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Tolerant majorities, loyal minorities and 'ethnic reversals': constructing minority rights at Versailles 1919[·]
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For five months in 1919 at the Paris Peace Conference the Great Powers deliberated on how to institutionalize multiethnic democracies in the new or expanded states of Poland, Czechoslovakia, Hungary, Yugoslavia, Romania and Bulgaria. More than 25 million eastern Europeans had become 'unassimilable' minorities in these states as a result of the imperfect implementation of self-determination; Versailles' 'one nation, one state' principle proved impossible to realize in ethnically-mixed East Central Europe (ECE). Consequently, the drawing of new borders and states—and the introduction of majoritarian democratic politics—resulted in what we term 'ethnic reversals': 'formally dominant minorities' suffered status decline, while previously 'minoritized majorities' found new political powers. The 1919 Minority Treaties, therefore, sought to manage the politics of these shifting majority-minority and state-minority relations.

Specifically, as the first liberal minority protections regime sanctioned by an international body, the 1919 Minority Treaties sought to fashion liberal nationalisms in ECE capable of accommodating real, historic diversity. Several early works analyzing the Minority Treaties appeared in the interwar years (*inter alia* Maier 1928; Macartney 1934; Janowsky 1966[1933]), and recently historians have revisited key issues (Levene 1992, 1993; Mazower 1997; Fink 2004). Yet there has been little attempt to theorize or analyze the sociological reasoning that underpinned them, and how it might resonate with contemporary debates around liberal minority rights. This article seeks to make a contribution. The deliberations and the treaty provisions addressed key theoretical issues in ways that are relevant to current attempts to fashion multiethnic democracies: nation-building amid 'ethnic reversals', the protection of vulnerable minorities in majoritarian democracies, and the need for certain cultural homogeneity for political stability. While not intended as a historiographical narrative of the treaty deliberations, we offer an analytical account of the political sociology that underpinned the 1919 minority rights regime.

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In their substance, the 1919 minority protections reflected the influences of Anglo-American political elites and Anglo-American Jews, the most notable voices of liberalism in an age of ethnic homogenization. The 1919 minority provisions embodied (1) particularist cultural protections within a universalist political framework; (2) the belief that Jews could only be protected if states were forced to be liberal; and (3) the assumption that if culture was given room for expression, then political loyalty, or value assimilation, would follow. In 1919—as often today—the minorities problem was constructed in terms of cultural or identity exclusion, to the neglect of the socio-economic inequalities, or class inversions, inherent in the ethnic reversals. Surprisingly little attention was paid to class or economic decline, status erosions, and prospects for social mobility—all with important consequences both for the character of homogenizing nationalisms in ECE and for the minority grievances that were brought before the League of Nations in the interwar years. More generally, we argue that in contexts of historically deep diversity with little institutionalized liberalism the imposition of (majoritarian) democracy can result in 'ethnic reversals', which raise issues that cannot be resolved within liberal conceptions of minority rights that rely solely, or primarily, on cultural protections.

The 1919 Minority Treaties in Context

Minority protections clauses were first included the Polish Treaty (signed with the German Treaty in June 1919) and then extended, with modifications, to Czechoslovakia, Romania, Yugoslavia, Hungary, Bulgaria, Greece and Turkey. Apart from international recourse to the League of Nations, the Minority Treaties had two basic components. Woodrow Wilson's original basic minority rights, or the protection of life and liberty without distinction to birth, race, nationality, language and religion, were included in language drawn from the American Constitution (articles 1-8), together with differentiated rights, framed as cultural protections and included as minority language provision in schools (articles 9-11) (Allied and Associated Powers 1947[1919]: 798-801).

The failure of the 1878 Treaty of Berlin's religious clauses to adequately protect Romania's Jews stood as a negative example. However by 1919 the relevant cultural marker was language, not religion, effectively moving the problem of minority protections well beyond traditional civil and political liberties. Despite the

many minorities created by the new 1919 borders, Polish Jewry became *the* paradigmatic minority for reasons—and with implications—that we discuss below. The Polish Minority Treaty became the model for the others, so our focus is on its provisions. It maintained that Poland would 'assure full and complete protection of life and liberty to all inhabitants of Poland without distinction of birth, nationality, language, race or religion' (Article 2); that all citizens would be 'equal before the law…without distinction as to race, language or religion', and that 'differences of religion, creed or confession shall not prejudice…admission to public employments…or the exercise of professions and industries' (Article 7). Article 8 provided that all racial, religious or linguistic minorities 'have an equal right to establish, manage, and control at their own expense charitable, religious and social institutions, schools and other educational establishments' (Allied and Associated Powers 1947: 798-800).

Articles 9 and 10 sanctioned the state subsidization ('provided out of public funds under the State') of minority languages in public primary schools in districts where 'a considerable proportion' of inhabitants were not Polish speakers. Article 10 permitted local Jewish committees to manage these public funds themselves. Other significant provisions included protections from working or voting on the Jewish Sabbath (Allied and Associated Powers 1947: 800).

Three important consequences flowed. First, the Treaty provisions institutionalized new sources of ethnic resentment (see *inter alia* Maier 1928: 27-9; Rothschild 1934: 39 and *passim;* Fink 2004), something forcefully argued at the time by some (for example Romania's Bratianu and Poland's Paderewski). Second, the new states' leaderships voiced strong objections on the grounds that the provisions infringed on their sovereignty by prescribing domestic policy (cf. Link 1992 II: 291 fn. 6, 481-2, 487-93), and this during a crucial nation-building moment. Third, a key argument of most Treaty historians has been that these minority protections were not applied to all League states, particularly the US, Britain and France, and that this lack of universality constituted another source of resentment at the League of Nations (Maier 1928; Rothschild 1934; Mazower 1997; Fink 2004).

In this connection it is typically argued that for the first time these treaties (1) introduced 'national' rights, and (2) provided for collective rather than individual rights (Mazower 1998: 54; Fink 2004: 270-2). For the reasons specified in what follows, we substantially qualify both of these characterizations: these were not

collective rights granted to 'national' minorities, but rather individual rights granted to members of ethnocultural minorities. In contrast to both pre-WWI attempts to protect religious minorities, and in contrast to post-1945 individual or human rights regimes, the 1919 Minority Treaties did not seek 'national' or collective cultural rights as such. Rather they had at their core the intention of changing the political culture, and of empowering certain ethnic minorities with substantial cultural rights in an attempt to create a shared universalist political allegiance.

A caveat is in order however. Political elites at Versailles had various understandings of the changed nature of majority-minority relations, but the term 'ethnic reversals' is ours. Moreover, we focus on Polish Jews because to political elites in 1919it was the minority around which the Treaty provisions were constructed. To be sure, Polish Jewry was not the quintessential example of 'ethnic reversal,[i] but their minority provisions were extended to Germans, Czechs, Hungarians, Slovaks, and others, largely without regard to the full implications of the 'ethnic reversals' sanctioned by Versailles' state-making.

Democratic nation-building and 'ethnic reversals'

If these substantial cultural recognitions and rights were an attempt to frame nation-building along liberal lines, they were imposed on ethnic nationalists in contexts of deep diversity with little institutionalized liberalism. J.S. Mill argued that democracy is next to impossible in a state made up of different nationalities: assimilation, or integration, is desirable because politically stable democracy requires homogeneity or a shared common culture. Setting aside the question of how much cultural unity is implied here (Hall 1996), a key issue—then, as now—is how to get that level of shared culture, without illiberal, coercive homogenization, especially where diversity is real, powerful, and historically reinforced.

This is particularly acute in the early stages of nation-state building following the disintegration of empires, when 'ethnic reversals' occur: majorities become minorities and vice versa. The task here is to descriptively tease out the implications of ethnic reversals in order to better understand the prescriptive application of liberal minority rights. A League of Nations observer put it in a way that might apply to today's Kurds, Shi'a, and Sunni, or Kosovar Albanians, or Abkhazians:

> These minorities consist of people, who, until lately, were accustomed to a position of superiority. They now find themselves in a position of something rather like subjection. They are bound to feel, they cannot but feel, a sense of grievance. The people round them have, until lately, been in a position of inferiority. They now find themselves suddenly in a position of power (Gilbert Murray, quoted in Macartney 1934: 293-4).

In these contexts minority issues are 'securitized' because ethnicity is associated with irredentism, oppression, disloyalty, collaboration with foreign forces or the previous regime, or with historical injustices (Kymlicka 2004). These vulnerable minorities—or newly 'minoritized majorities'—often confront a grim number of options: assimilation, expulsion, or nationalist confrontation. The kinds of liberal, multinational, federal or consociational arrangements so often prescriptively theorized in the literature have rarely been viable options—unless imposed externally, and then with mixed results—not least because to newly empowered elites, federal settlements have the lingering smell of the former imperial (or colonial) structures. In short, new elites created by ethnic reversals, particularly if they constitute the numerical majority, are in no mood to be politically generous to previous oppressors.

This need not be so, of course, and theorizing the ideal causal sequencing of these transitions has generated key insights. Most generally, liberalization (or pluralist contestation) before democratization is both more stable and more conducive to viable democracy ('polyarchy') (Dahl 1971), largely because institutionalizing pluralist politics goes some way to establishing key elements of a civil society, a necessary condition for liberal democracy (Putnam 1994). Moreover, in multiethnic contexts electoral sequencing—general elections before regional elections—allows identification with, and incorporation into, the wider polity without politicizing regional-ethnic identities (Linz and Stepan 1996). The failure to attend to these sequences can lead ethnic elites to hijack the transition; ethnic cleansing and genocide frequently occur in newly independent or democratizing states (Snyder 2000; Mann 2005). There were, for instance, more pogroms in Poland after 1919 than in the pre-war period.

A parallel and related set of prescriptions centers on the need for early, generous devolution of minority recognitions in order to diffuse conflict (Horowitz 1985). Liberal incorporation, political 'voice', or cultural or minority recognition will gain adherence, prevent 'exit', and diffuse ethnic conflict (Taylor 1994; Hall 1996; Kymlicka 2004). This was precisely the sociological reasoning underpinning the

Minority Treaties, most openly articulated by Wilson both as a descriptive characterization of America's multiethnic democracy, and as the prescriptive basis for liberal nationalism in ECE. It was predicated on the belief that substantive liberal minority protections would diffuse ethnic disaffection, foster political loyalty and, eventually, facilitate assimilation.

Of course the ultimate failure of the minority rights regime in the interwar years owed more to structural conditions of the international order, the weakness of the League of Nations, and a variety of idiosyncratic conditions across the states of *Mitteleuropa* than it did to the content of the minority treaties themselves. And yet there is still something here that is instructive, not least because so many of the pre-Treaty conditions are found today. There is something distinctive about the nationalism of a post-imperial (or post-colonial) state that inherits historic cultural diversity within its borders. Whether or not addressing minority/diversity issues *should* be a precondition for modernizations/liberalizations—and there is much theorizing to suggest it should not—the desire for a unitary, indivisible homogenous state has in reality tended to precede most other considerations (cf. Kymlicka 2004: 151-3). As the historical record suggests, new nation-builders usually see the achievement of cultural homogeneity as the first step to liberalization, democratization, or indeed to addressing any number of social problems, from unemployment to infrastructure.[ii] In part this is because the early stages of nation-state building require political centralization and majoritarian democratic control over the dispensation of social resources—particularly if unequal distribution of resources had characterized previous rule.

[TABLE 1 HERE]

The basic formulation, of course, derives from Ernest Gellner (1983): the pressure to homogenize arises with modernization. The congruence of cultural differences and social position gave traditional agrarian society its cohesion, 'solidarity', and stability. And multiethnic empires (the historical norm) are characterized by stable, ranked ethnicity as much as by inequality of rule and access. In traditional multiethnicity social inequalities are typically signed by cultural differences, while modern nationalism is defined by cultural homogeneity, the erosion or replacement of status by culture. Table 1 identifies three possible outcomes. Transitions out of ranked authoritarian multiethnicity (Cell A) to nation-statehood (Cells B, C, D) entail a double transition: from multiethnicity to a national state with

minorities, and from inequality to equality. Traditional societies' vertical ethnic stratifications are replaced by modern nationalisms' horizontal ethnic stratifications; but ethnic fortunes are frequently reversed, and a new vertical or horizontal ethnic stratification is the outcome (Cells C, D). Cell B represents the ideal of a 'liberal nationalism' in which there is tolerance of genuine ethnic diversity.

Crucially, however, nationalisms resulting from reversals of the ethnic hierarchy have two additional consequences that are often ignored. The first is the effect on class/ethnic stratification and scope for social mobility. When 'low'/'peasant culture' becomes the ruling culture, and the previous 'high culture' of the old regime is demoted, lower classes become elites and former elites suffer potential (and potentially significant) status reversals. This not only impacts on minority nationalisms, but also on the sociology of *assimilation*: for a variety of reasons 'low cultures' often present significant barriers to assimilation. Whether the ruling culture is Magyar or Romanian matters a great deal for social mobility via cultural assimilation.[iii] In the empires of ranked multiethnicity assimilation into the ruling high culture was historically a venue for educated minority elites seeking social mobility outside of ethnic structures, but with 'ruling low cultures' assimilation tends to be less attractive and social mobility via assimilation is blocked. The fact that cultural assimilation is no longer an attractive path to social success (1) reifies cultural barriers, (2) reinforces the co-stratification of culture and inequality (albeit now inverted), and (3) restricts social mobility to ethnic structures.

Secondly, and partly as a result of this, there is a tendency to address the transition primarily as an identity problem, as the politicization of culture, rather than as an issue of social access, mobility, or social inequality. In part this is because, as Horowitz (1985: part I) showed, while conflict in ranked systems typically involves class mobilization, conflict in unranked (or transitional) systems aims at forms of autonomy or sovereignty. Outcomes are defined by *how* culture is politicized in moving out of Cell A. Now there is of course no such thing as a culturally-neutral state (Young 1990; Taylor 1994), but as Gellner's (1998: 142-3) exceptionally suggestive last work argued, in theory it is possible to embrace culture in a way that is free from political nationalism, to limit nationalism's political power while giving its cultural expression wide girth. Gellner (1998: 144 and *passim*) thought that something like an Austro-Hungarian version of 'indirect rule', a 'Malinowski solution', based on the idea that culture need not necessarily be territorial, would be ideal given so many

incompatible cultural claims. As we argue below, this Gellner-Malinowski version was precisely the liberal formulation navigated by political elites in 1919.

The 'Committee on New States': the Americans, the British, and the Jews

Versailles' Minority Treaties tried to manage the politics of ECE ethnic reversals through a liberal regime of minority rights protections and cultural recognitions. American political elites were eager to apply democratic principles of civil rights in ECE, and they insisted on the need for minority protections. The French were resistant to the idea, and the British ambivalent: Lloyd George believed that while certain protections were necessary, substantial cultural rights were not.

Wilson had wanted to anchor the principles of liberal toleration in the League Covenant itself, since he viewed minority protections as extensions of the promise of self-determination to those who did not receive their own states. In Wilson's Second Draft of the Covenant (or the Paris First Draft) he included 'supplementary agreements' in which all 'racial or national minorities' would receive 'exactly the same treatment and security…that is accorded the racial or national majority'; while '…it is impossible to suppose that all racial minorities can be entitled to have their languages used even in official records', specific provisions could be made for each case (Miller 1928 I: 40, 47; cf. Miller 1928 II: 91).

Wilson was soon obligated to drop minority protections from the League Covenant (although his original language of 'life and liberty, general civil and political rights' would remain the basis of the final minority treaties). So on receipt of briefing papers from American and Jewish representatives, he proposed that a Committee on New States (CNS) be set up in Paris in order to draft separate minority treaties (Temperley 1921: 123). The CNS met sixty-four times between May and November 1919. Key British delegates were the historian-diplomat James Headlam-Morley; the Jewish diplomat, Lucien Wolf, who led the British Jews of the Joint Foreign Committee (JFC); and historians of the British Foreign Office: R.W. Seton-Watson, Arnold Toynbee, E.H. Carr, Sir Lewis Namier, and Alfred Zimmern. Crucially Wolf argued for basic universalist liberties,[iv] viewing Jewish nationalism as a threat to the diaspora's hard-won assimilation (Black 1992: 17-9). Also important was Headlam-Morley's friendship with Namier. A keen Zionist and son of assimilated, converted Polish Jews, Namier's distrust of Polish elites and his support

of Polish Zionism had significant influence (Headlam-Morley 1972: xxviii, 55, and *passim*; Lundgren-Nielsen 1979: 384, 405).

Manley Hudson and David Hunter Miller represented the American delegation. Presidential advisor, 'Colonel' House was committed early on to addressing the Jewish question through the influence of the American Jewish Committee's (AJC) Judge Julian Mack, Louis Marshall and Cyrus Adler (Hudson 1921: 210; Janowsky 1966: 256); while Wilson was sympathetic to the Zionist cause partly in regard to the more than three million Jewish voters in America (two million from ECE) who supported his vision of the League of Nations. But while 'immigrant lobbies' in the US were vocal and organized, immigrant influence on American policy was on the whole ambivalent and contradictory; ethnic pressures pushed and pulled in different directions, something reflected in differences within the US political elite: some supported minority rights (Coolidge), others opposed them (Herbert Hoover), some were pro-Polish (House), others pro-Jewish (Wilson).[v]

Moreover, the influence of 'the hyphenated' on American policy was less at the ballot box than in the cultivation of close, elite relationships. Daily meetings between Adler, Mack, Marshall, Wilson, Hudson and House before and during the negotiations were extensive and substantive.[vi] The Polish leader Ignacy Paderewski's relationships with Wilson and House were especially close. Also significant was the affinity between the two 'liberal professors', Wilson and Czechoslovak President Masaryk, as well as Masaryk's friendship with House. The intimate friendship between Jewish Supreme Court Justice Louis Brandeis and Wilson, too, was important (Adler and Margalith 1946: 153; Janowsky 1966: 255). In short, because power in 1919 rested on a handful of political elites, influence rested on access to this inner sanctum (Levene 1993).

Jewish influence on the construction of the minority treaties has been variously—if contentiously—recognized (Hudson 1921; Macartney 1934: 216-7, 281, 284; Janowsky 1966; Wandycz 1980: 158, 161; Walworth 1986: 473-9; Levene 1992, 1993; Fink 1998, 2004). Most generally, Jews appeared to be important in international relations not only at the level of elite influence (there were so many Jews in the delegations at Versailles, that even Lithuania tried to include Jews in its delegation to maximize its influence). But Jews were also seen as important because of their perceived association with Bolshevism (Levene 1992: 232), a belief Wilson shared and something to which we return below.

The cultivation of relationships at the highest levels at Paris gave Jews in the JFC and the AJC enormous behind the scenes power to shape the treaties to reflect Jewish interests (Temperely 1921: 122; Levene 1992: 263; 1993: 521-2). Mazower (1998: 52) writes, 'Jewish groups…played an important role in these early stages of the development of the doctrine of minority rights by alerting British and American policymakers to the schemes of "half-crazed nationalists"'.[vii] American Jewish elites forcefully and repeatedly impressed the need for minority protections upon Wilson, House, and Miller (Miller 1924 XIII: 21). Indeed Hudson later wrote that what made the minority treaties possible was Wilson's interest in protecting the Jews of Europe 'as the American Jews here demand that they be protected' (Hudson 1921: 473).

The British delegation, however, took a more sanguine view of American Jewish influence. Carr produced a memo for the Foreign Office on how to reduce Jewish pressure on the Americans. 'Everyone is working in the dark', Carr wrote, 'and no one knows how far the Americans who are having strong Jewish influences brought to bear on them may press the question of Jewish rights' (Levene 1992: 263). Headlam-Morley (1972: 92) maintained that Miller 'simply [took] in their crude form certain Jewish suggestions', writing to Namier:

> I got the feeling that what the Americans were thinking of was much more the vote of the New York Jews than the real advantage to be won for the Jews in Poland (quoted in Walworth 1986: 474).

This was overdrawn. For instance the AJC's Adler had accused a number of American delegates, notably US Minister to Poland Hugh Gibson and Herbert Hoover (whose relief work supported the Paderewski government) of playing the 'Polish game' and of anti-Jewish hostility, citing Hoover's belief that anti-Jewish pogroms were exaggerated (Adler 1985: 376-7).[viii] And Marshall charged the American delegation with anti-Semitic bias.[ix] This accusation was not unfounded: although the American 'Inquiry's' numerous reports and recommendations used in the deliberations repeatedly drew attention to the need to protect minorities, they had barely considered the Jews (Riga and Kennedy 2006: 298-9). Moreover, American Jews were also themselves split by origins, class, and support for Zionism. Rejecting Zionism, the AJC leadership were wealthy, highly assimilated Jews of German origin, reflecting the success of Jewish integration in American professional and business life. This contrasted sharply with the pro-Zionist views of the AJC's growing east European membership: Yiddish-speaking immigrant factory workers and tradesmen.

Overall, however, the influence of Anglo-American Jewish liberalism was significant on the construction and substance of the Minority Treaties.

The political sociology of the 'Committee on New States'

Delegates at Versailles addressed three key analytical problems resulting from 'ethnic reversals' and new minority-majority relations. The first was how to reconcile, within a liberal framework, a mix of universalist and particularist rights necessary for the protection of newly vulnerable minorities. The second was how to ensure that new nationalizing, nation-building majorities would be liberal and tolerant. And the third was how to ensure that unassimilable minorities would be loyal citizens and renounce both separatism/irredentism and Bolshevism. Put differently, they needed a minority rights regime at once *directed at the state* to prevent coercive homogenizers, and *directed at minorities* to overcome their desire for separation.

Polish Jewry as paradigmatic minority

Polish Jews almost immediately emerged as the paradigmatic minority, symptomatic and emblematic of ECE's ethnic strife. Western Jews had long recognized that nationalisms in ECE and Russia nearly always had an anti-Semitic dimension, but this gained new urgency with the daily reports of violent pogroms in Poland that the AJC received and forwarded to American negotiators.[x] So as early as December 1918 the AJC presented Miller with a 'Jewish Bill of Rights' to use as the basis for the minority treaties. The language initially defined Jews a 'national minority'. Adler had argued that they should not seek national rights, but then equivocated, as did Marshall, in recognizing that this was what ECE Jews had sought (Urofsky 1976: 233; Adler 1985: 375, 58-60). Miller immediately omitted the word 'national'. After extensive correspondence with Miller, House, Hudson and Wilson on the treaty language, much of the final phraseology referring to Jews as 'subjects' and 'citizens' came from Marshall and Mack (Miller 1924 I: 299, 306, 267).[xi]

Miller and Hudson produced a second draft revision; a third revision was undertaken by the *Comité des Délégations Juives* (delegates from Poland, Lithuania, Yugoslavia, Ukraine, Czechoslovakia, Romania). While the *Comité* called for 'national rights', British, French and American Jews had difficulty recognizing the

Ostjuden as 'national' minorities because this almost assured 'unassimilability'.[xii] The assimilated Jews of France and Britain, respectively the *Alliance israëlite universale* and the JFC, sought general liberties while the *Comité*, many of whose Polish Jewish members were weakly assimilated Litvaks and secular nationalists, sought a non-territorial autonomy on the Austrian socialist model.

On 3 May 1919 the CNS reported its initial conclusions: the Jewish issue in Poland required separate provision given the failure of the 1878 protections in Romania, and given continuous reports of pogromism. The CNS noted that the 'importance of [Polish Jews] has been very strongly pressed upon us by the Jewish representatives [British and American] we have seen' (State Department 1944: 441). But Polish Jewry was highly fragmented ideologically and socially, and very little assimilated. Polish Jews weakly identified with the Polish state, in contrast to Jews elsewhere who typically looked to their states for protections. The CNS did recognize the uniqueness of Polish Jewry, noting that they were territorially dispersed, that they were both a racial and religious minority, and that Polish anti-Semitism was somehow distinctive (Miller 1924 XIII: 52-8).

Yet in the deliberations at Paris, Polish Jewry came to be the quintessential embodiment of ECE's ethnic volatility, importantly framing the minorities problem in terms of *non-territorial*, *non-political cultural rights*. The protection of Poland's Jews—and therefore all minorities—was thereby conceived in binary terms: either as particularist cultural provisions or as generalized universal rights. This not only reflected the splits within the Jewish delegations—the assimilationist British and French, and the nationalist American and ECE Jews—it also replicated those between Zionists and Jewish socialist internationalists. Moreover, this non-territorial, non-political cultural rights construction conflated the realities of the ethnic reversals of Germans, Magyars, and others, with the historic disabilities of Polish Jews.

This particularist versus universalist paradigm was lent further justification by a report of the famous American investigative mission led by Morgenthau (a non-Zionist American Jew) which, after assessing Jewish 'facts on the ground' in Poland, exonerated Polish government officials of responsibility for anti-Jewish violence, highlighting instead the roles of anti-Semitic propaganda and Jewish hostility toward the Polish state (National Polish Committee of America 1920). This further reinforced the construction of the Polish Jewish problem *qua* minority problem in cultural terms, not in terms of socio-economic inequalities—although calls for the latter were voiced.

For instance, on the issue of the Sabbath Mack, Marshall, and others had argued that while Jews should not have to work on their Sabbath, they should be allowed to work on Sundays or they would be deprived of 1/6 of their economic power.[xiii] But this argument was quickly submerged as debates turned to how this potential Jewish exceptionalism might be perceived politically.

Similarly, the 1912 boycott of Jewish shops by Dmowski's National Democratic Party, and the socio-economic realities carried by Jewish immigrants to the US, were apparent but ignored by the CNS. Moreover, Gibson sent telegrams and reports to the American delegation at Paris continually stressing that the economic dimensions of ethno-religious intolerance were the root causes of 'petty persecution'.[xiv] He argued that ethnic problems were really economic problems of exclusion deriving from Jews' middleman minority status. These tensions were intensified, Gibson contended, by those Jews who were openly against the Polish government, especially those attracted to Bolshevism; so he called for greater moderation in the press, and for assimilated Jews to help their co-religionists assimilate.[xv] The Morgenthau Report had similarly recommended economic aid to Polish Jews, echoing Hoover's calls for economic responses to ethno-political conflicts in order to blunt their sting (cf. Wentling 2000: 405). Significantly, however, these reports highlighting the intertwined effects of ethnic conflict and structural inequalities were ignored in favor of an overarching concern to address ethnic tensions through liberal cultural recognitions.

Tolerant majorities

Wilson's Paris politics are usually charged with idealism, but on the evidence of the Minority Treaties, a primary motivation was geopolitical: worrying that disaffected minorities could be a source of future instability, a key objective of the Minority Treaties was to discourage separatism 'by making the life of the minority tolerable' (Maier 1928: 40-1; cf. Temperley 1921: 121). The Smuts Plan, with which Wilson concurred, had located the problem of geopolitical instability in historic ethnic hostilities (Miller 1928 II: 34). 'The Great Powers', Wilson wrote, cannot 'afford to guarantee territorial settlements which [they] do not believe to be right, and [they] cannot afford to leave elements of disturbance unremoved, which [they] believe will

disturb the peace of the world' (quoted in Parkes 1946: 126; Lloyd George 1938: 881; cf. Temperely 1921: 13-2).

So once Polish Jewry became the emblematic minority for potential instability, work proceeded along three related assumptions in fashioning the minority rights regime: that the new states should be *unitary* states, precluding the possibility of emergent 'states within states'; that, following Mill, politically stable democracy would require homogeneity or assimilation; and that only liberal states could protect Jews.

A bias toward unitary states has often underpinned much American foreign policy. The rhetoric of self-determination notwithstanding, the American delegation, derivative of the Inquiry's work, had initially wanted to create a federation out of Austria-Hungary rather than see it break into smaller states (Riga and Kennedy 2006: 284 fn. 37). As Masaryk observed, the Americans were 'wont to look upon the liberation of small peoples and the creation of small States as a bothersome political process of political and linguistic Balkanization' (quoted in Wandycz 1980: 130); 'in America', he later wrote, 'it was hard to convince people that it would be necessary to break up Austria-Hungary', so 'we had to convince the Americans that we meant to be free and were fighting for freedom' (Masaryk 1927: 244, 253).

Similarly the British delegation consistently sought universalist protections for fear of impeding minority assimilation and of creating 'states within states'. If the analogy was the 'integrated Welshman', it was best not to create the conditions for the emergence of educated minority elites (Sharp 1978). Interestingly the need for unitary states also applied to Russia: American political elites never considered combating Bolshevism through a policy of assisting the non-Russian nationalities. Russia, too, was understood to be indivisible. So premised on a theory that the state is an inviolable territorial and political unity, the need for a strong, viable, and unitary Poland was seen as paramount for the stability of Europe.

A second governing assumption was the Millian idea that political stability in ECE would require some level of homogeneity for successful democratic self-government, and indeed for modernization. The Smuts Plan maintained that in Finland, Poland, Czechoslovakia, and Yugoslavia 'the peoples concerned are perhaps sufficiently homogeneous and developed to govern themselves subject to some degree or other of external assistance or control [e.g. the Minority Treaties]', but '…there will be found cases where, owing chiefly to the heterogeneous character of the

population and their incapacity for administrative cooperation, autonomy in any real sense would be out of the question [i.e. Palestine, Armenian vilayets, Kurds within Turkey]' (Miller 1928 II: 29). Yet homogeneity was conceived in value or political terms, not cultural ones. It was premised on a distinctly American Progressivist idea that cultural differences were amenable to substantial reform given the right politics.

The exception was Romania, but even here the reasoning of the CNS was suggestive: 'The greater Roumania of the future will not be a homogeneous State with respect to race, language, or religion, though it is to be hoped that all the varied elements of the nation will feel a *common patriotic loyalty* to the Roumanian Government; indeed it is to this end that the Treaty stipulations are devised' (Miller 1924 XIII: 269-79, emphasis added). Similarly, the Czechoslovak foreign minister Benes noted that the minorities had their cultures protected thanks to the Minority Treaties but, he added, 'we demand…from the minorities that they should identify themselves completely with the interests of the State, for they possess all the necessary conditions for this in Czechoslovakia' (quoted in Maier 1928: 126). Therefore predicated on the assumption that an ethnic German could be a loyal Polish citizen if he is allowed to be German (Macartney 1934: 278-9), the Minority Treaties' cultural recognitions were intended to underpin liberalism by creating a new political culture and fostering by political loyalty, a sense of citizenship or value homogeneity, not cultural assimilation—at least not in the short term.

The third related assumption in play was the belief that only strong liberal states could protect Jews. The American Jews at Paris repeatedly argued that ECE's Jews could only be protected if the new states were *forced* to be liberal, that is, if minority protections—with sanctions—were imposed on them. For Marshall the minority provisions offered the only politically stable alternative to that of nationalist homogenizers by institutionalizing American-style individual and minority rights (Marshall 1957: 543-4):[xvi] by enshrining 'in the law of nations the eternal principles of human liberty that constitute the distinctive features of the American Constitution by means of which, despite the divergent racial elements of our population, we have become in fact as well as in spirit a homogenous, patriotic, just nation.'[xvii] The Americans did not trust that minority rights would be protected within illiberal states: imperial nationalisms had been horrible, so the response was to construct a new political culture to shape liberal nationalisms, and to underpin it with a liberal international order (Miller 1928 II: 34).[xviii] The American Jews in particular reiterated

the belief that Jewish welfare depended on the state in which they lived: the minority treaties could not rely on cosmopolitan universal rights, nor could they simply offer recourse to the League of Nations, but rather they had to impose on the new states a liberal minority rights regime.[xix] So in what would be new unitary nation-states, majorities had to be forced to be thoroughly liberal in their treatment of minorities. As Macartney noted, if the treaties explicitly addressed race, religion, and language, it would have been hard to exclude Jews on any basis at all (cited in Sharp 1978: 191).

Loyal minorities

In a subsequent revision of Wilson's original minority rights language—the so-called 'Cecil-Miller' draft—religious persecution and intolerance were seen as 'fertile sources of war', so the 'protection of the rights of minorities *and acceptance of such protections by the minorities* constitute the only way for enduring peace' (Miller 1928 I: 53, II: 141). So in addition to making majorities more tolerant, political elites at Paris simultaneously sought to make minorities more loyal. But what this required in substance was more elusive.

Specifically on the Polish Jewish question, the CNS had produced a second report on 17th May concerning the contentious issue of whether Jews should be exempted from working or voting on their Sabbath (State Department 1944: 678-9). Wilson forcefully argued that in practice 'tolerance' alone was simply a form of second-class citizenship. Something more substantial was required. The significance of this problem went beyond the specifics of the case; it went to the crux of how to implement key liberal commitments. Lloyd George wanted the issue submitted to the Poles, knowing that there would be reluctance on their part to cede anything like ethnic 'corporate' rights. But

> WILSON said he not only had a friendly feeling towards the Jews, but he thought it was perfectly clear that one of the most dangerous elements of ferment arose from the treatment of the Jews. The fact that the Bolshevist movement had been led by the Jews was partly due to the fact that they had been largely treated as outlaws. They had no affection for a country where they were only permitted to live on tolerance, with every man's hand against them. He therefore felt it was necessary to put them on a proper footing (State Department 1944: 680).

Two comments can be made immediately. First, Wilson's desire to embed something beyond mere 'tolerance' in the minority treaties was consistent with his particular

liberalism. But more importantly, Wilson, and the American delegation more widely, conceived of Jewish disloyalty (i.e. Bolshevism) as a response to cultural and political exclusion. Wilson believed that Jews became Bolsheviks in Russia because they were excluded as Jews. Therefore the response was to extend substantial recognitions beyond mere civil liberties so as to effect political loyalty. Two slightly different accounts of the same discussion are suggestive.

> LLOYD GEORGE said that M. Paderweski had made to him a very able defense of the attitude of Poland toward the Jews, and had pointed out that the Jews had themselves to blame to a considerable extent. WILSON said that the reason the Jews had caused trouble was because in those countries they were not really welcome citizens. They did not care for any country where they were badly treated. In the United States, Great Britain or France, those questions did not arise. They were only disloyal in countries where they were not treated properly (State Department 1944: 394).

> LLOYD GEORGE: There is obviously something to be said to justify the hostile feeling of the Poles against the Jews. M. Paderewski told me that, during the war, the Jews of Poland were by turns for the Germans, for the Russians, for the Austrians, and very little for Poland herself.
> WILSON: It is the result of long persecution. The Jews of the United States are good citizens…. Our wish is to bring them back everywhere under the terms of the law of the land (Link 1992 I: 440).

In other words, Wilson espoused a version of our contemporary idea that loyalty is secured by encouraging, not suppressing, minority rights. But if political exclusion had radicalized, would cultural recognition be a robust enough answer? Or would it have an unintended effect of undermining the much needed unitary states in ECE? The American delegation had wanted to give substance to the call for cultural protections. To secure the kind of equality and 'cultural liberty' that is 'more than an expression of pious hope', Hudson wrote,

> it was necessary to be very specific about the use of languages and the control of schools. To the person who feels the necessity of perpetuating his stock and his kind, nothing is dearer than his mother tongue. Its extinction almost inevitably spells defeat. The stories of Polish children striking because they were forced to say their prayers in the German language are indications of the ruthlessness of the nationalizing process, and it is not strange that language requirements have brought such sharp contests in Eastern Europe (Hudson 1921: 216).

Headlam-Morley, by contrast, distinguished religious from 'national' protections, arguing that the protection of Yiddish should not be supported with the use of public funds, as the Americans wanted, because unlike German, Yiddish was not a language

of 'high value for cultural or educational purposes' (Headlam-Morley 1972: 159). Moreover, Paderewski securitized language issues by reminding the Committee that language allowances could create a Yiddish speaking Jewish nation in Poland—geopolitically dangerous because Yiddish, he argued, was related to German and not Hebrew, and so could be an instrument for German intrigue (Lundgren-Nielsen 1979: 380). Likewise Lloyd George proposed that Yiddish be abolished as a language in the schools, in the interest of facilitating Jewish assimilation (Lundgren-Neilsen 1979: 381), and that

> …it must be acknowledged that it is legitimate for all states to try to strengthen national consciousness through the schools. If you accept the existence of a special organization to create and direct the Jewish schools, there is no doubt that will strike at the national character of the schools. One might also fear that a center of German intrigues could form there (Link 1992 II: 482).

And indeed the desire for a culturally homogeneous state, particularly through linguistic uniformity, was not lost on ECE elites themselves. As Paderewski argued, the minority treaties were going 'contrary to the modern tendency of all states of using schools as a means of producing citizens brought up in a certain spirit of unity and social solidarity' (Miller 1924 XIII: 171-9). But Wilson linked the need for Jewish protections to geopolitical stability: 'one of the things that threatens the peace of the world is the persecution of the Jews. They have been or are held in very poor esteem in many countries' (Link 1992 I: 439). The American delegation prevailed in seeking protections for Yiddish as an important language for cultural identity, so provisions for state subsidized Yiddish schools in Poland were enacted. But another compromise resulted: primary schools for Jews could work in their own language, but where Germans were a majority, they could work in German in both primary and secondary schools.

The Americans believed that by particularizing specific cultural freedoms, the new states could achieve a kind of political loyalty, or value homogenization, from their minorities, and that eventually cultural differences would become thinner and less socially consequential. This was not multiculturalism, not least because there was never an assumption of equality of cultures. Instead it was an attempt to protect minorities while denying them group status (Janowsky 1945: 131-2). It granted individual rights as members of minorities rather than to minorities as groups—while trying to address the fact that these individual rights would require social institutions for their implementation.

The ambiguities in the treaties on this score reflected the countervailing influences of British, Jewish and American elites in Paris. British universalism restrained the more substantial demands of the Americans' Progressivist politics and American Jews' 'thicker' claims. But the basic set of American assumptions—Progressive and Jewish—theorized their own experiences about how assimilation worked in a diverse liberal democracy: if diverse cultures were given room for expression, then political loyalty, or value assimilation would follow and, eventually, in its train a more thoroughgoing assimilation.

Progressive reformers and the American Jewish elite had similarly constructed American nationhood largely as an identity problem at home: the Americanization movement was premised on the idea that if immigrants Americanize culturally, then their class differences, too, would erode. Ethnic differences were amenable to challenge, and therefore to reform. But this failed to recognize its darker dimensions: the coercive assimilationism of Americanization and the racially exclusionary politics directed at 'unassimilable' black America. Likewise in Paris, in trying to recognize and support minority cultures, attention to the claims of minorities were weighted at the expense of the inevitable need for nation-building that all new states (including America) required. Illiberal nation-state building was not inevitable, as Masaryk's and Benes' Czechoslovakia showed: despite the anti-German strain to its dominant ethnic Czechness (King 2002: 154-68) Czechoslovakia remained ECE's only example of a largely non-coercive democratic regime. So it was not only reactionaries and conservatives that violated minority rights in the interwar years; certain violations were also inherent in nation-building (Mazower 1998: 57-8).

Conclusions

In using Polish Jewry as the test case for fashioning general minority protections, key issues raised by the new states' ethnic reversals were minimized, mis-specified, or overlooked entirely when they were applied, with minor modifications, to Germans, Romanians, Magyars and other minorities. A set of liberal assumptions around minority rights was evident, however: 'exit, voice, loyalty' and secessionism; the role of language and education in nation-building; the need for a certain level of homogeneity for democracy to thrive; and idea that Jewish and minority rights would be more secure if the new states could be made more liberal. The aim, in short, was to

create liberal political cultures in ECE's new states, in which nation-building majorities would be tolerant and non-coercive, and the newly minoritized would be politically loyal and anti-secessionist.

In this the Minority Treaties reflected Anglo-American and Jewish American influences—the most notable voices of liberal universalism in an otherwise illiberal age of ethnic nationalism. Fink (1998: 274) negatively assesses the minority treaties: too weak, their 'liberal patina' caused more anti-Semitism by not granting greater collective rights. Macartney (1934: 285) also argued that because the deliberations began with Poland, the most nationalist state in ECE, the cultural protections were a watered down liberalism that should have gone further. And for Janowsky (1945: 133) the Treaties should have created truly multinational states. By contrast, Mazower (1997) argues that the Minority Treaties were of an exceptionally bold liberalism when compared to previous—and subsequent—efforts.

Our assessment largely accords with Mazower's, but with important qualifications. The minority treaties were inspired in equal measure by a fear of the coercive impulses of nation-builders and a fear of the disloyal impulses of minorities. Political elites at Paris sought to put breaks on coercive homogenization, while still recognizing that modernization and political stability required homogeneous, unitary states. Yet they also operated on the belief that liberalism would be able to reign in secessionist demands. So a liberal minority rights regime was intended to do some substantial heavy lifting: to liberalize nation-building nationalisms and minority nationalisms simultaneously. This was to work on the Millian idea that a shared culture, so necessary for the functioning of liberal democracy, could be imagined by changing the *political culture*, by focusing on political loyalty or value homogeneity rather than cultural homogeneity or assimilation.

One question, however, is how much shared culture is a product of a prior political loyalty rather than its cause. The cultural recognitions advanced in 1919 were weakened by the absence of a background consensus, or by deeper and more rooted common values in the contexts in which they were applied. For all their thoroughgoing liberalism, the 1919 Minority Treaties suggest that 'exit, voice, loyalty' may work best within otherwise liberal contexts. While beyond the scope of this article, a comparison with subsequent international attempts at institutionalizing liberal minority rights might be suggestive: since WWII, minority protections have been less collectivist and more universalist or individualist (Mazower 1997: 56-9),

only recently turning to 'multiculturalist' solutions,[xx] but they may perhaps be more successful where the European Union, for instance, provides not only a liberal context but also inducements to liberalization.

But even more consequential in 1919 was the attempt to address the socio-structural problems of ethnic reversals with cultural solutions protecting language, schooling, and religion. Ethnic reversals meant reversals in prospects for social mobility, and cultural protections by themselves could not detach culture from new socio-political inequalities. Yet on the belief that political loyalty could be secured through cultural recognitions, even debates on pogroms were more perception than economic or political substance. Without access to labor markets, advanced education, and professional and bureaucratic hierarchies, cultural rights could not convert into social access. Yet these were the social locations where nationalizing states did most of the excluding; because of the ethnic reversals, and unlike the previous imperial polities, social mobility in interwar ECE remained within ethnic structures. Appeals to the League in the interwar years were not cultural, but economic. They were raised by previously politically and economically privileged elites who were responding to gradual erosion in status more than to cultural oppression (Maier 1928: 79-126; Blanke 1993; Brubaker 1996 contains this evidence, but does not make this argument).

Therefore the Minority Treaties addressed the problem of 'ethnic reversals' by offering something like the Gellner-Malinowski solution: detaching culture from politics, and giving culture great room for expression while limiting its political claims. Eliding the structural socio-political inequalities inherent in the ethnic reversals, they constructed the minorities problem as one of cultural/identity exclusion. Yet arguably in moments of ethnic and democratic transition issues of class and the (re) distribution of power must also be given due weight (Parekh 2004). Max Weber famously understood that economically dependent power is not identical to power as such. Likewise cultural power by itself is not convertible to social success: in otherwise illiberal contexts, cultural rights cannot transcend embedded economic and political disabilities. Indeed it is more often structural or class assimilation that leads to cultural assimilation, not the other way around (Gordon 1964).

Hall (1996: 166) may be right that genuine liberalism requires more than cultural recognition. And this can be even truer given the political sociology underpinning transitions out of historic diversity and ethnic ranking. Ethnic reversals

are often seen as opportunities to right previous wrongs, or to redress the effects of previous imbalanced rule—with the important consequence that 'victimhood' can become constitutively embedded in these nationalisms. These particular 'victim-inflected nationalisms' view liberal concessions to cultural difference—indeed the very detachment of culture from politics—as weakening the primary goal of political power, which is to address previous injustices. And it may be that with this particular kind of nationalism there is no definable end game, or version of success, other than the total exclusion of difference.[xxi]

TABLE 1

DEMOCRATIC NATION-BUILDING AND ETHNIC REVERSALS

	Inequality	Equality
Multiethnic State	Vertical ethnic stratification A	Horizontal ethnic stratification B
Nation-state (w/minority)	Vertical ethnic stratification (with ethnic inversion) C	Horizontal ethnic stratification D

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Notes

[i] Except in the narrow and ambiguous case of Jews formerly in German territories ceded to Poland.

[ii] For instance, Kosovo's new Prime Minister's first priority was the declaration of independence, and this despite its unemployment rate of 60% ('Kosovo Declares Its Independence from Serbia', New York Times, 18 February 2008).

[iii] We use the term 'low culture'—as did Gellner—as shorthand for peasant-based, but also as shorthand for a non-ruling culture. The latter case applies to Polish, which was only a 'low culture' in terms of the weakness of its political power, i.e. it was not a ruling culture that could give political muscle to those seeking assimilation.

[iv] Wolf to Marshall, 14 May 1918, Louis Marshall Correspondence (LM), Peace Conference, Paris, 1919 [PC](1), Box 5, Folder: Rumania, American Jewish Committee (AJC), Archives, New York; Wolf to Members of the Peace Conference, 'The Jews and the War', 21 February 1919, Ibid. Folder: Treaties, Memos, Petitions, etc., 1918-19, AJC.

[v] Miller wrote that House 'did not want to offend the Poles as he thought more of the Poles than he did of the Jews' (Miller 1924 I: 286).

[vi] Cf. 'Memorandum of Interview with President Wilson', by Marshall and Adler, 26 May 1919, LM PC(1) Box 5(16), Woodrow Wilson-Louis Marshall Correspondence, 1919; Cyrus Adler Correspondence [CA], Box 6, Folder: Diary (Draft), March-July 1919, 10 April 1919 entry, p. 28, AJC.

[vii] Correspondence between Marshall and Wilson, Miller and Hudson was extensive, cf. Marshall to Wilson, 23 May 1919, LM PC(1) Box 5(16), Woodrow Wilson-Louis Marshall Correspondence, 1919; Marshall to Hudson/Miller/Wilson 24 May 1919, LM PC(1) Box 5, Folder: Rumania, AJC.

[viii] CA, Box 6, Folder: Diary (Draft) March-July 1919, 24 June 1919 entry, p. 64, AJC. Although this, too, was harsh, see discussion of Hoover's Quakerism (Wentling 2000: 379).

[ix] Marshall to William Phillips, US Assistant Secretary of State, 26 November 1919, LM PC(1) Box 5, Folder: State Department, 1919-20, AJC.

[x] The Zionist Bureau documented acts of violence; the Wilna Jewish Committee reported murders, thefts, and atrocities, concluding that the 'Jewish population is quite terrorized'; the Polish Jewish Information Bureau, via Wolf, noted Jewish persecutions; reports blaming Jews for socialism and Bolshevism; reports on the effects of boycott of Jews in Wilna; reports of anti-Jewish violence in schools in Lodz, LM PC(2) Box 6 Folder: Poland, Pogroms, AJC; 'Polish Anti-Semitism and Its Leaders', unsigned report, Ibid., Folder: Poland. President Wilson/L. Marshall/S.S. Wise/Mack, AJC; reports of looting, violence in Wilna, Pruszany, and Warsaw from the Information Office Regarding the Condition of Jews in Poland in May 1919, Ibid., Folder: Politics 1919-20, AJC.

[xi] Cf. Marshall's 'Proposed Changes in Draft of the Polish Treaty', 24 May 1919; Marshall to Hudson, 24 May 1919; Marshall to Mack, 15 May 1919, LM PC(2) Box 6, Folder: Poland, 1919-20, AJC; 'Memorandum of Interview with President Wilson', Op. Cit.

[xii] Cf. 'Meeting Memos' 30 March, 5 April 1919, LM PC(1) Box 5, Folder: Treaties, Memos, Petitions, etc. 1918-19, AJC.

[xiii] Mack/Marshall to Wilson, 16 May 1919, LM PC(1) Box 5(16): Woodrow Wilson-Louis Marshall Correspondence, 1919 AJC.

[xiv] Gibson telegrams, LM PC(2) Box 6, Folder: Poland, 1919-20, AJC.

[xv] Cf. Gibson telegrams 30, 31 May, 2, 14, 20 June 1919 forwarded to the AJC, Ibid.

[xvi] Cf. Marshall to Wilson, 21 June 1919, LM PC(1) Box 5(16): Woodrow Wilson-Louis Marshall Correspondence, 1919, AJC.

[xvii] Marshall's Statement for the AJC 'Information Bulletin', No. 2, August 1919, LM PC(2) Box 6, Folder: 1919-20, AJC.

[xviii] Cf. Walter Lippmann to Sidney Mezes, 5 September 1918, Sidney Mezes Manuscript Collection, Columbia University Archives, New York.

[xix] Marshall, Adler and N. Sokolov to Boris Bogen, Executive Director of the Joint Distribution Committee, 11 July 1919, LM PC(2) Box 6, Folder: Joint Distribution Committee (Poland), 1919, AJC.

[xx] For instance, post-1989 minority rights regimes, such as the United Nation's Minorities Declaration (1992) and the Council of Europe's 'Framework Convention' (1995), largely reflect the human rights approach of the UN Charter, and as Mazower (1997) notes, they have been less substantive in terms of their cultural protections than the 1919 Minority Treaty.

[xxi] We are influenced by Daniel Navon, n.d. 'From hero to victim: the 1967 transformation of Zionist narrative-identity and Holocaust memory in Israel and the US,' Unpublished Paper.