INTERNATIONAL PROTECTION OF MINORITIES:
A GLOBAL VIEW

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1. PRELIMINARY COMMENT

Any serious attempt to learn from the experiments in international protection of minorities must start with a number of somewhat refined points:

1. Not every statistical minority is also a political-legal minority, in need of (international) protection. The classic example in European experience is the “anational” and “adenominational” Swiss Federation. There the statistical minorities of French, Italian, and even Rhaeto-Romanic-speaking people do not qualify as such in the political-legal context but are part of trilingual or quadrilingual Staatsvolk.

2. The concept of minority is an abstraction. In *actuality* there are many minorities, each with its own social, political, cultural, and religious particularities. Not only are minorities within the same State different, but even conational minorities all across Europe are different. Poland of 1919-1939 is an example: among its larger minorities were Germans, Jews, Ukrainians, and Byelorussians. The basic preoccupation of the Germans was the preservation of their pre-war economic and cultural positions, as some of them thought, *für den Tag*. Jews and Germans constituted genuine minorities, i.e., dispersed, while in particular areas the Ukrainians and the Byelorussians constituted the majority of the population. The Jews, while desirous of preserving their cultural heritage, were concerned with creating a *modus vivendi* with the Poles, politically and economically. The Byelorussians, torn between ties with their brethren across the border in the U.S.S.R. and their Polish citizenship, sought methods of adjustment. The Ukrainians did not accept the Polish State, even after they had given up the policy of boycotting elections to representative bodies. Three of the minorities were border-area minorities, thus creating an additional dimension in the majority-minority relationship; these three had powerful conational States across the border, thus creating the danger of *irredenta*.

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Nor is there total solidarity between the same ethnic minority in different countries. For example, the Polish minorities in Czechoslovakia, Lithuania, and Latvia had little in common socially, economically, and politically, and must have had different expectations from an international regulation.

As suggested above, an important fact separating one minority from another has been their attitude to their territorial State. In this sphere there is a full scale ranging from enthusiastic acceptance, to resignation, to hope of return to the former national State (irredenta), and to the negation of the right of existence of the territorial State. The implications of this attitude will be considered in section II of this paper.

For the purpose of this study, we shall differentiate between internationally and/or constitutionally protected minorities, and unprotected ones.

3. In the period between the wars there might have been acts of violence by majorities against minorities, but violence on the part of minorities against the State or against the majority can hardly be found. In consonance with the spirit of the time, or of the major part of the period, to be more exact, the struggle of the minorities employed the legal means, such as assertion of rights, participation in representative bodies, creating minority blocks, and use of the press. This is also a consequence of the conclusion arrived at by minorities that their future is closely connected with law and order and that as members of minorities they must behave better than the majority. In some circles this attitude was considered a manifestation of an inferiority complex, while others viewed such behavior as guaranteeing at least a minimum of freedom.

4. The widely held image of the vicious majority and virtuous minority must be demythologized. By now it is common knowledge, and prevailing opinion in literature, that the behavior of the German minorities after Hitler’s Machtergreifung was one of the factors which caused the erosion of the minorities system. Nationalistic arrogance was visible even in pre-Hitler times. To quote one example, which in fact came up for consideration by the Council of the League, the Deutsches Haus (in Celje, Styria) bore the inscriptions: Der Wenden Übermut hat dieses Haus geschaffen (“The house was built by Slovene arrogance”) and Durch muss des Kieles Herz (“The iron keel must break through”). It was referred to as Trutzburg (“fortress of aggressive resistance”). I shall never forget a conversation with a Czechoslovak vice-consul during the twenties in which he shocked me by characterizing the Czech language as a Hundessprache (“language of dogs”).

5. The point of departure of this study is the League system of protection of minorities. This system constitutes an unsurpassed high point in a centuries-old tradition. Its rise, its legal nature, its responsiveness to the needs of