documents on the Carinthian Question* (Belgrade: Yugoslav Federal Government, 1948), 81ff.; Knight, *Politik der Assimilation*, 86.

square kilometers (including Klagenfurt) with a population of about 180,000. This was a much larger area than that of the 1920 plebiscite, and indeed the Yugoslav case was, in essence, that the outcome of that plebiscite had been rendered obsolete by subsequent events: Germanization during the First Republic and, above all, Nazi repression. For the Slovene historian Bogo Grafenauer, these events were part of a longer malign tradition of German dominance going back to the Habsburg Empire.<sup>28</sup> From this perspective, the partisan victory—sometimes referred to as a “plebiscite of the rifle”—had legitimized the reopening of the border question. The Yugoslav argument also implied that Slovenes who had assimilated to *Deutschtum*, like those who had supported Nazism, had been alienated from their “true” national identity. As the Yugoslav foreign minister Edvard Kardelj put it early in 1947:

A certain small percentage of people bowed to the oppressors or even betrayed their people [or] ... remained passive under the pressure of terror or fear, whereas the remaining portion of the people, who fought in the past as well as the present, made terrible sacrifices and did everything possible for liberation from the Austro-German yoke.<sup>29</sup>

By contrast, the Austrian case (largely supported by the West) was that the border was a *res judicata*, finally settled by an internationally recognized plebiscite. Austrian diplomats stressed “the eminently democratic character of this plebiscite,” arguing that it had been based on Woodrow Wilson’s principle “that all peoples possess the right of self-determination” and that it “forms an integral part of international law, to which Austria can always have recourse.”<sup>30</sup>

Whatever the merits (or demerits) of these arguments, they were marginal to the decision-making of the four negotiating powers; their interests (including those of the Soviet Union) meant that the likelihood of a border revision was slight from the start. Overall, none of the negotiating parties were much interested in the details of the particular case, and they were generally reluc-

28 Bogo Grafenauer, *The National Development of the Carinthian Slovenes* (Ljubljana: Znanstveni Institut, Oddelek za mejna vprašanja [Research Institute, Section for Frontier Questions], 1946).

29 Kardelj statement, Press Digest Moscow, April 6, 1947, The National Archives, London, Foreign Office 371/64046/C5781; Knight, *Politik der Assimilation*, 141.

30 Draft Memorandum on Austro-Yugoslav relations, January 1947, Österreichisches Staatsarchiv, Archiv der Republik (hereafter ÖStA, AdR), Bundeskanzleramt (BKA), Auswärtige Angelegenheiten (AA), pol-47. 105.139.

tant to return to the controversies of the previous generation of peacemakers.<sup>31</sup> This also meant that many of the dramatic public accounts, which dominated newspaper headlines until the pre-1938 status quo was confirmed in June 1949, amounted to little more than shadowboxing.

Regardless of its flimsy basis, the continuation of the border dispute was important because of the way it reinforced the polarization of minority politics, widening the perceived gulf between the loyal and the treasonous. As Austria (and Carinthia) transitioned from being an (ambiguous) part of the German enemy to a *de facto* junior ally of the West, anti-Slovene practices were also reformulated in the language of liberal democracy and freedom of choice. In the process, the vision of the Carinthian *Heimat*, “free” of Slovene, re-emerged. Rallying in defense of the existing border also helped dampen down the tensions between the capital and the province, which had been so central to Austria’s ambivalent national identity.<sup>32</sup>

### Minority Rights and Bilingual Education

Ever since the 1920 pledge by the Provincial Assembly, the possibility of guaranteeing Slovene rights, especially cultural rights, which in principle had been laid down by the Treaty of St. Germain, had been sporadically discussed. Some proposals went beyond the liberal guarantee of equal treatment before the law, including ideas of autonomy, whether territorial or personal. Some discussion resumed after the end of World War II, but the context in the province was, as already indicated, far from promising. Future battles over minority protection were presaged by conflicts in several parishes over the reintroduction of Slovene in church and on gravestones—an issue recently illuminated by Ferdinand Kühnel.<sup>33</sup> A long struggle for the restitution of confiscated Slovene property also began.<sup>34</sup>

Similarly, strong opposition soon developed to the school reform, which in October 1945 made bilingual education compulsory in over 100 Southern Carin-

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31 Jost Dülffer, “Die Diskussion um das Selbstbestimmungsrecht und die Friedensregelungen nach den Weltkriegen des 20. Jahrhunderts,” in *Die Verteilung der Welt: Selbstbestimmung und das Selbstbestimmungsrecht der Völker*, ed. Jörg Fisch (Munich: Oldenbourg, 2011), 130–37.

32 See Peter Thaler, *The Ambivalence of Identity: The Austrian Experience of Nation-Building in a Modern Society* (Indiana: Purdue University Press, 2001). Thaler’s otherwise useful analysis overlooks the crucial metropolitan–provincial dynamic.

33 Ferdinand Kühnel, *Ruhe in Frieden? Počivaj v miru? Vom Verschwinden des Slowenischen auf den Friedhöfen Kärntens/Koroška* (Klagenfurt: Mohorjeva/Hermagoras, 2021).

34 See Avgustin Malle et al, *Vermögensentzug, Rückstellung und Entschädigung*.

thian elementary schools. The prime mover of this radical experiment was the Slovene leader Josef/Joško Tischler, who had been co-opted into the provincial government in June 1945. Tischler hoped the new bilingual system could bypass the intractable arguments around ethnicity. Bilingual education was to be introduced across the board as a “public good” to help repair a society which, in Tischler’s eyes, had been both politically and morally damaged by Nazi rule: “through knowledge of their language, literature, and culture, the German-speaking Austrians will be brought to understand their Slovene fellow Carinthians.” In light of later developments, this rationale may appear idealistic—even naïve. Yet, perhaps it also provides a glimpse of a route toward ethnic coexistence—a route that was not taken.<sup>35</sup>

Even before Tischler left government, shortly after the school measure had been passed, opposition to the new measure was evident. One strand of opposition was the legal-historical claim about coercion, which went back to the language disputes in the Cisleithanian monarchy and the legendary “ban on coercion” in the *Staatsgrundgesetz* (“Basic Law”) of 1867 (Article 19): for its enemies, the bilingual school was the “coercive school.” Another strand involved the sacralization of parental rights, based on the debatable “proprietary” presumption that parents had the right to determine the language of their children.<sup>36</sup> Here, parental decision-making should be understood in a context in which most Slovene parents, in their subaltern position, were vulnerable to a range of social and economic pressure from German-speaking powerholders.

In both strands, the *Abwehrkampf* remained a central point of reference. The bilingual school was portrayed as an attempt to reverse the plebiscite decision, as well as a betrayal of Carinthian soldiers’ sacrifices. Instead of seeing bilingual education as a way of defusing ethnic tensions or deflecting irredentism, it was seen as a first step on the slippery slope to secession and a threat to the *Heimat*.

Admittedly, there were glimpses of an alternative vision. One came at the very first post-war October 10 commemoration, which Tischler (then a member of the provincial government) attended, using the occasion to recall “Slovenes and Yugoslavs [who] had also given their lives in the cause.”<sup>37</sup> Then in February 1947, the provincial governor Hans Piesch even suggested dropping the official

35 Josef [Joško] Tischler, *Die Sprachenfrage in Kärnten vor 100 Jahren und heute: Auswahl deutscher Zeitdokumente und Zeitstimmen* (Klagenfurt: Rat der Kärntner Slowenen, 1957), 24–26; see also Tischler, “Spoznavanje in sožitje,” *Naš Tednik Kronika*, December 5, 1957.

36 See Harry Brighouse and Adam Swift, *Family Values: The Ethics of Parent-Child Relationships* (Princeton: Princeton University Press, 2014).

37 CIR 17, October 1945, in *Consolidated Intelligence Reports; Psychological Warfare Branch; Military Government Kärnten 1945 bis April 1946: Eine Quellenedition zur Geschichte der britischen Besatzungszeit in Kärn-*

October 10 commemoration altogether “in order to avoid repeatedly reopening the old wounds of those Slovenes who had voted for Yugoslavia.” Abandoning it was to be seen “as proof of the earnest intention of the Carinthian provincial government to accommodate the second Carinthian national group [i.e., the Slovenes] as far as possible.”<sup>38</sup>

However, by the time diplomatic discussions turned to the question of minority protection in 1949, not only had Piesch’s proposal been long forgotten, but minority protection had become a function of the Cold War. For the West, anything that threatened to weaken Austrian sovereignty by giving Yugoslavia an excuse to intervene, such as an autonomy statute, was strictly to be avoided. On the other hand, the Soviet government, despite its initial support for the Yugoslav claim, had always viewed the border dispute as little more than a bargaining chip in the Austrian treaty negotiations and showed even less interest in the minority. As the Austrian Chancellor put it, a month after negotiations began in January 1947, there was no “real danger.” Soon afterwards, Austrian Foreign Minister Karl Gruber reported from Moscow that the Soviet Union was only supporting Yugoslavia “for tactical reasons.”<sup>39</sup> This tactical motivation, which was clear to many Western observers, meant that the Soviet Union, contrary to Wolfgang Mueller’s argument, was far from being a “steadfast supporter of Yugoslav actions.”<sup>40</sup>

Last but not least, Yugoslav interest in “acquiring” Southern Carinthia was more limited than is sometimes assumed. After the failure of their *coup de main* in May 1945, Yugoslav commitment waned. Even in Ljubljana, the momentum behind border revision declined after it became clear that it had little prospect of success. The Yugoslav government started to broach the possibility of a compromise, involving some combination of an autonomy statute with a minimal border “rectification.” Signs of a Yugoslav retreat from their full territorial claim were already visible at the Moscow Council of Foreign Ministers in April 1947, to which the Yugoslav delegation brought draft proposals for a minority statute (although they were not presented). This clearly pre-dated the Cominform dis-

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ten, Das Kärntner Landesarchiv 32, ed. Gabriela Stieber (Klagenfurt: Verlag des Kärntner Landesarchivs, 2005), 197.

38 “Ein Beitrag des guten Willens,” *Neue Zeit*, February 14, 1947.

39 Cabinet meetings, February 18 and March 4, 1947, in *Ministerratsprotokolle der österreichischen Bundesregierung, Fgl I*, vol. 5, ed. Elizabeth Gmoser, Peter Melichar, and Stefan Semotan (Vienna: Österreichische Akademie der Wissenschaften, 2011), 135.

40 Wolfgang Mueller, “The Soviet Factor in the Alps Adriatic Region, 1945–47: The Issues of Trieste, Carinthia and South Tyrol,” in *The Alps-Adriatic Region 1945–1955: International and Transnational Perspectives on a Conflicted European Region*, ed. Wolfgang Mueller, Karlo Ruzicic-Kessler, and Philipp Greilinger (Vienna: New Academic Press, 2018), 233–61.

pute of spring 1948,<sup>41</sup> although the latter very public controversy did make it clear beyond any doubt that the Carinthian Slovenes were only small change in the politics of the Cold War. Even after the 1937 (and 1920) border was confirmed in Paris by the Council of Foreign Ministers in June 1949, the Slovene Communist Party was clearly more focused on using Carinthian Slovenes in their struggle with Moscow than it was on the people themselves. It was decided in Ljubljana “to exploit the Carinthian question in order to further expose the revisionism of the Soviet Union.”<sup>42</sup> Accordingly, in the “war of notes,” Belgrade attacked the Soviet Union for “selling the Carinthian Slovenes down the river.”<sup>43</sup>

Shortly after Carinthia’s 1920 borders were confirmed, an article protecting the rights of Slovenes and Croats was agreed upon, which in 1955 (with one minor change) became Article 7 of the Austrian State Treaty. The advantage of anchoring these protections in international law needs to be qualified in two senses: first, the diplomats who agreed on the article in August 1949 showed a striking lack of interest in or knowledge of the minority whom they were ostensibly seeking to protect. This helps explain the weakness or vagueness of the protection provided.<sup>44</sup> Second, the actual implementation of minority protection was more a function of provincial politics. After 1949, its dynamics brought a steady retreat by both main parties—the Socialist Democrats (*Sozialistische Partei Österreichs*–SPÖ) and the People’s Party (*Österreichische Volkspartei*–ÖVP)—from the bilingual school reform, and a broader increase in hostility toward the minority.

The readmission of “less implicated” Nazis to the franchise in May 1948 and the electoral success in October 1949 of the far-right *Verband der Unabhängigen* (League of Independents—VdU) helped bring the militarized plebiscite back to the center of provincial politics. Bilingual education in Southern Carinthian primary schools was attacked both as a betrayal of the legacy of the *Abwehrkampf* and as a violation of democratic principles.<sup>45</sup> Though these bitter polemics were primarily waged by the VdU, their political significance lay in the readiness of

41 In this respect, the emphasis in Gerald Stourzh and Wolfgang Mueller, *Der Kampf um den Staatsvertrag 1945–1955: Ost-West-Besetzung, Staatsvertrag und Neutralität Österreichs*, 6th rev. and enl. ed. (Vienna: Böhlau, 2020), 156, is misleading.

42 Central Committee of the Slovene Communist Party, June 24, 1949, in *Zapisniki Politbiroja CK KPS/ZKS 1945–1954*, ed. Darinka Drnovšek (unpublished MS Arhivsko društvo Slovenije [Archive Department of Slovenia] Ljubljana), 161ff.

43 Knight, *Politik der Assimilation*, 176–93; see also Petar Dragišić, “Tito’s War after the War: Yugoslav Territorial Claims against Austria and Italy, 1945–1949,” in Mueller, Ruzicic-Kessler, and Greilinger, *The Alps-Adriatic Region*, 31–54, here 48–49.

44 Knight, *Politik der Assimilation*, 192–93.

45 E.g., “Schulstreik gegen den Sprachenzwang in Kärnten: Kärntner Abwehrkampf gegen ein vom Lande diktiert Unrecht,” *Kärntner Nachrichten des Verbandes der Unabhängigen, Landesverband Kärnten*, December 1954.

both main parties to shift their position in order to “take the wind out of the sails” of anti-German agitation. Even before the 1949 elections, the Social Democrats were claiming the mantle of the *Abwehrkampf*, and they gradually gave ground on bilingual schooling.

As for the Carinthian ÖVP, some had even hoped to fight the June 1948 election on a program of eliminating Slovene from public signs and stopping the use of Slovene in public offices and schools. This would “greatly increase the chances of the provincial party” (but the idea was vetoed by the federal party leadership).<sup>46</sup> In another example, the ÖVP party newspaper responded to the SPÖ’s hope that Carinthian unity would include both ethnic groups and would not allow any place for “chauvinism,” saying that

In the border *Volk* there are only two groups of people: those loyal to the *Heimat* and traitors to the province [*Heimattreue und Landesverräter*]. So where is the chauvinism to which the Socialists refer?<sup>47</sup>

In other words, the mere imputation of intolerance was indignantly—and intolerantly—rejected. Polarization could also be seen in daily interactions in Southern Carinthian villages: for example—perhaps exemplifying Ernst Renan’s famous “*plébiscite de tous les jours*”—there was pressure to greet with the German *Grüß Gott!* rather than the Slovene *Dober Dan!*

A further insight into the usages of the militarized plebiscite is provided by a discussion in the Austrian cabinet a few months before its thirtieth anniversary. The Carinthian government asserted its claim to exceptional status by demanding a substantial grant (165 million Schillings) from the federal government to support a range of infrastructure projects. The initial response of the non-Carinthian members of the government was far from favorable. Chancellor Leopold Figl was appalled at the extent of the Carinthian demands, which he described in disbelief as “no more and no less than 165 million Schillings”; the sum was a “thing of impossibility.” In the ensuing debate, (Carinthian) State Secretary Ferdinand Graf (ÖVP) argued that because “fighting [*Kämpfe*] and a plebiscite” had taken place in Carinthia, Carinthia had a legitimate claim to special financial consideration which went beyond the claims of other Austrian provinces.<sup>48</sup> By contrast, Foreign Minister Karl Gruber stressed the importance of

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46 See Knight, *Politik der Assimilation*, 202.

47 “Ist Heimattreue Chauvinismus?” *Volkszeitung*, May 4, 1949.

48 Ministerratsprotokoll (MRP) Figl II, Nr. 211, 11 July 11, 1950, ÖStA, AdR, BKA; cited in Knight, *Politik der Assimilation*, 220–23.

avoiding damage to relations with Yugoslavia, which were now slowly improving; the “losing side” should be treated with sensitivity. In his forthcoming visit to Klagenfurt, he would attempt to “pour cold water on the hotheads.” Though he did not specify who they were, it is likely he had the German national wing of the Carinthian People’s Party in mind. It was also agreed that VdU representatives should be kept away from the official plebiscite celebrations. In the event, the anniversary celebrations seem to have gone off without any trouble.<sup>49</sup> On the anniversary day itself, Chancellor Leopold Figl gave a thinly veiled warning that not only was “love and loyalty to the Austrian fatherland particularly necessary,” but so was the “discipline and trust” without which “Carinthia would not have been able to achieve victory.”<sup>50</sup> That could be read as an attempt to steer a difficult course between endorsing some military values while still invoking Austrian national identity (which, in fact, had been little in evidence in 1920).

However, it is doubtful that the “hotheads” did indeed cool down over the following decade. A prime counterexample came in the following year with the 1951 census, which, in a controversial move, introduced *Windisch* as a linguistic category. It was hardly a secret that the aim, following VdU lobbying, was to deepen the division of Slovene speakers into nationally conscious and assimilationist groups. As one Austrian diplomat (correctly) assumed, the aim was to divide the minority into two parts “in order to implement Germanization more easily.”<sup>51</sup> In other words, the aim was to separate those “loyal to the *Heimat*” from their “treasonous” leaders.

In many accounts, assuming a *Primat der Diplomatiepolitik*, the Slovene minority, along with the disputed border, effectively disappears from view after 1949. But from a perspective which takes account of provincial-national-international interactions, the anti-Slovene dynamics within the province actually gained momentum precisely at the moment when international actors were losing interest in them. As for national politicians, they were unmoved by the growing pressure on bilingual instruction in Southern Carinthia; on the contrary, many in the two main parties apparently identified with some of those exerting it. In 1955, the Austrian chancellor Julius Raab saw Article 7, protecting Austrian Slovenes and Croats, as one of several “redundant articles” which he would have liked to see removed from the final State Treaty text.

49 Sicherheitsdirektion, Kärnten, LB September 1950, 14–15, ÖStA, AdR, BMI (Bundesministerium für Inneres), 30.344-2/50.

50 “Österreich frei und ungeteilt!,” *Wiener Zeitung*, October 11, 1950.

51 Fischer Note, June 19, 1952, ÖStA, AdR cited in Knight, *Politik der Assimilation*, 237.

In the event, the article remained but there was little interest in giving substance to its provisions; instead, a decades-long saga over the implementation of the provisions on bilingual place names began. German national associations, like the re-founded *Kärntner Heimatdienst*—a lobby first established in 1920 to maintain Carinthian “unity” and *Deutschtum*—gained fresh momentum from the latitude brought by the restoration of sovereignty. The way plebiscitary assumptions overshadowed ethnic politics can be seen in the minority committee of the Carinthian Diet at the end of 1956. It resolved that the implementation of minority protection, for example, the use of Slovene as an official language or in place names, should be preceded by an ethnic survey, which would pose the simple but polarizing question: “Are you a Slovene, yes or no?”<sup>52</sup>

### Dismantling the Bilingual Education Provision

Framing the bilingual instruction issue as an either-or choice between German and Slovene obscured the positive advantages of bilingualism, whether as an escape route out of ethnic confrontation or, as Tischler had hoped, as a bridge between the two cultures of the province. One of the successes of the campaign against bilingual schooling was the way it portrayed its position as a fight for freedom of choice—whether collectively for the self-determination of the *Windisch* or individually for parents seeking to assert their “parental right” (*Elternrecht*). Since this “right” was generally invoked by—or on behalf of—Slovene-speaking parents, it amounted to the right to ensure that children would be unable to opt for their own language or culture (in addition to German) once they reached adulthood.

In September 1958, this was achieved for several thousand children in Southern Carinthia when compulsory bilingual education was abruptly ended by a decree of the Carinthian Governor Ferdinand Wedenig. It triggered a short but intensive campaign by a range of local actors, German national activists, employers, and, in some cases, teachers and parents. Henceforth, parents wanting bilingual education for their children were required to explicitly register for it. A massive assimilatory shift resulted, with the number of bilingually educated children dropping, at a stroke, from around 11,000 to just over 2,000. An extreme example of this shift occurred when a single-class village school, consisting of 17 monoglot Slovene children, saw 16 of the children deregistered, mean-

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<sup>52</sup> Sereinigg (Präsident des Kärntner Landtages) to Carinthian Government, December 14, 1956, ÖStA, AdR, BMU 27,901: Kärntner Landtag 13, December 17, 1956.

ing the class could only be taught in German, which the children were unable to understand. This example encapsulates the problem of parental freedom in a context of power disparities: the police report into the case suggests that pressure to deregister had not involved any illegality, but was rather inherent in the economic dependency of the parents, who were mostly forestry workers on the large Barental estate. The outcome was described by one official of the Education Ministry in Vienna as “odd.”<sup>53</sup> Strikingly, all parents signed a declaration that they had made a “free decision.” Four months later, an investigatory commission from the Education Ministry noted, with some understatement, that the deregistrations in the whole area only had a “very indirect relationship to the actual state of linguistic belonging [*Sprachzugehörigkeit*].”<sup>54</sup>

Just as the campaign against compulsory bilingual instruction had been underpinned by the mythology of the militarized plebiscite, its successful demolition was hailed as a triumphant confirmation of it.<sup>55</sup> By the fortieth anniversary of the plebiscite two years later, this interpretation had become almost hegemonic. Compared to the ceremonies a decade earlier, the “hotheads” were in the ascendant. In contrast to 1950, Governor Wedenig hoped not to exclude but to integrate the “loyal” organizations in order to prevent “mischief” being made,<sup>56</sup> but the appointment of Franz Koschier as organizer of the celebrations suggests that this was a risky strategy. In 1941, Koschier had played a leading role in the Nazi project of eliminating Slovene culture and language in the *Oberkrain*, specifically selecting Slovene library books for pulping.<sup>57</sup> In the celebrations themselves, alongside folk dancers and costumes, the main celebratory parade through the center of Klagenfurt included the veterans association marching in formation (some of them reportedly sporting medals with Nazi emblems), as well as German national student corporations. In fact, a reader of the official celebration publications could have been forgiven for wondering if there were any Slovenes living in Carinthia at all.<sup>58</sup>

53 SiDion Kärnten an BMI, September 29, 1958, Kövesi minutes, October 9, 1948, ÖStA, AdR, BMU, 90.679/58.

54 Record of the inspection of the bilingual school system in the province of Carinthia/Protokoll über die Inspektion des zweisprachigen Schulwesens im Bundesland Kärnten, ÖStA, AdR, BMU, 36.251/59.

55 “Elternentscheid wurde eine Volksabstimmung” *Volkszeitung*, October 10, 1958; similarly “Die Eltern des Grenzlandes haben entschieden,” *Unterkärntner Nachrichten*, October 17, 1958.

56 Meeting with minority leaders, November 11, 1959, Knight, *Politik der Assimilation*, 324.

57 Ferenc, *Quellen*, 432.

58 See Franz Koschier and Hans Piuk eds., *Kärnten frei und ungeteilt: Landesfeier 10. Oktober 1960* (Klagenfurt: Verband für Kultur—und Heimatpflege Kärntens, 1960).

Commemorations were reinforced by the “authentic” testimony of German national eyewitnesses, including Hans Steinacher, the prominent German nationalist veteran of the *Abwehrkampf* and the plebiscite campaign, and later a Nazi party member, who led a *Kärntner Heimatdienst* group in the parade; his associate Karl Fritz (who had been an SS officer) declared authoritatively that “without the Freedom Fight of the Carinthians, there would have been no Plebiscite.”<sup>59</sup>

## Conclusion

Carinthian minority politics in the decades since 1960 have been far from uneventful; the 1970s were particularly tumultuous. In the so-called “place name storm” of 1972, bilingual village name signs, set up to implement Article 7, were pulled down by “spontaneous” protesters while the police generally looked on. In many ways, this replicated the pattern of the 1958 “storm”—the German national campaign which in September 1958 had led parents to deregister their children from bilingual instruction. Four years later, Chancellor Bruno Kreisky and Carinthian Governor Hans Sima faced the debacle of the “Special Ethnic Census,” which was rejected by the Slovene leadership.<sup>60</sup> This measure, which in some ways resembled a plebiscite, highlighted once again the problem of trying to establish ethnic identities in a context of political, economic, and psychological inequality.

Developments in Carinthia’s ethnic politics from the 1970s until the recent centenary celebrations of 2020 can, at the risk of oversimplification, be summarized in four concluding points:

*First*, Austrian President Alexander van der Bellen broke new ground by making a formal apology to “dear members” of the Slovene minority “for the injustice suffered and for failings in the implementation of constitutionally guaranteed rights.”<sup>61</sup> This can be contrasted positively with the self-congratulation of one of his predecessors, Adolf Schärf, when he asserted on October 10, 1960, that Carinthia had provided evidence to the world that “border and minority problems can be solved justly and humanely. May it be imitated wherever possible.”<sup>62</sup> Admittedly, van der Bellen’s targeting of the apology at those Slo-

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<sup>59</sup> “An der Grenze nicht Bunker sondern Kultur,” *Volkszeitung*, October 12, 1960.

<sup>60</sup> See Wolfgang Petritsch, *Bruno Kreisky: Die Biographie* (Salzburg: Residenz, 2010), 210–14; Petra Mayrhofer, *Hans Sima: Ein politisches Leben; Kärntner Landeshauptmann (1965–1974)* (Vienna: Böhlau, 2015).

<sup>61</sup> “Kärntner Slowenen: Van der Bellen entschuldigt sich,” *news.ORF.at*, <https://orf.at/stories/3184660/> (accessed on August 3, 2022).

<sup>62</sup> “Der Welt ein Beispiel,” *Die Neue Zeit*, October 12, 1960.

venes who had ensured a pro-Austrian majority in 1920 could also be criticized for perpetuating, however unintentionally, the dichotomy between acceptable, loyal Slovenes (previously called “*Windisch*”) and unacceptable, potentially treasonous Slovenes. Yet, his statement at least had the potential to take the debate beyond narrow legalism about the (non-)implementation of State Treaty Article 7 and point it instead towards the original September 1920 pledge by the *Landesversammlung* to nurture Slovene culture.

*Second*, the values of the militarized plebiscite have been increasingly questioned within Carinthia and Austria as a whole. Karl Fritz’s apodictic statement of 1960, sustained by veterans’ organizations and far-right networks, was given a scholarly backing by the director of the Carinthian Provincial Archive (*Landesarchiv*), William Neumann. But the glorification of military virtues was also increasingly qualified by reference to the plebiscite as a democratic act, or in Neumann’s phrase, the “democratic victory of the right to self-determination, achieved through sacrifices.”<sup>63</sup> This has also sometimes come with the inflated claim to a pioneering role for the province in the post-World War I settlement—a claim that fitted badly with an increasingly globalized historiography.<sup>64</sup> A more fundamental shift, partly linked to generational change, was evident in Karl Stuhlpfarrer and Hans Haas’s critical revisionism of Carinthia’s German national traditions.<sup>65</sup> In the 1990s, this was reinforced by the growing public awareness of the criminality of *Wehrmacht* misdeeds, which also pointed to the murderous implications of designating the province as a bulwark against a supposed South Slav threat.<sup>66</sup> The most recent discussion about Hans Steinacher demonstrates both the persistence of the glorification of the military and the push-back against it. Some of Steinacher’s contemporary defenders have apparently retreated from earlier hagiography to a “historicist” position, in which “light” and “shadows” are seen in a supposedly judicious balance; however, seeking “light”

63 Wilhelm Neumann, *Bausteine zur Geschichte Kärntens* (Klagenfurt: Verlag des Kärntner Landesarchivs, 1985), 220. See also Claudia Fräss-Ehrfeld, “Kärnten 1918–1920,” in *Österreich: 90 Jahre Republik*, ed. Stefan Karner and Lorenz Mikoletzky (Innsbruck: StudienVerlag, 2008).

64 See, among others, Mark Mazower, *Dark Continent: Europe’s Twentieth Century* (London: Penguin, 1999); Jörg Fisch and Elisabeth Müller-Luckner, eds. *Die Verteilung der Welt: Selbstbestimmung und das Selbstbestimmungsrecht der Völker / The World Divided: Self-Determination and the Right of Peoples to Self-Determination* (Munich: Oldenbourg, 2011); Susan Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (Oxford: Oxford University Press, 2015); Marcus M. Payk, *Frieden durch Recht? Der Aufstieg des modernen Völkerrechts und der Friedensschluß nach dem Ersten Weltkrieg* (Berlin/Boston: de Gruyter, 2018); Jörn Leonhard, *Der überforderte Frieden: Versailles und die Welt, 1918–1923* (Munich: Beck, 2019); Payk and Pergher, *Beyond Versailles*.

65 Hanns Haas and Karl Stuhlpfarrer, *Österreich und seine Slowenen* (Vienna: Löcker, 1977).

66 See Walter Manoschek, “Serbien ist judenfrei”: *Militärische Besatzungspolitik und Judenvernichtung in Serbien 1941/42* (Berlin: de Gruyter, 1995).

in Steinacher's (self-attributed) role as an opponent of Nazism is a risky enterprise, as new research about his interwar activism and Nazi party membership shows.<sup>67</sup> Similarly, for the Second Republic, rather than discussing Steinacher's inability to revise his life-long anti-Slovene commitment, his admirers prefer to focus on an alleged "missed opportunity" to make him Carinthian governor after 1949; the evidence for this opportunity is flimsy at best, while the implications of Steinacher's dream of a Carinthia purged of Slovene culture and language are left undiscussed.<sup>68</sup>

*Third*, there are some signs of a more positive attitude toward Slovene language and culture. For example, there was a striking increase in the public visibility of Slovene—at least in Klagenfurt—during the centenary commemorations, relative to 1960. That may also reflect the attitude of the organizers of *CARINTHIJA*; the official program seems to have left the militarized plebiscite far behind.<sup>69</sup> One of the main organizers, Helmut Konrad, was presumably recalling the "pledge" of September 1920 when he commented that "before the plebiscite there was the idea of a common Carinthia, with language and cultures having equal values. The fact that this immediately led to German Carinthia is, in my view, the basic evil of the injuries which have occurred on both sides."<sup>70</sup> The success of the novel by the Slovene Maja Haderlap, *Engel des Vergessens* (Angel of Oblivion), which lays bare the complex post-Nazi trauma of many Carinthian Slovenes, indicates a potential for empathy with Carinthian Slovenes which goes well beyond Carinthia.<sup>71</sup>

*Fourth*, however—to end on a more skeptical note—the negative legacy of the militarized plebiscite can still be seen in much of the discussion about the place of the Slovene minority. One example was the unveiling of a new monu-

67 Thomas Zeloth, "Hans Steinacher als völkischer Ideologe," in *Hans Steinacher in Licht und Schatten: Ein Kärntner in seiner Zeit*, ed. Kärntner Heimatdienst (Klagenfurt: Kärntner Heimatdienst, 2020), 39–80; Hans-Werner Retterath, "Hans Steinacher," in *Handbuch der völkischen Wissenschaften*, ed. Michael Fahlbusch, Ingo Haar, and Alexander Pinwinkler (Berlin/Munich/Boston: de Gruyter, 2017), 788–94; Klaus Schönberger, "... der in meinem Auftrag erfolgten Erschießung: Hans Steinacher—ein Kärntner 'Held' als Agent des völkischen Terrorismus," in *100. obletnica plebiscita na Koroškem: zgodovinske izkušnje in pogled v prihodnost/100 Jahre Kärntner Volksabstimmung: Historische Erfahrungen und Blick in die Zukunft*, ed. Danijel Grafenauer (Ljubljana: Slovenska Matica, 2021).

68 Lothar Höbelt, "Hans Steinacher und die gescheiterte Bürgerliche Wende in Kärnten," in *Hans Steinacher in Licht und Schatten*, 125–34; see also Werner Drobesh, "Die Geschichte der Kärntner ÖVP 1945–1994," in *Volkspartei—Anspruch und Realität: Zur Geschichte der ÖVP seit 1945*, ed. Robert Kriechbaumer and Franz Schausberger (Vienna: Böhlau, 1995), 547–48.

69 <https://carinthija2020.ktn.gv.at/> (accessed on August 1, 2022).

70 Interview with Helmut Konrad, "Kärnten 2020, Normalland" *Magazin*, <https://slo-magazin.at/kaernten-2020-normalland/> (accessed August 1, 2022).

71 See, among others, Douglas Carlton McKnight, "Persecution and Resistance: The Carinthian Slovenes and Memories of the Second World War" (PhD thesis, Georgetown University 2020), 200–30.

ment to Hans Steinacher in Völkermarkt. Another example is the tendentious assessments of historians like Stefan Karner, who downplays German nationalist lobbying and pressure; for example, Karner’s portrayal of the 1958 deregistration campaign ignores pressure on Slovene-speaking parents. Similarly, Karner’s recent account of the 1972 “place name storm” in Southern Carinthia replicates the standard German nationalist account, which sees it as a spontaneous response by a frustrated local population, which had been inadequately prepared by provincial and federal governments for the shock of seeing their villages with place names in both languages. Confusingly, after tracing the 1972 “eruption” back to the 1920 plebiscite, he points to the Nazi persecution of Slovenes in his explanation for anti-Slovene activism.<sup>72</sup> This writing-out of German nationalist agency also fits well with the world view of one of the main lobbyists, Andreas Mölzer, the far-right publicist who is now head of the *Kärntner Heimatdienst*, for whom the Carinthian *Heimat* is always under threat.<sup>73</sup> His statements about the minority suggest that he is even less able than Karner to empathize with Slovene-speaking Carinthians, and that he is not willing to even make the attempt.<sup>74</sup>

As these interpretations suggest, Carinthia’s future path towards a “liberating memory culture” is unlikely to be easy.<sup>75</sup> Admittedly, the continuation of assimilatory pressure on the Slovene language is today more likely to be clothed as common-sense moderation, or even multiculturalism, than an explicit endorsement of military values. But the recent warnings by some in the Carinthian Freedom Party against “further Slovenization”<sup>76</sup> suggest—despite a partial retreat—that, in parts of Carinthia, both assumptions of German superiority and the hopes of “right-peopling” Carinthia are still alive and kicking.<sup>77</sup>

72 “50 Jahre Ortstafelsturm,” *kaernten.ORF.at*, September 19, 2022, <https://kaernten.orf.at/stories/3174199/> (accessed on October 10, 1922).

73 See Andreas Mölzer, *Kärntner Freiheit, Ein österreichischer Sonderfall* (Vienna: Amalthea 1990).

74 Andreas Mölzer, “Ein geschlossenes Territorium für Kärntens Slowenen?,” *Die Presse*, June 9, 2022.

75 See Nadja Danglmaier, Brigitte Entner, Ute Holfelder, and Elisabeth Klatzer eds., *Koroška/Kaernten: Wege zu einer befreienden Erinnerungskultur* (Vienna: Mandelbaum, 2022).

76 See ORF report “‘Slowenisierung’ auch auf Flyer der FPÖ,” February 16, 2023, <https://volksgruppen.orf.at/slovenici/meldungen/stories/3194970/> (accessed on March 9, 2023).

77 See the criticism by Elena Messner, “Kärntner Versuchungen,” *Tagebuch*, no. 10 (2020): 36–40; Klub Slovenskih študentki in študentov na Dunaju et al., *100 Jahre nichts zu feiern! Aspekte antislovenischer Kontinuität in Kärnten/Koroška/Nāše vse je upor, Sledi protislovenske tradicije na Koroškem* (Vienna Graz Klagenfurt, KSŠSD etc., 2020); and the outstanding 2022 film directed by Andrina Mračnikar, *Verschwunden/Izginjanje* (Disappearing).

## Chapter Eleven

# About Sèvres, Lausanne, the Widow Molla Sali, and the Ineffectual Attempt of Greece to Circumvent the Principles of the Framework Convention for the Protection of National Minorities

DETLEV REIN \*



*Nur wer die Vergangenheit kennt, kann die Gegenwart verstehen und die Zukunft gestalten.*

Only those who know the past can understand the present and shape the future.

AUGUST BEBEL

### The Case of Mrs. Molla Sali

The judgment of the Grand Chamber of the European Court of Human Rights (ECtHR) in respect of the appeal of the Greek widow Molla Sali against Greece, which was decided on December 19, 2018, is the present in the spirit of the opening quotation from Bebel.<sup>1</sup>

Mrs. Chatitze Molla Sali's husband, Mustafa Molla Sali, a member of the Muslim community of Thrace, died in 2008. In 2003, he had drawn up a notarized public will in accordance with the relevant provisions of the Greek Civil Code. In 2009, the deceased's two sisters challenged the validity of the will before the Court of First Instance, claiming three-quarters of the property bequeathed. They argued that they and the deceased belonged to the Thrace Muslim community, and that any questions relating to his estate were therefore subject to Islamic religious (Sharia) law and the jurisdiction of the mufti (an Islamic cleric), rather than to the provisions of the Greek Civil Code. They contended that the

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\* The author wishes to thank Ms. Talea Grootenhuis for her linguistic advice.

1 Application no. 20452/14; <https://hudoc.echr.coe.int/eng#%22itemid%22:%222001-188985%22>].

application of Muslim customs and Sharia law to Greek nationals of Muslim faith had been laid down in Article 14 § 1 of the Treaty of Sèvres (Concerning the Protection of Minorities in Greece) and Articles 42 and 45 of the Treaty of Lausanne. They argued that the law of succession applicable to Muslims was based on intestacy rather than testacy. Under Islamic law, when the deceased is survived by close relatives, the will only serves to complement the intestate succession. These provisions continued to be applied after the adoption of the Greek Civil Code, pursuant to the Introductory Law to the Code, solely in respect of Greek nationals of Muslim faith living in Thrace. In its judgment of 2010, the Court of First Instance dismissed the sisters' challenge.

Their appeal against this judgment was also dismissed by the Thrace Court of Appeal in 2011. It emphasized, firstly, that the legislative provisions enacted pursuant to the Treaties of Sèvres and Lausanne had been intended to protect Greek nationals of Muslim faith, and were in conformity with the Constitution and the European Convention on Human Rights and its Protocols. In 2012, the sisters appealed against this judgment, and the appeal was again dismissed in the same year. The case went further up and down the ladder of Greek jurisdiction, and concluded with the widow losing the court proceedings in 2017 by judgment of the Court of Cassation. That judgment marked the end of the proceedings in respect of the property located in Greece; as a result, the widow was deprived of three-quarters of the property bequeathed. The widow brought the case to the ECtHR, which decided in December 2018.<sup>2</sup>

The final decision will be presented and commented on later; but first we turn—following Bebel's quote—to the past, to legal sources of a century ago.

### European Treaties and Treaties of and with Greece and Turkey in Respect of Minorities<sup>3</sup>

In the decade between 1913 and 1923, the legal and factual situation of minorities in Greece and Turkey was subject to several treaties, among them five peace treaties resulting from the Paris Peace Conference, and named after Parisian suburbs, as well as the treaties that followed or replaced them. Of particular significance:

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<sup>2</sup> Application no. 20452/14, §§ 8–31.

<sup>3</sup> The treaties discussed in the following sections can be found in online publications. A large number of printed peace treaties can be found in Randall Lesaffer, ed., *Peace Treaties and International Law in European History: From the Late Middle Ages to World War One* (Cambridge: Cambridge University Press, 2004), xii–xx.

The Treaty of Peace between Turkey and Greece,  
Signed at Athens, November 11, 1913,<sup>4</sup>

The Treaty of Peace between the Allied and Associated Powers and Bulgaria,  
and Protocol and Declaration,  
Signed at Neuilly-sur-Seine, November 27, 1919,<sup>5</sup>

The Treaty of Peace between the Allied and Associated Powers and Turkey,  
Signed at Sèvres, August 10, 1920,<sup>6</sup>

The Treaty Concerning the Protection of Minorities in Greece,  
Signed at Sèvres, August 10, 1920,<sup>7</sup>

The Convention Concerning the Exchange of Greek and Turkish Populations,  
Signed at Lausanne, January 30, 1923,<sup>8</sup>

The Treaty of Peace with Turkey,  
Signed at Lausanne, July 24, 1923.<sup>9</sup>

It should be noted that not all of these treaties came into effect, and that some were later annulled or reinterpreted. This complicates matters because the validity of some of these treaties is sometimes assessed differently by courts within the same state, by courts in different states, or by international institutions and in international law theory.

Besides the treaties mentioned above, two more recent international instruments must be taken into consideration, the validity of which is not in doubt:

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4 “The Treaty of Peace Between Turkey and Greece,” *American Journal of International Law* 8, no. 1, Supplement: Official Documents (January 1914): 46–55, <https://www.jstor.org/stable/2212405?seq=1>; cited here: Treaty of Athens; see also ECtHR, Application no. 38178/97 (*Serif v. Greece*), <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-58518%22%5D%7D>}, § 20.

5 [https://wwi.lib.byu.edu/index.php/Treaty\\_of\\_Neuilly](https://wwi.lib.byu.edu/index.php/Treaty_of_Neuilly); cited here: Treaty of Neuilly-sur-Seine.

6 [https://wwi.lib.byu.edu/index.php/Peace\\_Treaty\\_of\\_Sevres](https://wwi.lib.byu.edu/index.php/Peace_Treaty_of_Sevres); cited here: Treaty of Sèvres 1.

7 <http://www.forost.ungarisches-institut.de/pdf/19200810-2.pdf>; cited here: Treaty of Sèvres 2.

8 [http://www.mfa.gov.tr/lausanne-peace-treaty-vi-convention-concerning-the-exchange-of-greek-and-turkish-populations-signed-at-lausanne\\_.en.mfa](http://www.mfa.gov.tr/lausanne-peace-treaty-vi-convention-concerning-the-exchange-of-greek-and-turkish-populations-signed-at-lausanne_.en.mfa); <http://www.worldlii.org/int/other/LNTSer/1925/14.html>; cited here: Treaty of Lausanne 1.

9 <http://www.mfa.gov.tr/lausanne-peace-treaty-part-i-political-clauses.en.mfa>; cited here: Treaty of Lausanne 2.

Convention for the Protection of Human Rights and Fundamental Freedoms,  
Signed at Rome, November 4, 1950, and its Protocol No. 1,<sup>10</sup>

Framework Convention for the Protection of National Minorities,  
Signed at Strasbourg, February 1, 1995.<sup>11</sup>

### Before World War I and the Treaty of Athens

Since 1699, the Ottoman Empire had been in constant decline. In 1830, for instance, it lost the southern region of what is now the Republic of Greece. Several upheavals and wars followed, including the two Balkan Wars, which were formally ended by the Treaty of Athens signed on November 14, 1913, between the Ottoman Empire and the Kingdom of Greece. The Empire ceded Macedonia (including the major city of Thessaloniki), most of Epirus, and many Aegean islands to Greece. Additionally, the Ottoman Empire acknowledged Greek sovereignty over the island of Crete, which had been an autonomous state under Ottoman suzerainty since 1897.<sup>12</sup> It is important for our case that minority rights were granted to the Muslims living in the territory newly conquered by Greece.

Article 11 of the Treaty of Athens provided, *inter alia*, that the life, property, honor, religion, and customs of those inhabitants of the territories ceded to Greece, who remain under Greek dominion, should be scrupulously respected, and that they should enjoy the same civil and political rights as native Greek subjects. Free and public practice of religion should be assured to Muslims. The muftis, in addition to their authority over purely religious affairs and their supervision of the administration of *vakouf* (public property), should exercise jurisdiction between Muslims in matters of marriage, divorce, *néfaca* (maintenance payments), guardianship, trusteeship, capacity of minors, Islamic wills, and succession to the position of Mutevelli (tevljet). Furthermore, the judgments rendered by the muftis should be executed by the proper Greek authorities. Muslim parties were allowed to resort to the mufti as an arbitrator in matters of inheritance, and all methods of appeal practiced before the national courts should be

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10 [https://www.echr.coe.int/Documents/Convention\\_ENG.pdf](https://www.echr.coe.int/Documents/Convention_ENG.pdf); cited here: European Convention.

11 <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800c10cf>; cited here: Framework Convention.

12 On the situation after the two Balkan Wars, see Björn Opfer-Klinger, "Ein Friede der keiner war: Der Vertrag von Athen und der griechisch türkische Gegensatz 1913–1923," *Halbjahresschrift für südosteuropäische Geschichte, Literatur und Politik* 25, nos. 1–2 (2013): 95–118, 100f.

applicable to the arbitral decision thus rendered, unless there was a clause explicitly providing for the contrary.

The Treaty of Athens is, in part, a rather modern instrument with clauses about the human and citizens' rights of a minority, which one could just as easily find in an international or bilateral agreement in our century. But the rules about family, marriage, and inheritance law, which introduce a second legal system into the same state, are quite unique for a European country, and seem out of place in a state with the principles of equal treatment, legal clarity, and compliance.

This system of minority protection must be seen in the light and tradition of the Ottoman institution of "*millet*," which can be described as an ethno-religious community and which had a special legal status for the Greek Orthodox, Armenian, and Jewish communities of the Empire.<sup>13</sup> Already in 1881, Greece and the Ottoman Empire had signed the Convention of Constantinople,<sup>14</sup> which contained the agreement "*Les Tribunaux du Chéri locaux continueront à exercer leur juridiction en matière purement religieuse*"<sup>15</sup> (Article VIII), and which was binding on Greece in the newly gained territories. This meant that the family disputes of Muslims—including divorce, child custody, and inheritance matters—had to be decided by the muftis.

The highest Greek courts have different opinions as to the current validity and scope of the Treaty of Athens. The Supreme Administrative Court has ruled that the provisions of the Treaty of Lausanne on protecting minorities are based on the principle of equal treatment of members of minorities and other citizens in the exercise of their civil and political rights. In its view, Article 11 of the Treaty of Athens is not compatible with the aforementioned principle, and is therefore no longer applicable. On the other hand, according to the settled case law of the civil bench of the Court of Cassation, the Treaty of Athens is the legal basis for the protection of minorities in Greece, and the international obligation to apply Sharia law flows from that treaty.<sup>16</sup>

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13 See Konstantinos Tsitselikis, "The Minority Protection System in Greece and Turkey Based on the Treaty of Lausanne (1923): A Legal Overview," (paper presented at the 7th International Student Conference, Borjan Tanevski Memorial Fund, ACT/Anatolia College, May 14, 2010), [http://www.sophia.de/borjan/BTCconference2010/Tsitselikis\\_Lausanne\\_system.pdf](http://www.sophia.de/borjan/BTCconference2010/Tsitselikis_Lausanne_system.pdf), 2; Gustave Edmund von Grunebaum, *Der Islam*, vol. 2, *Die islamischen Reiche nach dem Fall von Konstantinopel* (Frankfurt am Main: Fischer, 1974), 53.

14 Convention avec la Grèce relative à la rectification des frontières Turco-Grecques, du 2 juillet 1881, see archived at [https://web.archive.org/web/20081120210837/http://www.mfa.gr/NR/rdonlyres/E6B34D2A-C9B3-4530-8691-8DC378A4B832/0/1881\\_constantinople\\_convention.doc](https://web.archive.org/web/20081120210837/http://www.mfa.gr/NR/rdonlyres/E6B34D2A-C9B3-4530-8691-8DC378A4B832/0/1881_constantinople_convention.doc).

15 "The local Sharia courts will continue to exercise their jurisdiction in purely religious matters." Translation mine.

16 See ECtHR, Application no. 20452/14; <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-188985%22%5D%7D>}, § 44.

The Greek Government stated, at the hearing before the Court, that the provisions on minorities set out in the Treaty of Athens had lapsed for two separate reasons: First, the transfer of all Muslims to Turkey (apart from those living in Western Thrace), according to the Convention Concerning the Exchange of Greek and Turkish Populations of January 30, 1923, rendered the provisions devoid of purpose. Second, those provisions had been abrogated by the Treaty of Lausanne of July 24, 1923.<sup>17</sup>

The ECtHR counts the Treaty of Athens as one of three international treaties on which the protection of the religious distinctiveness of Greek Muslims is based.<sup>18</sup>

### World War I and the Paris Peace Conference—Treaties in Respect of Turkey and Greece

The Ottoman Empire participated in World War I as one of the Central Powers. It entered the war by carrying out a surprise attack on Russia's Black Sea coast in October 1914, with Russia responding by declaring war shortly thereafter. Ottoman forces fought the Entente in the Balkans and the Middle East. Greece stayed more or less neutral until June 1917, when it declared war on the Central Powers. Greece, having emerged on the victorious side of the war, attended the Paris peace negotiations on the side of the Principal Allied Powers.<sup>19</sup>

Between 1919 and 1923, nine treaties containing minority regulations were signed, and five declarations and four bilateral treaties were submitted for guarantee by the League of Nations.<sup>20</sup> The norms contained in these peace treaties forced Turkey, and three other defeated powers,<sup>21</sup> to protect the national minorities in their (remaining) territory. Greece, and four other victorious powers,<sup>22</sup> signed treaties for the protection of national minorities that now resided within their territories—either as newly created states or because they had increased their territory as a result of post-war border adjustments. Finally, there were two treaties on the exchange of populations—one of these was between Greece and Turkey.

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17 See ECtHR, Application no. 20452/14, § 113.

18 See ECtHR, Application no. 20452/14, § 62; see also ECtHR, Application no. 38178/97 (*Serif v. Greece*), § 20.

19 *Sèvres 1* differentiates, on the victorious side, between the Principal Allied Powers and the other Allied Powers.

20 See here and the following: Björn Arp, *International Norms and Standards for the Protection of National Minorities* (Leiden/Boston: Brill, 2008), 4n9.

21 Austria, Hungary, and Bulgaria.

22 Poland, Czechoslovakia, the Serb-Croat-Slovene state, and Romania.

*The Treaty of Peace between the Allied and Associated Powers and Bulgaria, and Protocol and Declaration Signed at Neuilly-sur-Seine, November 27, 1919*

The peace treaty with Bulgaria is of interest for our consideration insofar as it defined the new borders of Bulgaria; Western Thrace was ceded to the Entente (which awarded it to Greece), thereby cutting off Bulgaria's direct access to the Aegean Sea (Article 27). Bulgaria had to renounce in favor of Greece all rights and title over the territories of the Bulgarian Monarchy situated outside the frontiers of Bulgaria, as laid down in Article 27 (Frontiers of Bulgaria), and recognized by this treaty, or by any treaties concluded for the purpose of completing the present settlement, as forming part of Greece (Article 42).

*The Treaty of Peace between the Allied and Associated Powers and Turkey*

The Treaty of Peace between the Allied and Associated Powers and Turkey was signed at Sèvres on August 10, 1920. The Principal Allied Powers were the British Empire, France, Italy, and Japan; the Associated Powers were Armenia, Belgium, Greece, the Hedjaz, Poland, Portugal, Romania, the Serb-Croat-Slovene state, and Czecho-Slovakia.

Sèvres 1 begins, as other Paris Peace Conference treaties, with the Covenant of the League of Nations, followed by 407 articles regulating nearly everything that was of interest to the victorious powers: the frontiers of the remaining state of Turkey; the destiny of former territories of the Ottoman Empire; citizenship; prisoners of war; graves; military, naval, air, and railway clauses; and financial and economic clauses.

Whereas Greece had gained Western Thrace from Bulgaria by the Treaty of Neuilly-sur-Seine, it now came into possession of Eastern Thrace by the Treaty of Sèvres (Article 27). Greece thus obtained coastlines on both the Black Sea and the Sea of Marmara. But Greece only enjoyed possession of Eastern Thrace for three years.

Four further items of this treaty are of special interest in respect of minority questions:

Article 95 on the future of Palestine: The High Contracting Parties agree to entrust the administration of Palestine to a Mandatory, which is to be selected by the Principal Allied Powers. The Mandatory will be responsible for effecting a declaration originally made on November 2, 1917, by the British Government and adopted by the other Allied Powers. The declaration calls for the establishment in Palestine of a national home for the Jewish people, with the understanding that nothing should be done which may prejudice the civil and religious

rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.

Article 64 on the Kurdish peoples: If within one year from the coming into force of the treaty, the Kurdish peoples within a defined area in the east of Turkey can show the Council of the League of Nations that a majority of the population of these areas desires independence from Turkey, and if the Council considers these people to be capable of such independence and recommends that it be granted to them, Turkey must agree to execute this recommendation and to renounce all rights and title over these areas.<sup>23</sup>

Nineteen articles of the treaty (Articles 65–83) are devoted to the further destiny of Smyrna—today’s Izmir. This city was of special interest to Greece, because about 40 percent of the inhabitants were Greek. A local parliament was to be set up with an electoral system calculated to ensure proportional representation of all sections of the population, including racial, linguistic, and religious minorities. It was foreseen that five years after the treaty coming into force, this local parliament may, by a majority of votes, ask the Council of the League of Nations for the definitive incorporation of the city of Smyrna and her surrounding region into the Kingdom of Greece. The Council of the League of Nations was foreseen to require, as a preliminary, a *plebiscite* under conditions which were still to be laid down. In the event of such incorporation, Turkish sovereignty should cease. This plebiscite never took place; instead, between the end of World War I and 1923, the city was subject to occupation, terror, murder, counter-occupation, population exchange, arson, and genocide in quick succession.<sup>24</sup>

Twelve articles of Sèvres 1 are devoted to the “Protection of Minorities” (Articles 140–152). These norms only oblige Turkey and are intended to protect Christian and Jewish Turkish nationals. The following obligations are of special interest to us:

Turkey undertakes to assure full and complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race, or religion. All inhabitants of Turkey shall be entitled to the free exercise, whether public or private, of any creed, religion, or belief,<sup>25</sup>

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23 See in detail Whitney Dylan Durham, “The 1920 Treaty of Sèvres and the Struggle for a Kurdish Homeland in Iraq and Turkey between World Wars” (PhD diss., University of Tennessee, 2010), [https://shareok.org/bitstream/handle/11244/6769/Department%20of%20Geography\\_04.pdf?sequence=1&isAllowed=y](https://shareok.org/bitstream/handle/11244/6769/Department%20of%20Geography_04.pdf?sequence=1&isAllowed=y).

24 See Leyla Neyzi, “Remembering Smyrna/Izmir: Shared History, Shared Trauma,” *History & Memory* 20, no. 2 (Fall/Winter 2008): 106–27, [http://www.levantineheritage.com/pdf/remembering\\_smyrna\\_neyzi.pdf](http://www.levantineheritage.com/pdf/remembering_smyrna_neyzi.pdf).

25 Article 141, § 1f.

no restriction shall be imposed on the free use by any Turkish national of any language in private intercourse, in commerce, religion, in the press or in publications of any kind, or at public meetings,<sup>26</sup>

in particular they (minorities) shall have an equal right to establish, manage, and control at their own expense, and independently of and without interference by the Turkish authorities, any charitable, religious and social institutions, schools for primary, secondary, and higher instruction, and other educational establishments, with the right to use their own language and to exercise their own religion freely therein,<sup>27</sup>

*the Turkish Government confirms and will uphold in their entirety the prerogatives and immunities of an ecclesiastical, scholastic, or judicial nature granted by the Sultans to non-Moslem races in virtue of special orders or imperial decrees ... as well as by ministerial orders or orders of the Grand Vizier,*<sup>28</sup>

the Turkish Government solemnly undertakes to facilitate to the greatest possible extent the return to their homes and re-establishment in their businesses of the Turkish subjects of non-Turkish race who have been forcibly driven from their homes by fear of massacre or any other form of pressure since January 1914,<sup>29</sup>

within six months from the coming into force of the present Treaty, Greece and Turkey will enter into a special arrangement relating to the reciprocal and voluntary emigration of the populations of Turkish and Greek race in the territories transferred to Greece and remaining Turkish respectively.<sup>30</sup>

Here, again, a minority is not only entitled to use its own language, to practice its own religion, and to have its own schools, but also to have its own jurisdiction in family law matters.

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26 Article 145, § 4.

27 Article 147.

28 Article 149, § 1; emphasis added.

29 Article 144, § 2.

30 Article 143, § 2.

*The Treaty Concerning the Protection of Minorities in Greece*

On the same day that Sèvres 1 was signed, the Treaty Concerning the Protection of Minorities in Greece (Sèvres 2) between the Principal and Allied Powers, on the one hand, and Greece, on the other, was signed at Sèvres. It must be remembered that Sèvres 1 only obliged Turkey—not Greece—to respect the rights of minorities. The preamble refers to the fact that “since January 1, 1913, large accessions of territory have been made to the Kingdom of Greece,”<sup>31</sup> and that “the Kingdom of Greece, which has given to the populations included in its territories, without distinction of origin, language, or religion, equality of rights, is desirous of confirming these rights and of extending them to the populations of the territories which may be added to the Kingdom.”<sup>32</sup> Finally, Recitals 3 and 4 refer to “certain obligations” from which Greece shall be freed.<sup>33</sup>

Greece’s obligations in this treaty are comparable to those in the Treaty of Athens. In our context, Article 14 of Sèvres 2 is of particular importance: “Greece agrees to take all necessary measures in relation to Moslems to enable questions of family law and personal status to be regulated in accordance with Moslem usage.”

*The Legal Destiny of the 1920 Treaties in Respect of Greece and Turkey*

[The] intention of the “Allied Powers” to grant a “firm, just and durable Peace”<sup>34</sup> was hardly to be discovered in the conditions set by the Peace Treaty of Sèvres. It reduced the former Empire to a Turkish state with Istanbul and the greater part of Anatolia without real sovereignty, divided by the victors into spheres of influence. France and Great Britain, for cen-

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31 Recital 1.

32 Recital 2; observation of the author: that Greece was “desirous” to confirm these rights sounds like a diplomatic euphemism, masking the fact that the Principal Powers expected Greece to sign this treaty.

33 One of them is “Protocol, No. 3, of the Conference held at the Foreign Office, London, on 3 February, 1830.” The third Protocol provides for religious equality, and the continued enjoyment by the Catholic religion of certain privileges in the new state of Greece: “it was decided that the Catholic religion should enjoy in the new state the free and public exercise of its worship, that its property should be guaranteed to it, that its bishops should be maintained in the integrity of the functions, rights, and privileges, which they have enjoyed under the protection of the Kings of France, and that, lastly, agreeably to the same principle, the properties belonging to the ancient French Missions, or French Establishments, shall be recognized and respected”; see Thomas Erskine Holland, *The European Concert in the Eastern Question* (1885), chap. 2, 12, 32n, [https://en.wikisource.org/wiki/The\\_European\\_Concert\\_in\\_the\\_Eastern\\_Question/Chapter\\_2#cite\\_ref-15](https://en.wikisource.org/wiki/The_European_Concert_in_the_Eastern_Question/Chapter_2#cite_ref-15).

34 See preamble to Sèvres 1, n6.

turies the friends of the Sublime Porte, were rather narrow-minded victors after World War I. So, neither the sultan's government, nor the revolutionary national movement led by Mustafa Kemal Pasha (later Atatürk) ratified Sèvres 1.<sup>35</sup>

Therefore, there seems to be a widespread opinion that the Treaty of Sèvres never came into force.<sup>36</sup> On the other hand, however, the subheading "International treaties regulating the protection of the religious distinctiveness of Greek Muslims" and the citation of Article 14 § 1 of Sèvres 2 in the decision of the ECtHR<sup>37</sup> give the impression that the Court regards the Treaty of Sèvres Concerning the Protection of Minorities in Greece as still being in force. In another decision, the Court pointed out that on the same day when Greece signed the Peace Treaty of Lausanne, it also signed a protocol with the Principal Allied Powers bringing into force the Treaties of Sèvres 1 and 2, and that the Greek Parliament ratified these three treaties by a law published in the Official Gazette in August 1923.<sup>38</sup>

## The Treaties of 1923

### *Developments between 1919 and 1923*

The Greco-Turkish War was fought between Greece and the Turkish National Movement between May 1919 and October 1922 during the partitioning of the Ottoman Empire after World War I.

Greece was desirous of territorial gains in Eastern Thrace and Western Anatolia, especially in the region of Smyrna. Greece believed that it would be supported by the Principal Allies, especially by the United Kingdom, but they were war-weary.<sup>39</sup> Furthermore, Greece had underestimated the stamina of the enemy. Whereas Greece was successful in the beginning, their fortunes turned in September 1921 and the war was effectively ended in September 1922, when the expulsion of the Greek Army from Anatolia was completed.

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35 Karl-Heinz Ziegler, "The Peace Treaties of the Ottoman Empire with European Christian Powers," in Lesaffer, *Peace Treaties*, 338–64, here 364. See also Grunebaum, *Der Islam*, vol. 2, 144ff.

36 See Universität Innsbruck, *Vertrag von Sèvres: Ein aufgehobenes Todesurteil*, <https://www.uibk.ac.at/newsroom/vertrag-von-sevres-ein-aufgehobenes-todesurteil.html.de>; in contrast to Lausanne 2 Björn Arp, *International Norms*, 81ff., does not count Sèvres 1 among the treaties from the interwar period, which still have normative effects.

37 See § 64 of the decision, n1.

38 See ECtHR, Application no. 38178/97 (Serif v. Greece), § 22, n8.

39 See Grunebaum, *Der Islam*, vol. 2, 147f.

An armistice was concluded on October 11, 1922. The Allies (Britain, France, and Italy) retained control of Eastern Thrace and the Bosphorus, and the Greeks were to evacuate these areas.

*The Convention Concerning the Exchange of Greek and Turkish Populations*

The Allies abandoned both Treaties of Sèvres to negotiate a new treaty at Lausanne with the Turkish National Movement. But before this peace treaty found its new shape, Greece and Turkey negotiated and signed the Convention Concerning the Exchange of Greek and Turkish Populations (Lausanne 1). The forced exchange of populations (forced resettlements) based on an international treaty to solve minority questions, which had their origins in the creation of new states or the repartition of territories, was the first such case in Europe.<sup>40</sup> The Convention is formulated in a direct—even brutal—manner that speaks for itself:

Article 1

As from the 1st May, 1923, there shall take place a compulsory exchange of Turkish nationals of the Greek Orthodox religion established in Turkish territory, and of Greek nationals of the Moslem religion established in Greek territory.

These persons shall not return to live in Turkey or Greece respectively without the authorization of the Turkish Government or of the Greek Government respectively.

Article 2

The following persons shall not be included in the exchange provided for in Article 1:

- a) The Greek inhabitants of Constantinople
- b) The Moslem inhabitants of Western Thrace

Article 7

The emigrants will lose the nationality of the country which they are leaving, and will acquire the nationality of the country of their destination, upon their arrival in the territory of the latter country.

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<sup>40</sup> In the case of the Convention between Bulgaria and Greece respecting Reciprocal Emigration of Minorities, signed at Neuilly-sur-Seine, November 27, 1919, it was a “reciprocal voluntary emigration of the racial, religious and linguistic minorities in Greece and Bulgaria,” as noted in the preamble, [http://www.pollitecon.com/html/treaties/Convention\\_Between\\_Greece\\_And\\_Bulgaria\\_Respecting\\_Reciprocal\\_Emigration.htm](http://www.pollitecon.com/html/treaties/Convention_Between_Greece_And_Bulgaria_Respecting_Reciprocal_Emigration.htm).

In respect of the case of Mrs. Molla Sali, Article 2b is especially relevant: the Muslim inhabitants of Western Thrace (in Greece) were exempt from the compulsory exchange.

### *The Treaty of Peace with Turkey*

In comparison to Sèvres 1 and 2, the Treaty of Lausanne 2 is concise in substance as well as in formalities. Whereas Sèvres 1 had 12 contracting parties on the victorious side, Lausanne only has seven; Sèvres 1 had 407 articles, Lausanne 2 only has 142. Lausanne 2 also contains some elements of two earlier treaties, namely Sèvres 1 and 2.

Of Articles 37–45 on the “Protection of Minorities,” eight only address Turkey. The most important article with respect to family law for religious minorities<sup>41</sup> is Article 42, stating that: “The Turkish Government undertakes to take, as regards non-Moslem minorities, in so far as concerns their family law or personal status, measures permitting the settlement of these questions in accordance with the customs of those minorities.”

Whereas the obligations of victorious states in respect of minority protection were handled in separate treaties in Paris, Lausanne 2 also contains the Greek obligations in respect of the Moslem minority in Greece—this is expressed in the only sentence of Article 45: “The rights conferred by the provisions of the present Section on the non-Moslem minorities of Turkey will be similarly conferred by Greece on the Moslem minority in her territory.”

### *The Survival of Normative Effects of the Lausanne Peace Treaty*

In contrast to the Treaty of Sèvres 1, the Treaty of Lausanne 2 considered that normal international relations should be based on respect for the independence and sovereignty of states. “So, the Turkish Republic ... from its beginning was an equal member in the international community and in Europe, without the shadow that the unsuccessful Treaty of Sèvres had thrown on the dying Ottoman Empire.”<sup>42</sup>

There do not appear to be any severe objections to the continued validity of the Treaty of Lausanne 2. For example, the “Treaty with Turkey and other instruments signed at Lausanne” are—in contrast to the Treaties of Sèvres—pub-

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41. The religious minorities (“non-Moslem minorities”) are not named explicitly, but Article 42 mentions “churches, synagogues,” from which it can be surmised that Christian and Jewish communities were envisaged.

42. See Ziegler, “The Peace Treaties,” 364.

lished on the website of the Turkish Foreign Ministry.<sup>43</sup> Moreover, in December 2017, the Turkish Government publicly discussed whether the Lausanne Treaty, in the face of recent developments, needed revising.<sup>44</sup>

This does not mean—of course—that every single article is interpreted as it was at the time of its formulation. This is especially important in relation to the right to self-identification. According to Thematic Commentary No. 4 of the Advisory Committee on the Framework Convention for the Protection of National Minorities, “The right to free self-identification contained in Article 3 of the Framework Convention is a cornerstone of minority rights.”<sup>45</sup> In this commentary, one will find many recognized principles on the right to self-identification, the right to disclose or to conceal one’s identity, the right to be treated as a member of a minority, the right to a change of affiliation—which can be from one minority to another, from majority to minority, or vice versa—and the need for the acceptance of multiple affiliations. In the context of Lausanne 2, the question of the importance of the principle of self-identification comes up especially under three aspects: (1) Does the right to free self-identification include the right to change affiliation?<sup>46</sup> (2) Is a person belonging to a given protected minority obliged to accept all specific legal rules foreseen for this group, which diverge from the norms in force for the majority?; and (3) Is it permissible to divide the population of a given country by defining the minority group by religion, ethnicity, and language without allowing for intermediate forms?<sup>47</sup>

Answers to these questions can hopefully be found in the decision of the Court.

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43 [http://www.mfa.gov.tr/lausanne-peace-treaty-part-i\\_-political-clauses.en.mfa](http://www.mfa.gov.tr/lausanne-peace-treaty-part-i_-political-clauses.en.mfa). See also Björn Arp, *International Norms*, 81, 84, who—in contrast to Sèvres 1—counts Lausanne 2 among those treaties from the interwar period which still have normative effects.

44 See Murat Sofuoğlu, “Turks still debate whether Treaty of Lausanne was fair to Turkey,” in *TRT World*, January 26, 2018, <https://www.trtworld.com/magazine/turkey-still-debates-whether-treaty-of-lausanne-was-a-fair-peace-deal-14632>; BBC News, “Turkey’s Erdogan calls for border treaty review in Greece visit,” <https://www.bbc.com/news/world-europe-42265260>.

45 The Framework Convention: a key tool to managing diversity through minority rights. Thematic Commentary No. 4. The Scope of Application of the Framework Convention for the Protection of National Minorities; Strasbourg, ACFC/56DOC(2016)001, § 9; see also Stéphanie Marsal and Francesco Palermo, “Commentary of Article 3 of the Framework Convention for the Protection of National Minorities,” in *The Framework Convention for the Protection of National Minorities: A Commentary*, ed. Rainer Hofmann, Tove H. Malloy, and Detlev Rein (Leiden/Boston: Brill, 2018), 93ff.

46 A 2,000-year-old example of this should be well known in Turkey and Greece, namely, the conversion of Saulus of Tarsus (“from Saulus to Paulus”) “on his road to Damascus” (Acts 9:1–22). Another example was a Lord Mayor of Flensburg (2011–2017) who, as a son of two German parents, changed his affiliation to the Danish minority and successfully ran on the ticket of the Danish Party in Germany; see [https://de.wikipedia.org/wiki/Simon\\_Faber](https://de.wikipedia.org/wiki/Simon_Faber).

47 An example of shortsightedly assuming equivalency between religious belief, language, and ethnicity can be found in Cyprus; the Advisory Committee on the Framework Convention reported, in its 5th opinion on Cyprus: “While the ... religious groups opted in 1960 to affiliate with the Greek Cypriot community, the Advisory Committee was informed that, at the time, persons

## Conventions of the Council of Europe

### *The Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)*

The European Convention for the Protection of Human Rights and Fundamental Freedoms entered into force in September 1953; Greece ratified it in March 1953, and Turkey followed in May 1954. But in the meantime, both states had derogated—partly or in total—the Convention for a certain time.<sup>48</sup> The constitution and organization of the ECtHR, as well as procedural rules, are laid down in Articles 19–51 of the ECHR.

In the case of Mrs. Molla Sali, the ECtHR based its decision on Article 14 of the ECHR, read in conjunction with Article 1 of Protocol No. 1. Article 14 of the Convention, under the heading “Prohibition of discrimination,” reads as follows: “The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.”

The (First) Protocol to the Convention came into force in May 1954, and was ratified by most Member States of the Council of Europe, including Greece and Turkey.<sup>49</sup> It adds new fundamental rights to the original Convention, such as in Article 1 (“Protection of property”), where it confirms that “Every natural or legal person is entitled to the peaceful enjoyment of his possessions.”

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belonging to the Cypriot Roma communities were not asked to opt to affiliate with either community but were included in the Cypriot Turkish community since most of the Cypriot Roma were (and still are) Turkish speaking and Muslims. At this point, the Advisory Committee wishes to emphasize that it was informed about the existence of a numerically small Christian Orthodox Greek-speaking Roma community in Larnaca, known as Mantes or Mantides ... according to some of its interlocutors, persons belonging to this group seem to be largely assimilated into the Greek-speaking Cypriot community. Its mere existence, however, indicates that there are in fact not one but two Roma communities living in Cyprus with distinct linguistic, cultural and religious features and that the Christian Orthodox Greek-speaking Roma community cannot be regarded as part of the Turkish Cypriot community as per Article 2(2) of the Constitution.” ACFC/OP/V(2019)002, § 38 f.

48 See Council of Europe, Chart of signatures and ratifications of Treaty 005. Convention for the Protection of Human Rights and Fundamental Freedoms, [https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures?p\\_auth=xcXbZSPm](https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures?p_auth=xcXbZSPm).

49 See Council of Europe, Chart of signatures and ratifications of Treaty 009. Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, [https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/009/signatures?p\\_auth=xcXbZSPm](https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/009/signatures?p_auth=xcXbZSPm).

*The Framework Convention for the Protection of National Minorities (FCNM)*

At the Vienna Summit of October 1993, the Member States of the Council of Europe (CoE) decided to draw up specific legal standards relating to the protection of national minorities in the spirit of the European Convention, using the legal form of a Framework Convention. This would be “a reaction to the armed conflicts in former Yugoslavia and the serious threats to security and peace in other parts of Europe.”<sup>50</sup> The heads of state decided to commit themselves to protecting national minorities, and therefore, in an appendix to the Vienna Declaration, instructed the Committee of Ministers “to draft with minimum delay a framework convention specifying the principles which contracting States commit themselves to respect, in order to assure the protection of national minorities. This instrument would also be open for signature by non-Member States.”<sup>51</sup>

Twenty-one member states signed the Framework Convention on February 1, 1995. The Framework Convention is subject to ratification, acceptance, or approval, and it entered into force on February 1, 1998, after 12 states had ratified it. Meanwhile, 43 states have signed the Framework Convention and 39 of them have ratified it.<sup>52</sup>

In this Convention, Article 3 is a key provision for its very functioning and understanding, providing the basis for determining the personal scope of its application.<sup>53</sup> It reads: “Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.”

Greece signed the Convention in 1997, but did not ratify it, which means that it is not legally binding; it is only a declaration of political will (which may subsequently have changed).<sup>54</sup> Turkey did not even sign it. The position of Greece and Turkey with respect to the Framework Convention became obvious in the work of the Committee of Experts on Issues Relating to the Protection of National Minorities (DH-MIN) under the Steering Committee for Human Rights (CDDH). The

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<sup>50</sup> See Rainer Hofmann, Tove H. Malloy, and Detlev Rein, “Introduction,” in Hofmann, Malloy, and Rein, *The Framework Convention*, 3–21, here 7–10.

<sup>51</sup> See Explanatory Report to the Framework Convention for the Protection of National Minorities, H (1997)010, p. 12.

<sup>52</sup> See actual list at [https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/157/signatures?p\\_auth=3gCPDc8w](https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/157/signatures?p_auth=3gCPDc8w).

<sup>53</sup> See Stéphanie Marsal and Francesco Palermo, “Commentary of Article 3,” 3.

<sup>54</sup> For the status of minorities in Greece, see Library of Congress, Greece: Status of Minorities = <https://www.loc.gov/law/help/greece-minorities/greece.php>.

terms of reference of the third (and last) DH-MIN were the result of intensive discussions in higher ranking bodies of the CoE, and to a large extent reflected the fear of some Member States (who had not ratified the Framework Convention) that the situation within their states would be monitored, even though they were not subject to the monitoring system of the Framework Convention.<sup>55</sup>

According to my experience as chair and vice-chair of the DH-MIN, the higher levels of the CoE expected the DH-MIN to produce documents of a binding nature; if possible, these should be Conventions, Charters, or Protocols to the ECHR. Where that was not possible, they hoped at least for Recommendations, by a unanimous decision. However, it very soon became apparent that those states who were not willing to grant special protection to national minorities—in particular Greece, Turkey, and France—were also not prepared to adopt any document of a binding nature, however small that binding content may be.

Greece did propose a topic for DH-MIN to deal with, namely, to “have a discussion with experts of the CoE and the EU on the use of the principle of non-discrimination as a legal and practical instrument of the protection of minority groups.” From the contributions by Greece and Turkey’s representatives, it was quite obvious that they sought a result that would declare such instruments as the Framework Convention unnecessary, as neither state wanted the obligation to take positive actions in respect of national minorities.<sup>56</sup>

For the last 20 years, hence, one could be forgiven for thinking that Greece and Turkey could circumvent the obligations of the Framework Convention and its basic ideals. But this alleged safe position, achieved by not ratifying the Convention, could be undermined by the decision of the ECtHR in the case of *Molla Sali v. Greece*.

## The Solution to the Case of Mrs. Molla Sali

### *The Judgment of the European Court of Human Rights*

The judgment in this case has been much awaited because it was the first time a legally plural regime, originating in religious diversity, was to be tested by an important international law court.<sup>57</sup>

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55 For further details, see Detlev Rein, “Working with the Committee of Experts on Issues Relating to the Protection of National Minorities,” in *Minorities, Their Rights, and the Monitoring of the European Framework Convention for the Protection of National Minorities: Essays in Honour of Rainer Hofmann*, ed. Tove H. Malloy and Ugo Caruso (Leiden/Boston: Nyhoff, 2013), 229–54, here 243f.

56 For details, see Detlev Rein, “Working with the Committee,” 250–52.

57 See İlker Tsavousoglou, “The Curious Case of *Molla Sali v. Greece*: Legal Pluralism through the Lens

The Court holds that there has been a violation of Article 14 of the European Convention, read in conjunction with Protocol No. 1. The Court found, in particular, that the difference in treatment suffered by Mrs. Molla Sali, as the beneficiary of a will drawn up under the Civil Code by a Greek testator of Muslim faith, as opposed to a Greek testator not of Muslim faith, had not been objectively and reasonably justified. The Court pointed out that freedom of religion did not require states to create a particular legal framework in order to grant religious communities a special status entailing specific privileges. Nevertheless, a state which had created such a status had to ensure that the criteria established for a group's entitlement to it were applied in a non-discriminatory manner.<sup>58</sup>

Here the decision could have ended; the Court found a violation of a norm of the European Convention. But the Court added a second reasoning, which gets at the heart of the standards of minority protection, which have developed since the pre-World War II treaties.<sup>59</sup>

Refusing members of a religious minority the right to voluntarily opt for and benefit from ordinary law amounts not only to discriminatory treatment but also to a breach of a right of cardinal importance in the field of protection of minorities, that is to say the right to free self-identification. The negative aspect of this right, namely the right to choose not to be treated as a member of a minority, is not limited in the same way as the positive aspect of that right (see paragraphs 67–68 above).<sup>60</sup> The choice in question is completely free, provided it is informed. It must be respected both by the other members of the minority and by the state itself. That is supported by Article 3 § 1 of the Council of Europe Framework Convention for the Protection of National Minorities which provides as follows: “no disadvantage shall result from this choice or from the exercise of the

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of the ECtHR,” *Strasbourg Observers*, January 11, 2019, <https://strasbourgobservers.com/2019/01/11/the-curious-case-of-molla-sali-v-greece-legal-pluralism-through-the-lens-of-the-ecthr/>.

<sup>58</sup> See “Sharia law applied to an inheritance dispute contrary to the will of the testator, a Greek belonging to the Muslim minority: violation of the Convention,” press release ECHR 440, December 19, 2018, <https://hudoc.echr.coe.int/eng-press?i=003-6284037-8193205>.

<sup>59</sup> See Stephanos Stavros, “The European Court of Human Rights’ judgment in Molla Sali: A call for Greece to modernize its system for national-minority protection?,” *Oxford Human Rights Hub* (blog), January 17, 2019, <http://ohrh.law.ox.ac.uk/the-european-court-of-human-rights-judgment-in-molla-sali-a-call-for-greece-to-modernise-its-system-for-national-minority-protection>.

<sup>60</sup> Here the Court refers to para 35 of the Explanatory Report on the Framework Convention, which states: “This paragraph does not imply a right for an individual to choose arbitrarily to belong to any national minority. The individual’s subjective choice is inseparably linked to objective criteria relevant to the person’s identity.”; (Strasbourg, 1995) H (95) 10, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800c10cf>.

rights which are connected to that choice.” The right to free self-identification is not a right specific to the Framework Convention. It is the “cornerstone” of international law on the protection of minorities in general. This applies especially to the negative aspect of the right: no bilateral or multilateral treaty or other instrument requires anyone to submit against his or her wishes to a special regime in terms of protection of minorities.<sup>61</sup>

The Court answers, by this reasoning, to the principal questions with respect to the right to self-identification, the scope of this right, and the possibility of the individual to select intermediate forms. “The right to choose not to be treated as a member of a minority” means that nobody is obliged to accept all specific legal rules foreseen for a minority.

The question in respect of the right to free self-identification is answered two-fold: The negative aspect of this right, not to fall under the special regime for a minority, is completely free; the positive right to be treated as a member of a minority does not imply the right of an individual to choose arbitrarily to belong to that minority.

From these two results, the third follows: It is the right of a person falling into the definition of a minority to opt out of certain special regulations in respect of this minority (for instance, in the field of family law), while still making use of other special rights (for instance, linguistic rights). Therefore, a minority definition combining ethnic, religious, and linguistic elements as altogether binding cannot be accepted.

Following a request by the President of the Court, the Advisory Committee on the Framework Convention (ACFC) held an exchange of views on November 7, 2019, with the Court’s President and five judges on two main topics: (1) non-discrimination and minorities in the case law of the ECtHR and (2) the right to free self-identification. As a general point, the representatives of the Court’s remarks observe the relative absence of case law concerning minority rights, and suggest that the ACFC make minority representatives aware of the possibility of bringing cases to the Court. Following the discussion with the Advisory Committee, the Court decided, *inter alia*, to draft an enhanced fact sheet on the Court’s case law on national minorities, which is now available on the Court’s website.<sup>62</sup>

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61 See § 157 of the decision.

62 Advisory Committee, Meeting Report, 66th meeting, Strasbourg, November 4–8, 2019, item 9, ACFC/MR(2019)003 = <https://rm.coe.int/ac-meeting-report-66th-plenary-november-2019/16809c8c3c>.

### *The Development of the Relevant Greek Law*

On January 15, 2018, the law abolishing the special regulations imposing recourse to Sharia law for the settlement of family law cases within the Muslim minority came into force.<sup>63</sup> Recourse to a mufti in matters of marriage, divorce, or inheritance is now only possible with the agreement of all those concerned.<sup>64</sup> The Court acknowledged this change with satisfaction,<sup>65</sup> but noted that the provisions of the new law have no impact on Mrs. Molla Sali since her case was decided with final effect under the then prevailing system.

### Review and Outlook

The case of Mrs. Molla Sali shows that century-old bilateral and multilateral treaties with minority-related regulations might, on the one hand, still be important to the solution of current disputes; on the other hand, they must be applied in light of the development of international law.

With the second fundamental grounds for their judgment, the Court has opened the possibility of applying the basic principles of the Framework Convention, even in those cases where the state in question has not ratified it. Thus, Greece cannot circumvent the principle of self-identification as laid down in Article 3 of the Framework Convention. The Court had recourse to the Explanatory Report on the Framework Convention, which means that this Convention, and its concrete application, are the international law parameters for Europe in respect of the protection of national minorities. Hopefully, the Court will continue in this way so that the hesitation of some states<sup>66</sup> to ratify the Framework Convention will not be to the detriment of national minorities or the persons belonging to them.

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63 This law was criticized by the Western Thrace Minority University Graduates Association at the OSCE Human Dimension Implementation Meeting at Warsaw, September 16 to 27, 2019, <https://www.osce.org/odhr/432728?download=true>.

64 Law 4511/2018; see Apostolos Anthimos, "Sharia law in Greece: Blending European values with Islamic tradition," *Conflict of Laws.net*, January 24, 2018, <http://conflictoflaws.net/2018/sharia-law-in-greece-blending-european-values-with-islamic-tradition/>; Niki Kitsantonis, "Greece Scraps Compulsory Shariah for Muslim Minority," *New York Times*, January 10, 2018, <https://www.nytimes.com/2018/01/10/world/europe/greece-shariah-law.html>.

65 ECtHR, Application no. 20452/14, § 160.

66 Andorra, Belgium, France, Greece, Iceland, Luxemburg, Monaco, and Turkey.

“Why Not Hold a Plebiscite like in Schleswig?”  
The Significance of Plebiscites in Solving Nationality  
and Border Conflicts in Europe since World War I

J Ø R G E N   K Ü H L



On September 30, 2022, the president of the Russian Federation, Vladimir Putin, announced the annexation of four Ukrainian regions (oblasts)—Donetsk, Luhansk, Kherson, and Zaporizhzhia—following so-called referenda the previous week, with almost unanimous pro-Russia voting outcomes. The international response to the referenda was negative, labeling them as a sham. In addition, Russia did not actually take control of the annexed territories: substantial parts remained under Ukrainian control, and Ukrainian forces were gaining momentum, pushing back the Russian occupying forces. Putin’s annexation of these lands was based on the fiction of self-determination, and was justified by the myth of plebiscites leading to “just borders” based on the will of the population, as well as imagined historical (and therefore everlasting) rights to the territories.<sup>1</sup>

During the initial stages of Russia’s war on Ukraine, starting with the invasion on February 24, 2022, the possible resolution of the matter through plebiscites had been suggested by opinion-makers in Denmark. The rationale was that the Russian-Ukrainian conflict was foremost to be viewed and understood as a minority conflict, although the interests behind the invasion reached far beyond minority disputes. Thus, Jens Christian Gjesing, the former mayor of the town of Haderslev in the southernmost part of Denmark, wrote a letter to the German minority online-daily *Der Nordschleswiger* on March 16, 2022. In this letter, he emphasized the importance of self-determination and pointed to the Danish-German plebiscite of 1920 as a source of inspiration for resolving the conflict

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1 This analysis regarding the situation in Ukraine is based on the situation in early February 2024.

regarding the Russian minority in Ukraine.<sup>2</sup> In May 2022, the former Danish minister of foreign affairs, Per Stig Møller, stated in the Danish *Kristeligt Dagblad*:

The only way Putin can withdraw with his honor somewhat intact is if the people are allowed to vote on where they belong. This would be like the Schleswigian solution of 1920, where Denmark lost South Schleswig but kept North Schleswig. This would let the population decide where they belong instead of letting the power of weapons decide the conflict. Maybe the territories, by the will of the people, will remain with Ukraine.<sup>3</sup>

There was a belief that Russia's war in Ukraine could be resolved by following the Danish-German example. In short: "Why not hold a plebiscite like in Schleswig?"

Pointing to the Danish-German plebiscite as a feasible way to resolve the war in Ukraine was based on an imagined significance. In 2020, during the commemorations of the 100th anniversary of the plebiscites, both Danish and German politicians repeatedly stated that the peaceful determination of the border question after World War I had led to an almost linear positive development as a best practice. It was repeatedly labeled as a role model for Europe. In a 2022 Christmas concert broadcast on German public-service television channel ZDF, German president Frank-Walter Steinmeier described the German-Danish border as 100 years of peace.<sup>4</sup>

In fact, the drawing of the border in 1920 did resolve the so-called North Schleswig question regarding the Danish-speaking community. However, it created two-and-a-half new minority issues by leaving a German minority in Denmark and a Danish minority in Germany, while polarizing the Frisian community on the North Sea. The latter was split such that a smaller part chose to define itself as a national minority, whereas the far larger part, although objectively made up of the very same people, defined itself as German. Both the German and Danish minorities were antagonistic to the border—the German community during the period of 1920–45 and the Danish in 1945–55. The border issue was finally resolved by the Bonn-Copenhagen Declarations of 1955, adopted by the Danish and Federal German governments, without the active involvement of the minorities concerned. Self-determination was reduced to the

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2 Jens Christian Gjesing, "Folkenes selvbestemmelsesret," *Der Nordschleswiger*, March 16, 2022, <https://www.nordschleswiger.dk/de/hadersleben/folkenes-selvbestemmelse> (accessed October 8, 2022).

3 "Freden nås gennem folkeafstemning," *Kristeligt Dagblad*, May 20, 2022 (author's translation).

4 Quoted in "Frivillige i fokus under forbundspræsidenten besøg," *Flensborg Avis*, December 22, 2022.

right to freely affiliate oneself with a minority. Although initially dissatisfied with the declarations, the impact of the new consensus on minority regulations was so tremendously significant that both the Danish and German minorities came to over-identify with them. By 2000, the declarations of 1955 were unanimously labeled in terms of a “Magna Carta” of the border region, merging with the plebiscite and other elements into the “Schleswig Model” for resolving both border and nationality issues.<sup>5</sup>

Despite this retrospectively assessed case model of achieving sustainable ethnic peace through plebiscites, internationally supervised plebiscites have not been utilized in Europe since the post-World War I referendums. Pseudo-referenda, however, were used by the Soviet leader Joseph Stalin to legitimize unilateral border changes in 1939–40, including the annexation of Eastern Poland into the Soviet Union’s Belarusian and Ukrainian republics based on the terms of the Hitler–Stalin Pact of August 23, 1939.

Unilateral referenda were used when dissolving both the Soviet Union and Yugoslavia, based on their internal administrative borders. Pseudo-referenda were utilized in Crimea and Sevastopol in 2014 to legitimize their secession from Ukraine and their incorporation into the Russian Federation. Pseudo-referenda were also used in the separatist breakaway regions of Luhansk and Donetsk in 2014, when they declared themselves independent “people’s republics.” But no plebiscite under international supervision, based on a peace treaty, has been used in disputed border issues.

The positive examples of the 1920–1921 plebiscites, which determined sustainable borders in Schleswig, Burgenland, and Carinthia (in spite of decades of conflict), did not inspire similar processes on other borders. After 1945, minority issues in Central European border regions were mainly resolved by forced migration and the attempt to assimilate the remaining diminished minorities. After 1989, substantial numbers of German, Czech, Polish, Greek, Jewish, and other remaining nationalities in the former Soviet space opted to return to their imagined homelands, which had been left behind many generations before. In their cases, self-determination led to migration.

This final chapter analyzes and discusses the significance of plebiscites in solving nationality and border conflicts in Europe since World War I. It also discusses whether a plebiscite would be a feasible option for resolving the ongoing war in Ukraine.

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5 Jørgen Kühl, ed., *København-Bonn Erklæringerne 1955–2005: De dansk-tyske mindretalsklæringers baggrund, tilblivelse og virkning* (Aabenraa: Institut for Grænseregionsforskning–Syddansk Universitet, 2005).

## Plebiscites after World War I<sup>6</sup>

Plebiscites became a popular tool in international politics after World War I due to the reintroduction of the concept of national self-determination, principally by US president Woodrow Wilson.<sup>7</sup> In January 1918, British prime minister David Lloyd George declared national self-determination and no annexations to be of the utmost importance to any peace settlement.<sup>8</sup> Indeed, the plebiscite instrument was discussed as an option for resolving nationality issues in a number of European regions.<sup>9</sup> The principle of national self-determination was, to some degree, utilized during the Paris Peace Conferences.<sup>10</sup> Provisions for plebiscites were included in the 1919 Treaty of Versailles with Germany and the Treaty of Saint-Germain with Austria. In both cases, plebiscites under international supervision were to take place in only a few regions: in the case of Germany, they were to be held in Schleswig, Upper Silesia, Western Prussia, and Eastern Prussia; in the case of Austria, only Carinthia was to hold a plebiscite. Most of the significant changes to state borders after the war were decided without consulting the population concerned.

When the Habsburg Empire dissolved at the end of World War I, parts of the former empire separated or joined segments of other dissolving empires to create new states. The Austro-Hungarian dual monarchy lost most of its pre-war territory. New independent states were created in Central Europe with Czechoslovakia, Poland, Ukraine (although this soon became divided between Poland and the Soviet Union), Romania, and the Kingdom of Serbs, Croats, and Slovenes (which became the Kingdom of Yugoslavia in 1929). Whereas several nationalities of the former Habsburg Empire could exercise, to some degree, the right to national self-determination through the creation of independent states, most of the German- and Hungarian-speaking population (outside the core lands of Austria and Hungary) were not asked to express their preferences. The 1920

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6 The following segments are based on Jørgen Kühl, "The Making of Borders and Minorities: Revisiting the Plebiscites after World War I," in *European Yearbook of Minority Issues* 19 (2020): 49–74, at 51–52.

7 Jørgen Kühl, "Die Volksabstimmungen in Schleswig im Jahre 1920 im Europäischen Kontext," in *Ostsee: Kriegsschauplatz und Handelsregion; Festschrift für Robert Bohm*, ed. Thomas Wegener Friis and Michael F. Scholz (Visby: Gotland University Press, 2013), 317–29.

8 Brendan Karch, "Plebiscites and Postwar Legitimacy," in *Beyond Versailles: Sovereignty, Legitimacy, and the Formation of New Politics after the Great War*, ed. Marcus M. Payk and Roberta Pergher (Bloomington, IN: Indiana University Press, 2019), 16–37, at 18.

9 Karch, "Plebiscites and Postwar Legitimacy," 17.

10 Marcus M. Payk, *Frieden durch Recht? Der Aufstieg des modernen Völkerrechts und der Friedensschluß nach dem Ersten Weltkrieg* (Berlin/Boston: De Gruyter Oldenbourg, 2018).

Trianon peace treaty with Hungary did not provide for plebiscites in areas with substantial Hungarian populations ceded to neighboring states.<sup>11</sup> The predominantly German-speaking population of South Tyrol was incorporated into Italy in October 1920 without any consultation.<sup>12</sup> The German-speaking inhabitants of Bohemia, Moravia, and Transylvania were not offered the opportunity to exercise their right to national self-determination. These groups involuntarily became national minorities within new states.

Thus, the instrument of plebiscites was utilized in only a few cases and did not become a general instrument for determining international borders. The implications would have been too far-reaching. Every one of the new states created in Central Europe was multinational, hosting a number of groups that affiliated themselves with neighboring states. “Clean” borders, dividing states based on nationality, were impossible. In addition, plebiscites only took place where the defeated powers of Germany and Austria-Hungary might be affected with an additional loss of territory. In some cases, borders were moved without any consultation, such as Alsace-Lorraine which was simply remerged with France. Hence, plebiscites were the exception, and in each case, the outcome of the plebiscites created new national minorities.

## Schleswig

In Schleswig,<sup>13</sup> two plebiscites were held according to the provisions of the Treaty of Versailles of June 28, 1919 (Articles 110–114).<sup>14</sup> On February 10, 1920, the northern voting Zone 1 voted *en bloc*. The voter turnout reached 91.5% (or 100,000 votes) and the outcome showed 74.9% support for joining Denmark, whereas 25.1% preferred to remain within Germany. However, a number of municipalities, including three of the four towns, Tønder/Tondern (23% for Denmark), Aabenraa/Apenrade (45% for Denmark), and Sønderborg/Sonderburg (44% for Denmark), showed majorities for Germany, whereas the fourth and northernmost town, Haderslev/Hadersleben, showed a majority for Denmark (61.4%).<sup>15</sup> Due to the voting regulations, which specified that Zone 1 was one

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11 József Galántai, *Trianon and the Protection of Minorities* (Boulder, CO: Social Sciences Monographs, 1992).

12 Brigitte Mazohl and Rolf Steininger, *Geschichte Südtirols* (München: C.H. Beck, 2020), 230–31; Sven Felix Kellerhoff, “Als in Südtirol der Karfreitag im Herbst stattfand,” *Die Welt*, October 12, 2020, 18.

13 The following segments are based on Kühl, “The Making of Borders and Minorities,” 53–54.

14 Jan Schlürmann, *1920: Eine Grenze für den Frieden; Die Volksabstimmung zwischen Deutschland und Dänemark* (Kiel/Hamburg: Wachholtz, 2019); Hans Schultz Hansen, *Genforeningen* (Aarhus: Aarhus Universitetsforlag, 2019).

15 Schultz Hansen, *Genforeningen*, 59.

voting district, with the overall majority of votes deciding the outcome, these significant local differences were irrelevant to the ultimate border decision.

On March 14, 1920, the population of the central part of Schleswig (Zone 2) was asked to decide on remaining within Germany or becoming part of Denmark. Contrary to the voting regulations in Zone 1, the referendum was based on a parish-by-parish basis. Thus, a pro-Denmark majority in, for instance, the city of Flensburg/Flensborg would have enabled the city to become part of Denmark, even if the surrounding districts had voted for Germany. In spite of substantial polarization and the almost full mobilization of eligible voters living outside the voting district, who were brought to the polling stations by train or ship, the outcome was a clear defeat for the Danish side. Some 91.1% cast their ballot, with 80.2% voting to remain within Germany and 19.8% preferring Denmark. Flensburg/Flensborg voted overwhelmingly (75.2%) for Germany. Only the North Frisian island of Föhr and the three tiny municipalities of Goting, Hedehusum, and Utersum showed majorities for Denmark.<sup>16</sup> However, these did not create Danish exclaves when the borderline was determined.

The results enabled the international commission overseeing the plebiscites to reach a clear solution. On June 15, 1920, the official transfer of territory took place.<sup>17</sup> The hitherto German majority in North Schleswig became a minority population, although numbering some 30,000 people. This figure remained stable for 30 years. The Danish minority remaining in Germany initially might have numbered some 10,000 people, but it diminished rather quickly during the interwar period.<sup>18</sup> In both plebiscites, fierce but non-violent national agitation took place, forcing the regional population to choose between Denmark and Germany.<sup>19</sup> There was no middle option—no way to hyphenate identification—even though substantial segments of the population either held combined identifications or identified more with the region itself than with either of the two countries. Although they had fluid identities, they could be influenced by national agendas.<sup>20</sup>

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16 Schultz Hansen, *Genforeningen*, 61.

17 Schlürmann, 1920: *Eine Grenze für den Frieden*, 162.

18 Lars N. Henningsen, ed., *Sydslesvigs danske historie* (Flensborg: Dansk Centralbibliotek for Sydslesvig, 2013).

19 Nina Jebsen, *Als die Menschen gefragt wurden: Eine Propagandaanalyse zu Volksabstimmungen in Europa nach dem Ersten Weltkrieg* (Münster, New York: Waxmann, 2015); Elsebeth Aasted Schanz and Nils Arne Sørensen, *Grænsen er nået: Afstemningsplakater fra grænselandet 1920* (Aarhus: Dansk Plakatmuseum i Den Gamle By/Gads Forlag, 2020).

20 Morten Andersen, *Den føjte grænse: Slesvigs deling og genopbygning 1918–1933* (Aabenraa: Historisk Samfund for Sønderjylland, 2008); Peter Thaler, *Of Mind and Matter: The Duality of National Identity in the*

## Carinthia

The fate of Carinthia/Kärnten was disputed after 1918 due to the dissolution of the Habsburg Empire.<sup>21</sup> In November 1918, troops from the Kingdom of Serbs, Croats, and Slovenes (SHS) occupied the region, aiming for a *fait accompli*, but were met by armed resistance from local Carinthians. The Carinthians organized a so-called *Abwehrkampf* (a defensive struggle),<sup>22</sup> and attacks and counterattacks ensued for several months.<sup>23</sup> An armistice was reached in January 1919, brokered by an American commission studying the issue on site, and a demarcation line was drawn that left the area under Southern Slavic control.<sup>24</sup> In April, Southern Slav troops broke the armistice but were pushed back by Carinthian militia, and in June 1919, Italian troops were stationed to guarantee the peace.<sup>25</sup> In May 1919, the Paris Peace Conference decided on a plebiscite regarding the future status of the Klagenfurt area in Carinthia. This was included in the Saint-Germain Treaty of September 10, 1919 (Articles 49–50), which also decided that the Carinthian Kanal Valley—a trilingual region—was to be ceded to Italy, while the Miess Valley was to be given to the SHS, without consulting the local population.<sup>26</sup> The remaining region was subdivided into two voting zones: Zone A and Zone B. Zone A covered the southern part of Carinthia, claimed by the SHS. According to the 1910 census, some 73,000 (69%) of the population spoke Slovene. Zone B consisted of Klagenfurt and its surrounds, where, according to the 1920 census, only 8% spoke Slovene. The referendum would take place in Zone A first, and if the outcome proved in favor of the SHS, another referendum would take place in Zone B. If, on the other hand, Zone A voted in favor of Austria, Zone B would simply remain within Austria too.<sup>27</sup> The plebiscites were supervised by international troops, but Zone A was under SHS administration, whereas Zone B was under Austrian control. Thus, Zone A was shut off from Austria for almost a year, pro-Austrian agitation was prohibited, and many

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*German-Danish Borderlands* (West Lafayette, IN: Purdue University Press, 2009); Merete Bo Thomsen, *Danskhed under pres: Dansksindede sydslesvigere 1919–1933* (Odense: Syddansk Universitetsforlag, 2021).

21 The following segments are based on Kühl, “The Making of Borders and Minorities,” 54–56.

22 Claudia Fräss-Ehrfeld, *Geschichte Kärntens 1918–1920* (Klagenfurt am Wörthersee: Verlag Johannes Heyn, 2010).

23 Erik Thomas Ambjørn Kühl, “Folkeafstemningerne i Slesvig og Kärnten efter 1. Verdenskrig” (unpublished BA thesis, Institut for Kultur and Samfund, Aarhus Universitet/Aarhus University, 2020), 8–9.

24 Jepsen, *Als die Menschen gefragt wurden*, 49; Kühl, “Folkeafstemningerne i Slesvig og Kärnten,” 9.

25 Kühl, “Folkeafstemningerne i Slesvig og Kärnten,” 9.

26 Kühl, “Folkeafstemningerne i Slesvig og Kärnten,” 9.

27 Aasted Schanz and Sørensen, *Grænsen er nået*, 108–9.

German-minded civil servants were removed, leading to protests by local Slovenians who feared for the image of the SHS.<sup>28</sup>

When the plebiscite in Zone A eventually took place on October 19, 1920, the turnout was impressive: 95.76% of the 39,291 eligible voters cast their ballot, of which 37,304 were valid. The outcome of the plebiscite in Zone A was somewhat surprising, since the 1910 census registered 31.4% of the region's population as German-speaking and 68.6% as Slovene-speaking. In the plebiscite of 1920, however, 59.04% (22,025 people) voted for Austria and 40.96% (15,278 people) for the SHS.<sup>29</sup> In other words, almost half of the Slovene speakers preferred to remain within Austria. The second plebiscite in Zone B became redundant, and the border was determined based on the outcome in Zone A. On November 22, 1920, Carinthia/Kärnten officially rejoined Austria.<sup>30</sup>

The plebiscite created a Slovenian minority within Austria. There were also Slovenian communities in other parts of Austria, but the main concentration was to be found in Carinthia, in the vicinity of the border. There was also a German minority in Slovenia, but this was situated far from the border.<sup>31</sup> Hence, the new border did not create a symmetrical constellation as it had in Schleswig; instead, it created an asymmetrical situation with a Slovene minority on the Austrian side of the border.

### Burgenland, Western Hungary, and Sopron/Ödenburg

Burgenland/Western Hungary was the only part of prewar Hungary within the Habsburg Empire where the population was offered the opportunity to express its national interest.<sup>32</sup> However, before the plebiscite in the area around the town of Sopron/Ödenburg, planned for December 14 and 16, 1921, could take place, an insurrection and uprising of Hungarian groups occurred. For three years, Western Hungary was a hotspot at a time when both Austria and Hungary were transitioning from a joint empire to independent republics. Thus, the birth of Burgenland was a long and extremely difficult process.<sup>33</sup> In the cen-

28 Jepsen, *Als die Menschen gefragt wurden*, 50–51; Kühl, "Folkeafstemningerne i Slesvig og Kärnten," 9.

29 Sarah Wambaugh, *Plebiscites since the World War: With a Collection of Official Documents* (New York: Carnegie Endowment for International Peace, 1933), 198.

30 Kühl, "Folkeafstemningerne i Slesvig og Kärnten," 11.

31 Stefan Karner, *Die deutschsprachige Volksgruppe in Slovenien* (Klagenfurt/Ljubljana/Vienna: Verlag Herma-goras/Mohorjeva, 1998), 21.

32 The following segments are based on Kühl, "The Making of Borders and Minorities," 56–58.

33 Tamás Székely, "The Agony of Historic Western Hungary and the Birth of Burgenland (1914–1921)," *Studies on National Movements* 6, no. 1 (2020): 1–38, at 2.

sus of 1910, the region had a total population of some 815,000, of which more than 50% were Hungarian-speaking, 35.6% spoke German, and 13.5% spoke Croatian or other Slavic languages.<sup>34</sup> The Croatian community was scattered across the entire region but also lived in villages close to the new Slovak capital of Bratislava, whose majority population was German and Hungarian. When the Habsburg Empire was dissolved at the end of World War I, Western Hungary became a focal point of both Austrian and Hungarian interest. Austria established a special Western Hungary Bureau (*Westungarische Kanzlei*) in Vienna, preparing for the annexation of Western Hungary; meanwhile, Austrian agents were spreading anti-Hungary propaganda among the German-speaking population.<sup>35</sup> During the short-lived communist rule under the so-called Soviet Republic of Hungary from March to August 1919, the Germans of Western Hungary were granted territorial autonomy in April 1919 to counter Austrian activities.<sup>36</sup> In the Peace Treaty of Saint-Germain of September 10, 1919, Austria lost 60% of its former territory; however, most of Western Hungary, with its 350,000 inhabitants (including 250,000 German speakers), including the town of Sopron/Ödenburg, was awarded to Austria. On June 4, 1920, the Treaty of Trianon was signed with Hungary, which deprived the country of 71% of its prewar territory.<sup>37</sup> Hungary refused to evacuate Western Hungary, and the Allied Powers deployed an inter-allied mission. On August 28, 1921, Austrian authorities arrived in Sopron/Ödenburg but were met with resistance, and the Western Hungarian Uprising, with guerrilla-style warfare throughout the region, ensued, lasting until October 14, 1921.<sup>38</sup> The rebels even declared their own *de facto* mini-state, named the Banate of Leitha, which existed from October 4 to November 5, 1921. The conflict was eventually resolved by the Venice Protocol of October 13, 1921, brokered by Italy and signed by Austria and Hungary.<sup>39</sup> Most of Western Hungary, excluding Sopron/Ödenburg and its surroundings, was incorporated into Austria on December 5, 1921, and officially became the Austrian state of Burgenland on January 1, 1922.<sup>40</sup>

While most of Western Hungary became Austrian, the Venice Protocol provided for a plebiscite in the Sopron area. Although the 1910 census had shown

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34 Székely, “The Agony of Historic Western Hungary,” 3.

35 Székely, “The Agony of Historic Western Hungary,” 20.

36 Székely, “The Agony of Historic Western Hungary,” 22.

37 Székely, “The Agony of Historic Western Hungary,” 23–24.

38 Székely, “The Agony of Historic Western Hungary,” 26.

39 Székely, “The Agony of Historic Western Hungary,” 27.

40 Gerald Schlag, *Aus Trümmern geboren: Burgenland 1918–1921*, Wissenschaftliche Arbeiten aus dem Burgenland (WAB), no. 106 (Eisenstadt: Burgenländisches Landesmuseum, 2001).

a German-speaking majority of 55.75% versus 36% Hungarian and 6.35% Croat-speaking populations in the plebiscite area,<sup>41</sup> Austria agreed to the referendum. Austria administered most of the region, while Hungary controlled Sopron and its surroundings. A 1920 census showed that 50,000 people lived in the referendum zone—55% of whom were German, 39% Hungarian, 5% Croatian, and 1% other ethnic groups. In Sopron/Ödenburg itself, half the population was German and the other half Hungarian.<sup>42</sup> In the plebiscite zone, 26,879 were eligible to vote, and 89.5% actually cast their ballot.<sup>43</sup> The outcome showed a substantial pro-Hungary majority of 65% overall and a 72.8% majority in Sopron/Ödenburg.<sup>44</sup> This means that many German speakers had preferred Hungary to Austria. In five of the eight villages surrounding Sopron, 3,607 voted for Austria and 3,007 for Hungary,<sup>45</sup> but the voting regulations stipulated a “winner takes all” principle, and the entire plebiscite zone therefore fell to Hungary. On December 23, 1921, the Allied Powers certified the outcome<sup>46</sup> despite Austrian protests claiming Hungarian intimidation—even terror—against Austrian-minded voters. On January 1, 1922, Sopron and its surroundings became Hungarian once again,<sup>47</sup> but the outcome was continuously disputed. Hungary never forgot the onetime Western Hungary, while Austria fostered phantom pain over the loss of Sopron/Ödenburg.

### Other Plebiscites along Germany’s Borders

Three other border sections between Germany and its eastern and western neighbors were drawn on the basis of internationally supervised referenda. A further border section was determined by unilateral consultation.<sup>48</sup>

On July 11, 1920, the Polish-German border was determined through plebiscites in the districts of Allenstein/Olsztyn (Eastern Prussia), with a population of 558,000, and in Marienwerder/Kwidzyn (Western Prussia), with a population of 161,000.<sup>49</sup> According to the Prussian census of 1910, the plebiscite area of Marienwerder was made up of 136,000 Germans (84.5%) and 22,500 Poles (14%),

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41 Wambaugh, *Plebiscites since the World War*, 273.

42 Székely, “The Agony of Historic Western Hungary,” 29.

43 Székely, “The Agony of Historic Western Hungary,” 29.

44 Wambaugh, *Plebiscites since the World War*, 291.

45 Wambaugh, *Plebiscites since the World War*, 291.

46 Wambaugh, *Plebiscites since the World War*, 292.

47 Aasted Schanz and Sørensen, *Grænsen er nået*, 109.

48 The following segments are based on Kühl, “The Making of Borders and Minorities,” 59–63.

49 Wambaugh, *Plebiscites since the World War*, 99.

with the rest identifying as Kashubian, Mazurian, or Lithuanian. In the Allenstein area, 292,000 (52.3%) identified as German, 72,000 (12.9%) as Polish, and 172,000 (30.8%) as Kashubian, Mazurian, or Lithuanian.<sup>50</sup>

The plebiscites were based on Articles 94–96 of the Treaty of Versailles, and the plebiscite areas were placed under the authority of an international commission. In Allenstein and Marienwerder, the fate of each municipality was individually determined according to the number of votes for either Poland or Germany.<sup>51</sup> However, as a gesture to Poland, only “East Prussia” and “Poland” were printed on the ballots.<sup>52</sup> When the polling stations closed on July 11, 1920, it became evident that Germany had gained the most votes. In Marienwerder, 105,071 (84%) of the 125,090 eligible voters cast their ballots, and 368 out of 396 municipalities voted for East Prussia, with only 28 voting for Poland. In population terms, 96,923 people (92.3%) voted for East Prussia, and only 8,018 (7.6%) opted for Poland. This was a surprise for the Polish side, since 15% of the population was Polish-speaking—meaning only half of them voted for Poland.<sup>53</sup>

In Allenstein, 1,694 out of 1,704 municipalities voted for East Prussia, nine voted for Poland, and one municipality was equally divided. Germany was preferred by 363,209 voters (97.86%) and Poland by 7,980 (2.14%).<sup>54</sup> The voter turnout was comparable to that in Marienwerder: 371,715 (87.31%) of the 425,305 eligible voters participated. The results also showed that the Mazurians had voted overwhelmingly for East Prussia. Poland protested the results, but the Inter-Allied Commissions reported that the plebiscites were fair.<sup>55</sup> Eventually, three villages in the Allenstein area, with a total of 4,786 inhabitants, were assigned to Poland, and the rest remained within Germany. In Marienwerder, five villages were given to Poland on August 16, 1920, with the rest remaining in Germany.<sup>56</sup> The partition of the areas created minorities on both sides of the new border. Nevertheless, these changes affected only very few villages; otherwise, the old German-Russian border in the plebiscite area became the new German-Polish border. The border region was dissolved by the end of World War II, when both the Germans and Germany were pushed west.

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<sup>50</sup> Wambaugh, *Plebiscites since the World War*, 101.

<sup>51</sup> Wambaugh, *Plebiscites since the World War*, 107.

<sup>52</sup> Claudia Fräss-Ehrfeld, ed., *Volksabstimmungen und andere Grenzlösungen nach dem Ersten Weltkrieg* (Klagenfurt am Wörthersee: Verlag des Geschichtsvereines für Kärnten, 2020), 37.

<sup>53</sup> Fräss-Ehrfeld, *Volksabstimmungen und andere Grenzlösungen*, 132–33.

<sup>54</sup> Fräss-Ehrfeld, *Volksabstimmungen und andere Grenzlösungen*, 134.

<sup>55</sup> Fräss-Ehrfeld, *Volksabstimmungen und andere Grenzlösungen*, 136.

<sup>56</sup> Fräss-Ehrfeld, *Volksabstimmungen und andere Grenzlösungen*, 138.

The determination of the Polish-German border in Upper Silesia was subject to substantial conflict, armed uprisings, insurrections, and long negotiations following the German Empire's capitulation on November 11, 1918.<sup>57</sup> According to the Prussian census of 1910, the language communities residing within the plebiscite area were distributed rather unevenly. In Upper Silesia, 1,245,000 (65%) of a total population of 1,917,000 registered as Poles, with 672,000 (35%) identifying as Germans. In the tiny part of Middle Silesia included in the plebiscite, Poles made up 75% of the population of 4,000, whereas the remaining 25% were German.<sup>58</sup> Both Germany and Poland viewed control of Upper Silesia as crucial, given its substantial mining and industry. The Polish community was well-organized; its own political party gathered some 30% of the vote in the early 1900s.<sup>59</sup> Silesian regional sentiment grew after World War I, and both Poland and Germany promised extensive autonomy.<sup>60</sup> Following severe tension and intense campaigns on both sides, the plebiscite eventually took place on March 20, 1921, and the results were published on May 7, 1921. Wambaugh calculates that 844 (54%) out of 1,522 municipalities voted for Germany, 678 (42.5%) voted for Poland, and 73 were unclear. In total, 1,190,846 (97.6%) of the 1,220,514 registered voters cast their vote; 59.6% voted for Germany and 40.3% for Poland.<sup>61</sup>

According to the stipulations of the Versailles Treaty (Article 88, §§ 4–5), the vote took place on a municipality-by-municipality basis. The Allied Powers were to determine the final borderline, acknowledging the outcome of the voting as well as geography and economic factors. Indeed, the determination of the new border became challenging, and a new Polish insurrection—the third Silesian uprising since 1918—broke out in May 1921. Eventually, the League of Nations suggested a division of the region: 75% of the territory—home to 57% of the population—was given to Germany, but Poland was awarded most of the industrial area.<sup>62</sup> The Polish area contained 76% of the coal mines, 90% of the coal reserves, 97% of the iron ore, and 82% of the zinc ore.<sup>63</sup> In a special referendum in September 1922, the German part of Upper Silesia decided to remain part of Prussia, rather than becoming a separate state of Germany.<sup>64</sup> In the af-

57 Dawid Smolorz and Marcin Kordecki, *Schauplatz Oberschlesien: Eine europäische Geschichtsregion neu entdeckt* (Paderborn: Ferdinand Schöningh, 2019), 35–52.

58 Wambaugh, *Plebiscites since the World War*, 211.

59 Aasted Schanz and Sørensen, *Grænsen er nået*, 107.

60 Aasted Schanz and Sørensen, *Grænsen er nået*, 108.

61 Wambaugh, *Plebiscites since the World War*, 249–50.

62 Aasted Schanz and Sørensen, *Grænsen er nået*, 108.

63 Wambaugh, *Plebiscites since the World War*, 259.

64 Wambaugh, *Plebiscites since the World War*, 261.

termath, perhaps some 150,000 Upper Silesians moved to Germany, whereas 60,000–70,000 moved to Poland.<sup>65</sup> The new border created new minorities with their own organizations. In the interwar period, the situation of the minorities continuously drew international attention. In 1922, Poland and Germany concluded a minority convention defining minority regimes on a symmetrical basis. After 1945, all of Silesia became part of Poland, when both the Germans and Germany's borders were forced westwards to the rivers Oder and Neisse. However, around 100,000 Germans remained in Silesia.<sup>66</sup>

The Saar region, on Germany's western border with France, was initially placed under the administration of the League of Nations in 1920, with the promise of a plebiscite 15 years later. On January 13, 1935, the referendum took place under international supervision, but within the context of strong Nazi propaganda for rejoining Germany. Some 477,000 (90.3%) voted for Germany, 46,600 (8.7%) preferred the status quo, and 2,100 (0.4%) voted for France, with 528,000 out of 540,000 eligible votes being cast.<sup>67</sup> After World War II, the Saar region was governed by a French high commissioner and closely tied to France, sharing tariffs, the economy, and the currency. In 1954, the French and West German governments negotiated a special Saar Statute, placing the region under the administration of the Western European Union until the signing of a peace treaty. On October 23, 1955, the Saar population, with a voter turnout of 96.6%, voted overwhelmingly (67.7%) against the Saar Statute. Eventually, on January 1, 1957, the region joined the Federal Republic of Germany as a separate state.<sup>68</sup> The referendum did not create any national minorities.

Finally, a unilateral consultation confirmed the new Belgian-German border regarding the districts of Eupen and Malmedy in 1920.<sup>69</sup> This was a different instrument, but it has often been called a plebiscite. According to Article 34 of the Treaty of Versailles, a “public expression of opinion” had to take place in the formerly Prussian administrative districts of Eupen and Malmedy during the first six months of 1920. Both districts had been ceded to Prussia by the Treaty of Vienna in 1815. In 1919, Belgium occupied and incorporated the area, with a total population of 64,000, and the population was asked to express any opposition to the new status in 1920. According to the Prussian census of 1910, the population

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65 Karch, “Plebiscites and Postwar Legitimacy,” 28.

66 Jørgen Kühl, *Tyskere i Øst* (Aarhus: Aarhus Universitetsforlag, 1997).

67 Sarah Wambaugh, *The Saar Plebiscite: With a Collection of Official Documents* (Westport, CT: Greenwood Press, 1971 [1940]), 304.

68 Wilfried Busemann ed., *Saarabstimmungen: 1935 und 1955* (Saarbrücken: Universaar, Universitätsverlag des Saarlandes, 2016).

69 Wambaugh, *Plebiscites since the World War*, 518–38.

was overwhelmingly German speaking; only a few hundred listed French or Walloon as their mother tongue in the district of Eupen (with a population of 27,000). In the district of Malmedy, with a population of 37,000, around 10,000 were registered as either French (169) or Walloon (9,579) native speakers.<sup>70</sup> On January 23, 1920, two public registers were opened—one each in Eupen and Malmedy—in which the population could express their interest in rejoining Germany by listing their name, domicile, and place and date of birth.<sup>71</sup> The registers offered two options: (1) the wish that all of Eupen and Malmedy should remain under German sovereignty; or (2) the wish that only named parts of Eupen and Malmedy should remain under German sovereignty.<sup>72</sup> Only a few opted for either. It was not a secret or fair referendum, and the outcome was therefore assured by the format. In spite of Germany's protests over the modalities, the registers were kept open for a full six months, as stipulated in the Versailles Treaty. On August 19, 1920, the Belgian authorities reported to the League of Nations that out of 63,940 inhabitants, of which some 30,000 were eligible to register, only 271 (209 in Eupen and 62 in Malmedy) had expressed their desire that all or part of these districts remain under Germany.<sup>73</sup> The territory, including a significant German-speaking community, was thus granted to Belgium.

### The Non-History of Plebiscites since 1945

Of the plebiscites held in the 1920s, only the borders between Denmark and Germany, between Austria and Yugoslavia, and between Austria and Hungary survived the reconfiguration of Central Europe after World War II. No plebiscites took place when Poland was pushed westward, thereby losing substantial territory to the Soviet Union but gaining previously German territory east of the Oder and Neisse rivers. Instead, minority populations within the new borders were expelled to create "clean borders." Self-determination played no part in the redrawing of the borders. After 1945, plebiscites were not utilized anywhere in Europe. Borders were shaped instead by annexation and forced migration, rather than self-determination.

Plebiscites thus became an anomaly in modern European history, rather than a model. Although plebiscites resulted in stable borders in the three instances mentioned above, they did not become a blueprint for resolving ethnic or border is-

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70 Wambaugh, *Plebiscites since the World War*, 520.

71 Wambaugh, *Plebiscites since the World War*, 526.

72 Wambaugh, *Plebiscites since the World War*, 527.

73 Wambaugh, *Plebiscites since the World War*, 532.

sues. In fact, since then, no state has expressed an interest in testing the loyalties of minority regions on their external borders. For instance, Estonia had no interest in enabling a plebiscite in the predominantly Russian-speaking region of Narva. Romania, Ukraine, and Slovakia were vehemently against their Hungarian minorities exercising self-determination, even in the form of territorial autonomy. There was no plebiscite in Schleswig following World War II, even though the Danish minority—encouraged by massive shifts in national allegiance in South Schleswig—insisted on the right to self-determination, hoping to achieve a border revision. Even the previously revisionist German minority in Denmark, while actively demanding a border revision in the interwar period, recognized the 1920 border after Germany’s defeat in 1945. The implicit border issue was eventually resolved through flexible minority regulations as stipulated in the bilaterally negotiated (yet unilaterally stated) Bonn-Copenhagen Declarations of 1955.<sup>74</sup> This turned out to be highly successful in the long run. When upheavals in Central and Eastern Europe around 1989 once again placed issues of ethnic and national minorities on the international agenda, Denmark and Germany pointed to their border region, and the Danish-German minority model, as an example and source of inspiration for other minority conflicts in Europe. However, the plebiscite experience of 1920 was never offered as a tool to resolve minority conflicts.

### Pseudo-Plebiscites in Russian-Occupied Ukraine 2014–2022

In 2014, the plebiscite instrument was utilized by the Russian Federation as a reaction to the Euro-Maidan revolution in Ukraine. Four unilateral referenda were held, but were not recognized under international law. In Crimea and Sevastopol, they were to justify annexation by and incorporation into the Russian Federation. In the case of Donetsk and Luhansk, the aim was to secede from Ukraine and declare independent statehood as so-called “people’s republics,” but under Russian control. Following the Russian occupation of Crimea in February/March 2014, the local population was called on to vote on joining Russia on March 16, 2014.<sup>75</sup> In the Autonomous Republic of Crimea, 1.2 million voters supposedly participated, and 96.77% were claimed to have voted in favor of joining Russia. Interestingly, the Ukrainian census of 2001 showed that Russians constituted only 58% of the Crimean Republic’s population.<sup>76</sup> In the naval city of Sevastopol, 95.6%

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74 Kühl, *København-Bonn Erklæringerne*.

75 “2014 Crimean status referendum,” *Wikipedia*, [https://en.wikipedia.org/wiki/2014\\_Crimean\\_status\\_referendum](https://en.wikipedia.org/wiki/2014_Crimean_status_referendum) (accessed October 12, 2022).

76 “Vseukrayins’kyy perepyt naseleennya, 2001,” <http://2001.ukrcensus.gov.ua/> (accessed October 15, 2022).

of the 270,000 votes were in favor of joining Russia. In 2001, Russians made up 72% of the city's population. Based on these manipulated referenda, which have never been recognized by the international community, both Crimea and Sevastopol were admitted to the Russian Federation. Crimea became the 22nd republic to join the Russian Federation, and Sevastopol became a federation city.

Separatists in Donetsk and Luhansk, firmly supported and armed by Russia, declared independence and launched a war against Ukraine. To justify this move, the remaining population, which had not fled, was called to a referendum on May 11, 2014, and asked to vote on independent statehood.<sup>77</sup> In Donetsk, 89.07% were in favor and 10.19% were against independence. In Luhansk, 96.2% voted for independence and 3.8% voted against. It should be noted that upon declaring independence in 1991, a vote took place in all of Ukraine on December 1, 1991.<sup>78</sup> At that time, 84% of the population of Donetsk and Luhansk voted for the independence of Ukraine from the Soviet Union. 54% of voters in Crimea and 57% in Sevastopol also voted for independence. Thus, the proclaimed outcomes of the 2014 referenda were significantly different from the recognized outcome of the 1991 referendum on the independence of Ukraine. In 2014, the two separatist entities declared statehood as the Donetsk People's Republic and the Luhansk People's Republic, although both were effectively under Russia's control. Russia gave citizenship to significant portions of the population. After eight years of uninterrupted war with Ukraine, the two self-declared entities applied for membership in the Russian Federation in February 2022. This was accommodated by Putin on February 21, 2022, and this became the stepping stone for his declaration of a "special military operation" in Ukraine on February 24, 2022. Putin justified the war, inter alia, with the obligation to protect the Russians of Ukraine from the alleged ongoing genocide committed by Ukraine. However, the International Court of Justice has found no evidence for this claim.<sup>79</sup>

Russian forces were initially able to expand deep into Ukraine, reaching the suburbs of the capital, Kyiv. Significant territories in eastern and southern Ukraine were also conquered, but the tides of military fortune turned, and

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77 "2014 Donbas status referendum," *Wikipedia*, [https://en.wikipedia.org/wiki/2014\\_Donbas\\_status\\_referendums](https://en.wikipedia.org/wiki/2014_Donbas_status_referendums) (accessed October 12, 2022).

78 "Ukrainian independence referendum," *Seventeen Moments in Soviet History*, <https://soviethistory.msu.edu/1991-2/the-end-of-the-soviet-union/the-end-of-the-soviet-union-texts/ukrainian-independence-declaration/> (accessed October 15, 2022).

79 "Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation: 32 States intervening): Summaries of Judgments and Orders," *International Court of Justice*, <https://www.icj-cij.org/en/case/182/summaries> (accessed October 13, 2022).

Russian forces were pushed back on several fronts. In early September 2022, Ukrainian forces pushed the Russians out of the northeastern Kharkiv region in a rapid offensive. This triggered a decision to hold referenda in four regions that were still partially under Russian military occupation.

Beginning in spring 2022, there had been preparations to hold referenda in the Russian-occupied territories—including Kharkiv and Mykolaiv. In Kherson, the intention to declare a people’s republic was announced in March 2022. Following the Russian defeat in the Kharkiv region in September 2022, Putin moved quickly on referenda to justify the annexation of Ukrainian lands. On September 21, 2022, Putin announced a partial mobilization of Russian men into the army. This accompanied the hastily organized referenda in the four regions, which in no way met international norms for such plebiscites. On September 23–27, 2022, referenda took place in Donetsk, Luhansk, Kherson, and Zaporizhzhia provinces. All four were illegal under both Ukrainian and international law, since a significant percentage of the population had left these regions after 2014, and the voting did not fulfill any of the criteria for plebiscites, like those held after World War I, with votes cast under armed supervision by Russian soldiers who brought ballot boxes to people’s homes.<sup>80</sup>

In the Donetsk and Luhansk referenda, the question on the ballot was: “Do you approve of the Donetsk (resp. Luhansk) People’s Republic being incorporated into the Russian Federation with subject rights of the Russian Federation?” In Kherson and Zaporizhzhia, the question was worded: “Do you approve of having Kherson (resp. Zaporizhzhia) Oblast exit Ukraine, reforming Kherson (resp. Zaporizhzhia) Oblast into a self-governing state as well as incorporating it into the Russian Federation with subject rights of the Russian Federation?”<sup>81</sup> In Donetsk and Luhansk, the questions were only in Russian, whereas in Kherson and Zaporizhzhia, they were in both Russian and Ukrainian.

The outcome of the staged referenda was no surprise. It was claimed that the regions had voted almost unanimously for unification with Russia. According to unreliable Russian data, the results in favor of joining the Russian Federation were:<sup>82</sup>

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<sup>80</sup> “Abstimmen unter Soldatenaugen,” *Frankfurter Allgemeine Zeitung*, September 26, 2022.

<sup>81</sup> Quoted in “2022 Annexation Referendums in Russian-Occupied Ukraine,” *Wikipedia*, [https://en.wikipedia.org/wiki/2022\\_annexation\\_referendums\\_in\\_Russian-occupied\\_Ukraine](https://en.wikipedia.org/wiki/2022_annexation_referendums_in_Russian-occupied_Ukraine) (accessed October 12, 2022).

<sup>82</sup> Data quoted in “2022 annexation referendums in Russian-occupied Ukraine,” *Wikipedia*, [https://en.wikipedia.org/wiki/2022\\_annexation\\_referendums\\_in\\_Russian-occupied\\_Ukraine](https://en.wikipedia.org/wiki/2022_annexation_referendums_in_Russian-occupied_Ukraine) (accessed October 12, 2022).

- In Donetsk, 99.23% (2,116,800 voters) supported the annexation, with a turnout of 97.51% (2,131,207 voters).
- In Luhansk, 98.42% (1,636,302 voters) supported the annexation, with a turnout of 94.15% (1,662,607 voters).
- In Kherson, 87.05% (497,051 voters) voted to join Russia, while 12.05% (68,832 voters) were against, with a turnout of 76.86%.
- In Zaporizhzhia, 93.11% (of 541,093 voters) voted to join Russia, with a turnout of 85.4%.

Despite international protests, Putin announced the annexation of the four Ukrainian regions into the Russian Federation on September 30, 2022, and signed accession treaties with the four entities in a ceremony in the Kremlin in Moscow.<sup>83</sup> He declared that the regions would be Russian forever.<sup>84</sup>

Russia's unilaterally declared annexation of Ukrainian lands drew international condemnation. On October 12, 2022, the United Nations General Assembly made a clear stand against the annexation: "Three-quarters of the 193-member General Assembly—143 countries—voted in favor of a resolution that also reaffirmed the sovereignty, independence, unity, and territorial integrity of Ukraine within its internationally recognized borders."<sup>85</sup> Only five states (Russia, Syria, Nicaragua, North Korea, and Belarus) voted against the resolution, while 35 states (including China and India) abstained.

### Plebiscites and Referenda as a Possible Solution to Putin's War in Ukraine?

The four pseudo-plebiscites, held in September 2022, did not meet the standards for referenda leading to secession and incorporation into a neighboring state under international law. The same can be said for the 2014 referenda held in the Crimean Peninsula, in Donetsk, and in Luhansk. In 2014 and 2022, the referenda were enforced and controlled by a belligerent occupying neighboring

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83 "Putin Signs Decrees Declaring Four Regions of Ukraine Part of Russia," *New York Times*, September 30, 2022, <https://www.nytimes.com/video/world/europe/10000008560357/putin-signs-decree-annexation-ukraine-russia.html?searchResultPosition=1> (accessed October 12, 2022); "Internationale Empörung über Annexion ukrainischer Gebiete," *Frankfurter Allgemeine Zeitung*, October 1, 2022.

84 Yana Dlugy, "Putin's Illegal Annexation," *New York Times*, September 30, 2022, <https://www.nytimes.com/2022/09/30/briefing/russia-ukraine-war-annex.html?searchResultPosition=2> (accessed October 12, 2022).

85 Michelle Nichols, "United Nations condemns Russia's move to annex parts of Ukraine," *Reuters*, October 12, 2022, <https://www.reuters.com/world/united-nations-condemns-russias-move-annex-parts-ukraine-2022-10-12/>.

state, which was at war with the state where the referenda were held and was falsely claiming the historical right to these territories.

Nevertheless, the idea of a plebiscite in Russian-occupied Ukraine has been presented on several occasions. In the introduction to this chapter, two Danish politicians proposed a plebiscite, like that of Schleswig, as a possible model for Ukraine. Similar views have been voiced by various international personalities, but all have been immediately rejected by Ukrainian officials.

The American military strategist, Edward Luttwak, pointed to the Versailles plebiscite experience in an interview with Radio Free Europe/Radio Liberty on June 11, 2022:

So the only way out of this moment will be for Zelenskiy, who cannot give away anything of Ukraine, to agree to a plebiscite—an actual plebiscite [in Donetsk and Luhansk], not the Russian referendum done [quickly] and so on, but a real plebiscite with the 1919 rules ... established after the Versailles Treaty.

And then:

Let me specify that the 1919 rules would be needed. Rule No. 1: that the entire process is controlled by a huge number of neutral inspectors, not 12 people, but a huge number everywhere. And rule No. 2: that before there is any voting there is eligibility, and someone who is from Donetsk who is in New Zealand gets a vote if he left in the last 20 years, or rather since 2014. First you have validation criteria and everything else, so it is actually a democratic choice. And Zelenskiy cannot *a priori* say, “Oh, I won’t accept a democratic solution.” Donetsk and Luhansk are entitled to have a democratic solution.<sup>86</sup>

Ukraine responded to Luttwak’s idea by blacklisting him on July 14, 2022. In an interview with the German paper *Die Welt* on August 3, 2022, Luttwak again stressed his proposal, pointing to the plebiscite provisions of the Versailles Treaty of 1919. He emphasized that the proposed plebiscites should be held under international control, and he stressed that an armistice, Ukraine’s accep-

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<sup>86</sup> Vazha Tavberidze, “Interview: Edward Luttwak,” *Radio Free Europe/Radio Liberty*, June 11, 2022, <https://www.rferl.org/a/ukraine-war-luttwak-interview-putin-russia-plebiscite/31893485.html> (accessed October 11, 2022).

tance of the plebiscites, and Russia abstaining from further territorial claims would be preconditions.<sup>87</sup>

Luttwak's proposal was criticized by the Israeli military historian Martin van Creveld, among others. In *Die Welt*, on June 17, 2022, van Creveld pointed to the fact that the plebiscites after World War I did not bring peace to Central Europe. The territorial disputes between Germany and its eastern neighbors, between Hungary and its neighbors, and between Romania and Bulgaria continued throughout the interwar period. While van Creveld expresses skepticism about plebiscites,<sup>88</sup> he seems to forget that no plebiscites were held between the states listed, with the exception of Germany and Poland. Hence, the tension between these states cannot be used as an argument against plebiscites. On the contrary, since three of the five plebiscites eventually led to sustainable borders, the opposite would be a valid point: Plebiscites under international control have worked in practice and in the long term. However, in Schleswig and Carinthia, both borders created minorities and were challenged for decades until the Cold War brought about stabilization. Still, the positive experiences in Schleswig, Carinthia, and Western Hungary are not by themselves an argument for holding a plebiscite in the case of Ukraine. Nevertheless, the idea of plebiscites as a means of reaching some sort of peace still pops up from time to time. On October 3, 2022, for example, multi-billionaire Elon Musk tweeted that Crimea belongs to Russia and then proposed a UN-supervised referendum in the Russian-occupied lands of Ukraine. This was immediately rejected by Ukraine,<sup>89</sup> but it shows that the idea is still simmering.

### “Why Not Hold a Plebiscite like in Schleswig?”

Is a plebiscite “like in Schleswig” a relevant option? All plebiscites after World War I were based on peace treaties (with the later addendum of the Ödenburg/Sopron plebiscite in 1921 in the Venice Protocol). They were included in the Versailles Peace Treaty of June 28, 1919 (with Germany) and the Treaty of Saint-Germain of September 10, 1919 (with Austria). In both cases, Germany and Austria had lost the war they were deemed to have initiated. Plebiscites were agreed to after the war, and only took place along the borders of Germany and Austria

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87 “Ich, Putin-Propagandist,” *Die Welt*, August 3, 2022.

88 “Rußlands Armee hat dazugelernt,” *Die Welt*, June 17, 2022.

89 Yaroslav Trofimov, “Elon Musk Draws Criticism From Ukraine’s Zelensky Over Russia Tweets,” *Wall Street Journal*, October 3, 2022, <https://www.wsj.com/articles/elon-musk-draws-criticism-from-ukraines-zelensky-over-russia-tweets-11664831256> (accessed October 11, 2022).

once the peace conference had already removed significant territories from both states, without consulting the population concerned. Additionally, the plebiscite territories were not occupied by a neighboring state that was actively engaged in a war of aggression against them. The plebiscites were held under international supervision, ensuring free voting, and the Allied Powers eventually determined the borders based on their outcomes. The voting areas were demilitarized and placed under international control ahead of the plebiscites, and both sides were able to agitate for their point of view. Eligible voters were asked to actively choose between two states, and no plebiscites took place in states that had been attacked and partly occupied.

None of these factors applied to the unilateral pseudo-referenda staged under Russian occupation. The four referenda were conducted in wartime on territories that were not even under full Russian control, and voters were asked to cast their ballots under the watch of armed soldiers. The referenda were not agreed to by Ukraine or any international organizations. None of the elements of the 1920–21 plebiscites were to be found in 2014/2022. Hence, there is no nexus between the plebiscites then and now. The 2022 referenda were pseudo-plebiscites in every way.

Although the plebiscite solution of 1920–21 determined, and eventually consolidated, the new borders between Denmark and Germany, Austria and Hungary, and Austria and Carinthia, it took several more decades before the relevant borders were finally accepted on all sides, including by the minorities created or left behind. Even more significant is the fact that the instrument of the plebiscite was never reintroduced into European politics. In the interwar period, Germany aimed at a revision of the Versailles borders, and from 1938 onward, the borders were indeed revised—with the sole exception of the Danish-German border—through intimidation and force under Nazi rule. However, Germany did occupy all of Denmark from 1940 to 1945. After World War II, borders were agreed on by the victorious powers based on the interest of states, rather than the will of the population concerned. This led to mass forced migration.<sup>90</sup> The Helsinki Final Act of 1975 recognized the borders following the reshuffling that occurred before, during, and immediately after World War II.<sup>91</sup> Following the 1989–1991 implosion of the Soviet Union and Soviet-dominated regimes in

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90 Grzegorz Hryciuk, Małgorzata Ruchniewicz, Bożena Szaynok, and Andrzej Żbikowski, *Umsiedlungen, Vertreibungen und Fluchtbewegungen 1939–1959: Atlas zur Geschichte Ostmitteleuropas* (Bonn: Bundeszentrale für politische Bildung, 2012).

91 Conference on Security and Co-Operation in Europe Final Act, Helsinki 1975, <https://www.osce.org/files/f/documents/5/c/39501.pdf>, p. 5 (accessed October 15, 2022).

Eastern Europe, no plebiscites took place. Instead, Soviet republics (including Ukraine) voted on independence in 1991. In the former Yugoslavia, the various constituent republics declared independence as well, with the former internal administrative boundaries becoming national borders after 1991. In all of these cases, though, the decisions were based on unilateral referenda organized by the republics themselves, not by plebiscites held under the Conference on Security and Cooperation in Europe (CSCE) or the United Nations (UN). Nor were the referenda in Luhansk, Donetsk, and Crimea in 2014 and in Luhansk, Donetsk, Kherson, and Zaporizhzhia in 2022 plebiscites like in Schleswig; rather, they were manipulated, forced pseudo-referenda. They cannot be compared to the plebiscites of 1920–21, but rather are comparable to the orchestrated pseudo-referenda held by the occupying Soviet Union in Eastern Poland in 1939—leading to the incorporation of Polish lands into Belarus and Ukraine, and eventually a smaller part into Soviet Lithuania as well—and in the Baltic States in 1940, legitimizing the Soviet annexation of Estonia, Latvia, and Lithuania.<sup>92</sup>

As positive as the long-term effects of the Schleswig, Carinthia, and Western Hungary plebiscites turned out to be (in combination with minority regulations based on either symmetrical or asymmetrical constellations of majorities and minorities in the vicinity of the new borders), it must be concluded that plebiscites have proven an exception, rather than a blueprint for peaceful resolution of border disputes in Europe. They were held within a narrow window of opportunity following World War I. After decades of dispute and revisionist ambitions, the borders based on plebiscites were eventually recognized, so in the long term, the instrument succeeded. The relevance of the plebiscite experience is more symbolic than concrete, with no actual impact on the ongoing war between the Russian Federation and Ukraine. Even if plebiscites were to become an element of a possible future peace agreement, it would create an unwanted precedent for other borders with minorities on one or both sides, even in Ukraine. For instance, the Hungarian minority in Transcarpathian Ukraine might also demand a plebiscite on joining Hungary. The same applies to the Romanian and Moldovan minorities living close to Ukraine's borders with Romania and Moldova. The moment plebiscites are reintroduced as a mode of border-making in Europe, several issues might become urgent as well. This could also apply to the Russian Federation itself, with 21 internationally recognized republics named for nationalities that might also demand their right to self-determination.

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92 Jørgen Kühl, "Stalin, Putin og grænse-pseudoafstemninger," *Flensborg Avis*, April 25, 2022.

The idea of having a plebiscite “like in Schleswig” might seem relevant at first glance. By mirroring the success story of the Danish-German border region and projecting the long-term achievements of the Danish-German minority model back to 1920, plebiscites might seem like a relevant solution to border and nationality issues along other European borders—if it is forgotten that the plebiscite itself became the point of departure for the next 35 years of dispute over the resultant border. The process of determining the border caused minority conflicts and border disputes, and a plebiscite on the Ukrainian-Russian borders might similarly only resolve some issues, while creating even more.

Thus, the 1920 plebiscite experience does not offer a blueprint for resolving border issues in Russia’s war against Ukraine. Every new border creates new minorities. In Schleswig, the outcome of the 1920 plebiscites provided for liberal minority regulations. Since 2014, Russia has proven that it is unwilling to guarantee any minority rights, pursuing full-forced assimilation instead. Ukrainians, Crimean Tatars, and other nationality groups have suffered under aggressive Russification, including deportation. Putin’s justification for the war against Ukraine is the claim that the Ukrainian nation and culture have no right to exist. Plebiscites on borders only make sense when they are agreed on, linked to guarantees of minority rights, and embedded in international legal frameworks. It is therefore, as of early February 2024 at least, not possible to do in Ukraine what was done in Schleswig in 1920.

## C o n t r i b u t o r s



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**P**lebiscites, or referendums, are epitomes of direct democracy and the right of self-determination. While direct democracy has always been a key subject in the theory and practice of western liberal democracies, the issue of self-determination has been propelled to the fore by the hegemonistic moves of Russia. By providing a historical analysis of the post-World War One plebiscites, this book deals with enduring, painfully contemporary, and in any case fundamental, concepts.

The contributors to this edited volume approach the referendums comparatively. After grounding the analysis theoretically, the authors look at detailed aspects of individual cases, with the two plebiscites held in the Danish-German border region of Schleswig in the winter of 1920 as points of departure. They then extend the exploration through the interwar period and address the effects of border delimitations on everyday life or gender roles in the context of ethnic mobilization. Finally, the book places the post-World War One plebiscites in a long-term perspective. The concluding essays assess, among others, the applicability of plebiscitary solutions to contemporary conflicts, taking into consideration issues of borders, religion, language, identity, and minority rights.

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“A first-class, comparative and multi-disciplinary examination of the plebiscites that took place in Europe in the aftermath of the First World War. The first collection of its type in English in almost a century, it will be essential reading for anyone interested in how direct democracy has been used to address disputes over self-determination.”

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“Combining insights from historians, political scientists, and legal experts, *Post-World War One Plebiscites and Their Legacies* addresses its subject matter from a geographically diverse and scholarly interdisciplinary perspective. In so doing, the volume offers not only specific accounts of the plebiscites in question, but also reflections on the practical dilemmas posed by the implementation of national self-determination as a principle, as well as a detailed study from below of how the concerned populations decided on their own collective identities. This book makes a unique contribution to the field of border studies, nationalism studies, modern European history, and political science.”

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