

## Postimperial States of Statelessness

IN THE FALL OF 1921—the same year that Max Stoeck appeared before the British High Court—the League of Nations received a letter from Jakob Sinnwell, a machinist from the industrial center of the Saar coal basin, a region in what is today southwest Germany. Sinnwell began by identifying himself as a person of “Saarbrucken origins, with Prussian parents,” and then described how French gendarmes had taken him handcuffed from his home, brought him to the border, and expelled him. Despite a “colorful youth,” Sinnwell wrote, where he had occasional run-ins with the police, he could not discern a reason for his expulsion. He therefore appealed to the governing authority in the region in the hope of returning home, or at least of discovering the official justification for his exile. He implored the Governing Commission, “If it cannot annul my expulsion at least to inform me why I have received this terrible treatment from a nation against which I have never done the slightest thing, nor even thought of it.”<sup>1</sup>

A long-contested, resource-rich swathe of forested lands crossed by the Saar River, the Saarland had been granted to France on a fifteen-year lease in the course of peace negotiations at the end of World War I. Germany held control of the territory before the war, but the region had come under British and French occupation in the course of the conflict. In need of access to coal and fearing German rearmament, France made sovereignty over the Saar a condition of the peace agreement with Germany. The treaty, however, deferred the question of which power possessed ultimate control to some future date, when the region’s inhabitants could opt for German or French nationality in a plebiscite to determine which country would claim legitimate political authority. Sinnwell’s expulsion highlights the more local consequences of the national conflict over territory—by expelling him

the French army had seized an opportunity to rid themselves of a local who could eventually vote for German rule. Unlike Max Stoeck, the majority of people who would begin to define themselves as stateless in the interwar era faced the insecurity of their legal and political status as a result of the breakdown of imperial orders, the formation of national states, and conflicts over national sovereignty. B. Traven's portrayal in *The Death Ship* of sailors living without the security of a legal status facing expulsion, or being pushed over a border by the police under cover of night, more accurately conveys Sinnwell's predicament.

Yet the fact that Sinnwell wrote to the League for assistance also indicates the emergence of a novel sphere of political authority to which people without the protection of their own governments could appeal. Established in 1919 as the first international organization devoted to collective security, the League of Nations introduced a distinctive arena for managing problems on a grand political scale. Individuals began looking to new international authorities to adjudicate their national status or for direct protection and legal recognition. Governance over the Saar was a case in point. According to the terms of the treaty establishing the League's authority over the region, until sovereignty could be determined, an international body called the Saar Basin Governing Commission would be charged with the administration of the territory. The treaty that established the commission furnished an internationalist solution to national political conflict by granting the Council of the League, the League of Nations' central governing body, the authority to appoint the five members of the commission: one seat was designated for a French representative, another for representatives of the Saar inhabitants, and the other seats designated for commissioners loyal to the League of Nations. The commission itself had the authority to function like a civil government by administering public infrastructure, levying taxes, and setting standards for labor and civil rights. It also had the right to exercise jurisdiction when the existing courts were not deemed competent and had the final say in the interpretation of the treaty applying to the Saar. The Saar Basin Governing Commission constituted, as one of its contemporaries commented, "the first experiment in international administration under the League of Nations."<sup>2</sup>

The scale of international governance transformed in the decade after the war. The crises of the post-World War I period—including swelling refugee populations, displaced prisoners of war in need of repatriation, disabled

veterans requiring medical care, a rising number of people without the protection of national membership, and mass starvation—stretched throughout the European continent and across European empires. The League provided a centralized locus for international organizations like the International Committee of the Red Cross, which was established in the nineteenth century to provide medical care and sanitation for soldiers on the battlefield but had evolved by the end of World War I into a more expansive humanitarian association. Separate international legal institutions and organizations also took shape under the League's umbrella, including the Permanent Court of Justice and the International Labor Organization, whose mission involved creating common international standards for working conditions.

In order to grasp the unique significance of the entry of the legal category of statelessness into international law and international politics after World War I, it is necessary to establish how officials within the League conceptualized this phenomenon. Recent research on the history of the organization has emphasized its role in the reconfiguration of imperial power after the First World War, the rise of global governance, and the expansion of the international society of states. As the gateway between the world of nineteenth-century imperialism and the twentieth-century nation-state, the League was far reaching in its ambitions and in its effects on international order, ultimately embodying the transformation from a world of imperial governance to one in which the bounded territorial state became the organizing unit of global order.<sup>3</sup> The League and its associated international institutions introduced a novel approach to the stabilization of Europe and empire after the war, playing an outsized role in the re-establishment of the political settlement relative to its rather small budget. One method of stabilization involved establishing new collectivities as subjects of internationally defined rights, including minorities, the subjects of the mandatory powers, and to a more limited extent, refugees and stateless persons. The system of mandatory rule overseen by the League, the Minority Protection Treaties, and the High Commission for Refugees represented innovative responses to the reconfiguration of imperial authority, the ongoing violence of the postwar years, and rising demands for political independence and self-government.<sup>4</sup>

However, understanding the League's approach to the problem of statelessness in particular illuminates its significance for international politics

in an era when the nature of sovereignty both practically and conceptually remained fundamentally contested. The stateless did not represent a novel constituency recognized by the League because their recognition would have challenged the organization's efforts to facilitate the re-establishment of international order and the terms of the peace set out by the victors. As the Stoeck case demonstrated, the entry of statelessness into law after the First World War had direct implications for some of the dominant ideas about international order, particularly about the status of individuals in international law. The League's approach to the stateless amid the uncertainties about the future of global political order reveals how the growing numbers of people without citizenship in the years after the war threatened its attempt to set the boundary of international authority. By analyzing how officials responded to the problem of statelessness as it evolved over the course of the 1920s, we can grasp its fundamental importance for key debates about the governing norms of international politics. In the course of this chapter, I identify and foreshadow the importance of two main groups of stateless people in the interwar era: Russian émigrés who obtained a protected international status and the *heimatlosen* of the central European successor states who could not claim similar international protection. The records of the League read together with the published and unpublished sources on these two main groups offer a unique perspective on the argumentative context in which the problem of statelessness entered, and upended, the boundaries of international politics.

## I

It is important to appreciate the suddenness of the global political changes wrought by the First World War to understand the role of the League of Nations in the stabilization of the postwar settlement. The Habsburg, Romanov, Ottoman, and Prussian dynasties did not survive the conflict, yet their demise was not a foregone conclusion. In the midst of the fighting, and then in the tumultuous years of enacting a peace settlement, the underlying norms and expectations about international order remained far from clear. In 1915, the polymath American intellectual and activist W. E. B. Dubois asserted that the prospects for peace and democracy for peoples subjected to European colonial exploitation depended on the extension of the principle of "home rule" to "groups, nations, and races."<sup>5</sup> During the war, military

mobilization accelerated demands for political representation, but imperial governments proposed revisions to the constitutional structure of their empires that would accommodate demands for self-government without dissolving imperial orders altogether. Subjects of the Ottoman Empire, for example, did not anticipate the end of the empire and envisioned achieving national autonomy without separating from the ultimate sovereignty of the Ottoman bey.<sup>6</sup> And in the Habsburg case, while war raged on, the Austrian emperor promised to reorganize the empire into a federal state in which constituent nationalities would acquire more political independence though remain subject to the ultimate authority of the imperial government. Bolshevik revolutionaries overthrew the Czarist government in Russia in 1917, but a civil war between revolutionary and counterrevolutionary forces to determine ultimate control over the territories of the Russian Empire continued through 1921. Military conflict continued long after the standard chronological endpoint of the war and the shape of the world that would ultimately replace the vast continental empires—the kinds of political communities and social organizations that would succeed them—remained in question and the object of long-standing contestation.<sup>7</sup>

During the conflict the American president, Woodrow Wilson, and the Bolshevik leader, Vladimir Lenin, both rejected dynastic rule as illegitimate. Self-determination, a concept originally invoked during the Enlightenment in the name of the individual's power to determine the shape of his or her own life, became associated with collective emancipation in the mid-nineteenth century. But what exactly did national self-determination imply? Wilson presented the war as a global crusade for democracy, though his emphasis on the liberal subject as the basis for democratic government left ample room for the continuation of empire. Lenin's vision for the post-war order was oriented, meanwhile, against the liberal, capitalist, imperialist states of Britain, France, and the United States. The implications of the principle of self-determination for the political map of the world remained far from certain as the conflict drew to a close. Robert Lansing, the American Secretary of State who accompanied Wilson to Paris as a legal advisor, worried, "When the president talks of 'self-determination' what unit has he in mind? Does he mean a race, a territorial area, or a community?" Who possessed the right to insist on self-determination? And who rightfully stood in the position to recognize such a claim?<sup>8</sup>

It quickly became apparent that the establishment of the League of Nations created a new public sphere for recognizing political independence, or, as the case may be, for publicly denying the legitimacy of the cause. International society began to more clearly signify a zone in which groups formerly placed beyond the pale of international law could be brought into its orbit. Germany signed the armistice agreement on November 11, 1918, and three weeks later Woodrow Wilson left New York for Paris to establish the foundations for a new international order. For the next six months, Wilson along with representatives from the victorious European powers pieced together a settlement for the postwar world. The imposition of peace terms reflected a broader cross section of the globe than previous settlements in which European sovereigns set the terms of international order. The decision to manage international relations through an international organization after World War I in turn represented an innovative break from the system established by the Great Powers at the Congress of Vienna in 1815 following the Napoleonic Wars. Wilson envisioned the League of Nations, the organization of states that would stand at the center of this new order, as a new approach to collective security: an international institution that represented a dynamic improvement on the secret covenants that had governed Great Power relations in the previous century. Its purpose would be to reconcile divergent interests and to promote international co-operation to address problems that affected the world at large. The new organization would reflect an era in which public opinion and the voice of the people mattered above all.<sup>9</sup>

Political representatives from around the world converged on Paris and then Geneva to present the case for political independence. Ho Chi Minh is one of the most famous figures to have pressed the case for the independence of Indochina from French rule at Versailles. Deskanah, a Cayuga chief from Ontario, visited the League in 1923 to advocate for recognition of the Iroquois as a nation with treaty rights under international law, though he never received a hearing by the League General Assembly.<sup>10</sup> By fashioning itself as the site for bringing individuals and groups into international legal order, the League of Nations established a way of controlling the process of obtaining political independence, setting the terms of independence and creating new subjects of international governance. The organization worked to minimize the harsh implications of popular sovereignty even as it facilitated the creation of new states with the power to create new constituencies and exclude people.<sup>11</sup>

For example, rather than risking the outbreak of new hostilities as a result of the victorious powers competing over former colonial and territorial holdings of the German and Ottoman Empires, the Council of the League established the mandates system. The League would serve as a trustee over the governance of these territories until the people themselves were deemed ready for full political independence and statehood. The Covenant of 1919 establishing the League provided for a Permanent Mandates Commission to advise the council and receive reports from the fifteen mandated territories. The technical language of international law in turn allowed the League secretariat to carve out a distinctive institutional role in the stabilization of international order after the war. Sovereignty would emanate not from the League but rather from the authority of the mandated power. Settlers were given the nationality of the mandatory power and local inhabitants were called "protected persons." Administrators who led the commission hoped to demonstrate the power of the League's protective role in the administration of a gentle form of imperial rule. The League served as a buffer zone, transforming the diplomacy of the Great Powers by filtering their interactions and conflicts through a separate bureaucracy and compelling the public articulation of domestic events and complaints. Debating the legality of a particular action, or adjudicating the legal issues at stake in a dispute between imperial powers or complaints from mandatory subjects, transformed how empires conducted diplomacy.<sup>12</sup>

As we have already seen in the case of the Saar, in particularly contested European territories the League sought to establish direct international governance. Whereas earlier "international cities" like Cracow and Shanghai had been placed under a consortium of Great Power administration, the League inaugurated direct jurisdiction over contentious territories. The League directly administered the Free City of Danzig through a League-appointed high commissioner; it was also granted specific responsibilities over the Saar and Upper Silesia. The League's government of the Saar promised eventual self-government in the territory by figuring the people as the goal of the legal order rather than its point of origin. Rather than states acquiring territory through conquest, with the population compelled to change their allegiance, the people themselves could determine the jurisdiction in which they resided. Plebiscites were held in northern Schleswig, where people could choose to live under German or Danish rule, and in Upper Silesia, where inhabitants

decided between German and Polish rule.<sup>13</sup> The existence of the international bureaucracy significantly informed the outcome of major disputes and set the stage for how new political communities could gain entry into the international community while preserving the stability of the system overall.<sup>14</sup> British officials discussing a proposed treaty between Poland and Danzig in 1920 distinguished between Poland, “an ordered government recognized by the powers,” and the Danzigers, who existed “by the will of the Powers.” As the officials explained, referencing Danzig’s distinctive status, the Great Powers and the League of Nations were “within their rights in imposing the conditions of existence on a child of their own creation.”<sup>15</sup>

The organization of the League’s internal bureaucracy contributed to the impression that it had established a distinctive source of political authority, separate from the constituent independent states that composed the organization’s main deliberative body. Sir Eric Drummond, an Oxford-educated civil servant, became the organization’s first secretary-general. He and others built on their considerable experience working for the British civil service as overseas imperial administrators to develop the League’s governing apparatus. Drummond broke with expectation by organizing the secretariat according to function rather than national affiliation, devolving its central functions into categories such as the Legal Section, the Economic and Financial Section, and the mandates section. His organizational creativity allowed international civil servants to claim loyalty to the institution and its missions rather than to their countries of origin.<sup>16</sup> In addition to regulating the procedure for gaining recognition as a state, the League brought together experts and imperial servants with a mandate for the first time to investigate, and at times intervene, in social and economic matters at a global scale. Their work established precedents for global regimes of economic, health, labor, and energy policy as well as refugee relief.<sup>17</sup>

Yet as we shall see, the League’s approach to statelessness, and its reluctance to name it as a more general phenomenon, points to the conceptual and political significance of the category in the context of the League’s efforts to facilitate the political reordering of continental Europe and the wider imperial world. As the walls of national sovereignty rose up, many placed their hope in an organization that promised to respond to problems at a novel scale of political organization and action, and appeared to some as the realization of dreams to establish a perpetual peace, which European

publicists had been writing about since the eighteenth century. Many rallied around the League because it seemed to enshrine solidarity beyond the boundaries of the ever more demanding state. In light of these aspirations, the members of the League's bureaucracy sought to police the dreams of peace and freedom, and in particular of world government, generated by its establishment. M. J. Landa, a journalist who covered developments at the League, recalled that there "was a morbid fear that the League, as if it were an entity with a corporeal existence and a soul of its own, might materialize as a super-state."<sup>18</sup> The question, then, is what exactly about the generalization of the problem of statelessness in the interwar years threatened the international order that officials in the organization sought to establish and maintain.

## II

The threat of mass numbers of people without a national status loomed over the breakup of the Habsburg Empire into independent successor states and presented a major challenge for those who sought to restore continental order after the war. At the turn of the twentieth century, the Habsburg Empire was a dual monarchy with a total population of fifty-three million, made up of more than fifteen nationalities. After Prussia defeated Austria in 1866, the empire was divided through the compromise of 1867, which remained the constitutional basis of the multinational empire until its dissolution in 1918. A single imperial citizenship was created in 1867 that guaranteed the same civil rights to all subjects, regardless of religious status. The two parts of the empire had separate parliaments and a significant degree of autonomy, even though foreign affairs, defense, and finance were designated areas of common concern. Like the Russian and Ottoman Empires, Austria-Hungary was an inherited monarchy that deployed a variety of measures to accommodate mass politics and demands for national autonomy.<sup>19</sup> Demands for greater national representation engendered new legal and constitutional theories according a degree of public authority to the members of national groups with extraterritorial autonomy. The legal recognition of groups in the Austro-Hungarian Empire after the 1860s threatened to turn a matter of constitutional structure—how the empire was composed—into a matter of international law, with politically independent groups interacting through this legal framework. National autonomy had already been introduced in

the late nineteenth and early twentieth centuries in the Habsburg Empire to devolve a degree of public authority to nonterritorially organized groups, and Austrian jurists produced a range of creative works on minority protection and the legal recognition of national groups from 1897 to 1910.<sup>20</sup> Imperial administrators implemented a range of constitutional alterations to hold the empire together, including converting the Austrian side of the dual monarchy into a federation of national member states.<sup>21</sup> The Russian Jewish Labor Bund in 1905 and the Mensheviks in 1912 had proposed a similar plan for group autonomy within the Russian Empire.<sup>22</sup> In the decades before the war, the Habsburg Empire's eleven officially recognized nationalities—Germans, Hungarians, Czechs, Slovaks, Slovenes, Croats, Serbs, Romanians, Ruthenians, Poles, and Italians—struggled over their national rights. As recent research on the Habsburg Empire has shown, agitation for imperial recognition of national groups represented a form of imperial politics rather than revolutionary movements to dissolve empires into discrete sovereign states—national autonomy generally did not indicate an ultimate goal of sovereign independence. According to this view, the Austrian imperial constitution was flexible and innovative rather than hopelessly sclerotic.<sup>23</sup> Constitutionalism in the nineteenth century provided legal solutions to growing demand for political emancipation and national representation.<sup>24</sup>

Before the meaning of self-determination could be sorted out at the end of World War I, new countries began declaring their independence and asserting their status as independent sovereign communities. Wilson did not initially endorse full independence for the nationalities of Central Europe, suggesting self-government within the Habsburg Empire along the lines proposed by the emperor. At issue was the question of whether nationalist demands could be satisfied through constitutional measures or international guarantees without the creation of an independent, territorially distinct state. Once Austria-Hungary was pronounced legally dead in 1918, some national groups claimed to recover the sovereignty they had lost centuries before (Poland, Lithuania, Estonia, and Latvia) while others established the sovereignty of groups struggling to emerge as recognized independent political collectivities (Yugoslavia and Czechoslovakia). Czechoslovakia became the first government of the successor states to withdraw from the Habsburg monarchy and made the "Declaration of Independence of the Czechoslovak Nation" in October 1918 in Washington, DC.<sup>25</sup>

The collapse of a world that had seemed to possess perpetual life left enormous uncertainty in its wake, particularly for imperial subjects who faced exclusion on the basis of their national identification. For the Viennese satirist Karl Kraus, the dissolution of the Habsburg Empire was an apocalyptic event analogous to the end of days.<sup>26</sup> Lucien Wolf, a leader in the diplomatic wing of the Board of Deputies of British Jews, who would become one of the architects of international minority protection, initially saw European peace and Jewish survival as contingent on the preservation of empire.<sup>27</sup> Without the protection of imperial citizenship, individuals identified with certain national groups or religious minorities would be left stranded within the boundaries of the new states, and as the war drew to a close women's groups, socialists, and pacifists took up the idea of international protection by law for minorities. In 1919, a group called the Committee of New States, dominated by British and American members, drafted model minority treaties, first for Poland, then Czechoslovakia, Yugoslavia, Greece, and Romania. Support for legal minority protection expanded as reports of massacres targeting Jews reached the Versailles deliberations.

Internationalism as an approach to controlling the entry of new states into the international community, and minimizing the potential for mass disenfranchisement as a result of the dissolution of diverse empires into national states, took the form of an international minority protection regime in the Habsburg successor states. The treaties at the Paris Peace Conference gave sixty million people their own state, but left around twenty-five million "minorities" outside their national states. According to the treaties signed by the successor states and the Allied powers, Austria, Hungary, Poland, Czechoslovakia, Yugoslavia, and Romania undertook stipulations as to nationality and other provisions for the protection of minorities. The Treaty of Saint-Germain, signed in July 1920, and the Treaty of Trianon, signed in July 1921, left the basis for nationality in the successor states uncertain—allowing each country to refer either to domicile or residence or the "native" (*indigenat*) status of the person in question.

These treaties in turn established a system in which an international authority defined and defended the rights of minorities rather than a separate sovereign state that could use the minority group as a pretense for territorial revision—a marked difference from the nineteenth century, when the Great Powers had agreed to protect vulnerable minorities at the Congress

of Vienna and later at the Congress of Berlin. The League could refer cases to the Permanent Court of International Justice, though minorities could not petition the court directly. The Minorities Section, a division within the League Secretariat, consulted with governments, collected information locally, and heard from petitioners, who had no formal role in the investigative process. The system granted linguistic rights to individual members of collective groups, guaranteeing, for example, non-Hungarian speakers in the Hungarian part of the empire the right to use and cultivate their own language and culture.<sup>28</sup>

For some, the treaties ratified a solution to contestation over group rights and national political representation that had become central to the constitutional politics of the empire in the years before the war by affirming that nonstate groups had become the subjects of international law. International oversight replaced the constitutional efforts to regulate relations among the peoples of the empire. These agreements built on late imperial proposals to grant national groups greater local autonomy within the empire: such proposals envisioned political allegiance to a wider state and personal allegiance to one's group, which would govern institutions vital for the preservation and fulfillment of its cultural and social life. They went beyond the protection of religious freedom assured in earlier international treaties by promising protection of civil and political rights, as well as certain cultural rights, to individuals as members of recognized collective entities.<sup>29</sup>

According to more contemporary histories of human rights law, the minority protection treaties represented the first time that individuals and groups gained independent standing in international law. As we will see in more detail in Chapter 3, both the members of recognized minority groups and individuals without citizenship prompted similar reflection on the subjects of international law, and on the concept of legal personality. The agreements and the system of international oversight established by the League failed to prevent the rise of a new class identified generally as the *heimatlosen*, individuals without a national status living in the Habsburg successor states. Both the stateless and minorities carried important implications for long-standing debates in legal and political thought about the nature of entities acknowledged to have legal personality. Did they exist merely at the discretion of some more substantial source of authority with the capacity to represent them and transform their fictive presence into real action and agency?

If we return briefly to the legal condition of deported individuals in Roman law, the loss of civil status in favor of a status under the law of nations defined the nature of the punishment itself. Along similar lines, looking back on the post–World War I era, Hannah Arendt called minorities and the stateless “cousins-germane” because both represented the fundamental breakdown of the nineteenth-century ideal of civic emancipation. Dependence on an international organization such as the League of Nations, or the Permanent Court of International Justice, left minorities and the stateless—categories that often blended together in practice—in a position of fundamental vulnerability. The category of the minority in practice created a permanent state of exclusion for anyone who qualified as a member of a designated minority group. For Arendt, both kinds of persons, regardless of how they were identified by the League, represented a violation of the ideal of citizenship and civil equality.

Yet as we shall see, officials at the League *did* differentiate the mandate to intervene and hear matters relating to minority rights, from the general phenomenon of statelessness. Whereas minority protection remained within the ambit of its internationalist approach to governance and political order, statelessness as a general category of identification threatened the boundary they sought to define between national and international spheres of authority.<sup>30</sup>

### III

League-directed internationalist approaches to reconfiguring political order after the war only indirectly addressed the potential for the breakdown of empires and the creation of new independent states to produce mass numbers of people who did not belong anywhere. However, the organization’s involvement in the creation of international arrangements to assist refugees from the Russian Empire directly took on the question of how to define statelessness, though ambivalently and in a highly selective manner.

Russian citizens from the professional and intellectual classes had begun to leave Russia in mass numbers in 1918, following the czar’s abdication after the Russian Revolution. Many landed in Constantinople; others made their way to military outposts in China and Bulgaria. The exiles included White Russian officers and their families as well as civilians, many of whom were civil servants from the former imperial court and administration.<sup>31</sup> Wartime

saw a variety of ad hoc local and imperial measures for assisting people fleeing from conflict. Administrators from the British Foreign Office and private philanthropic organizations oversaw the evacuation of thousands of Russian imperial subjects fleeing the Bolshevik Revolution. With the help of humanitarian organizations, individual civilians began to leave Constantinople for Western and Central Europe.

The transfer of responsibility for refugees from the former Russian Empire to the League of Nations from the wartime armies signified the end of formal struggles as militaries began to disband across Europe and the former Ottoman Empire.<sup>32</sup> The arrival of Russian refugees in the Central European successor states and in the territories of the former Ottoman Empire in 1921 marked the end of the Russian Civil War and the beginning of a new era in international refugee identification and management. The League appointed Fridtjof Nansen, a world-famous Norwegian polar explorer, to organize relief efforts and to repatriate war refugees from camps around Constantinople and Gallipoli to other countries in Europe. Nansen had been part of the great race to map and colonize the earth's surface in the final decades of the nineteenth century, and his association with the spirit of scientific internationalism made him an ideal candidate for the position. He was officially appointed high commissioner at the League's second assembly in September 1921, where he was given a mandate to assist "any person of Russian origin who does not enjoy or who no longer enjoys the protection of the government of the USSR, and who has not acquired another nationality." An intergovernmental conference held in Geneva in 1921 led to the creation of an international agreement for the protection of Russian and Armenian refugees that eventually provided an international travel document—generally known as the "Nansen passport."<sup>33</sup>

The foundation of the High Commission for Refugees was a critical turning point in the long aftermath of the war because it was the first formal acknowledgement of international responsibility for refugees. However, the national status of former Russian imperial subjects remained ambiguous until December 15, 1921, when the Bolshevik government formally revoked the citizenship of the expatriates.<sup>34</sup> Defining the Russian refugees as stateless was a highly politicized decision. Consular officials who recognized the one million Russian subjects scattered across port cities as "stateless persons" indicated European states' acceptance of the Bolshevik government by

acknowledging the government's right to denationalize its citizens. French courts initially refused to give effect to the Russian decrees denationalizing Russian émigrés as “measures violating the law of nations” and treated the Russian émigrés who had settled in France as Russian nationals.<sup>35</sup> The journalist Landa recalled in horror how it seemed that the League “was actually asked, and indeed was being driven, to make people homeless and stateless by law!”<sup>36</sup>

The intrinsically political nature of the international refugee arrangements resulted, therefore, not only from the challenge of establishing diplomatic relations with the Bolshevik government, but also due to the League's role in recognizing statelessness as a novel feature of the international landscape. In response to these worries, Nansen emphasized that the arrangement to assist refugees should be understood as humanitarian and therefore politically neutral, a particularly important claim in light of the acceleration of ideological conflict since the Bolshevik Revolution.<sup>37</sup> Separating an arena of technical administration from the messier world of politics represented a method of imposing order. Claiming technical, neutral, expertise would become a hallmark of the bureaucrats, lawyers, and economists at the League. Nansen's vision for stabilizing the continent involved finding overseas states willing to take in refugee populations and providing these countries with assistance to develop their agricultural capabilities so that refugees could find work once they arrived.<sup>38</sup> Officials were intent on resettling or repatriating dispossessed people in an effort to stabilize the social and economic order. As Nansen detailed in a letter to a civil society organization in Vienna established to support the work of the League of Nations, the repatriation of prisoners of war living “as refugees in countries foreign to them,” would mean “the removal of a great and dangerous evil” that would help secure the settlement of Europe.<sup>39</sup>

Reports and images of refugee suffering lent credibility to the vision of the High Commission for Refugees as a purely humanitarian agency that stood apart from politics.<sup>40</sup> In the cities where they had found momentary refuge, the refugees faced disease and starvation, especially in places that had not recovered from the devastation of the war and its aftermath. One member of the International Labor Organization's Overseas Settlement Committee tasked with facilitating the resettlement of the refugees, wrote to the British government in 1921 that “Russian Refugees are an almost hopeless

problem, and as they are dying by scores from starvation in Salonica . . . we are naturally anxious not to miss an opportunity for disposing of them.”<sup>41</sup> The rate of mortality among the refugees as a result of famine, typhus, and sanitary conditions reached a peak in 1922, though in that same year many of the refugees had begun to secure more permanent settlement. By 1922, more than a quarter of all Russian refugees had settled in Germany, with 360,000 in Berlin, while one-fifth sought new lives in Poland, France, and China. France drew Russian émigrés who had been living in temporary settlements from Constantinople, the Balkans, and Poland with the promise of employment. In March 1922, at the Council of the League of Nations, Nansen proposed issuing a “Nansen passport” that would allow the refugees to travel and protect them from deportation.<sup>42</sup>

Nansen’s speech at the Nobel Peace Prize ceremony in 1922, where he was awarded the prize for his humanitarian leadership, underlined his perspective on the vital neutrality of his internationalist work. The League, he stated, had “already in its short active life, settled many controversial questions which would otherwise had led, if not to war, then at least to severe disturbances.” He listed assistance to destitute Russian refugees as part of a list of successful stabilizations, including fighting the spread of epidemics and arranging an international loan to Austria.<sup>43</sup> Humanitarian undertakings, as Nansen emphasized in his speech, contributed to solving intractable political disputes because of their remove from politics. The alleviation of suffering stood apart from politics, though as Lenin pointedly noted, Nansen’s nonpolitical commission had been “mixed up with others with political purposes” since in the context of the Great Powers’ efforts to contain the threat of Bolshevism, claims about the neutrality of humanitarian relief became highly politicized.<sup>44</sup>

Lawyers and jurists from the former Russian Empire who designed the legal infrastructure of the fledgling international regime likewise resisted the idea that the measures introduced to regularize the legal status of the refugees were merely humanitarian, though for different reasons. Russian legal scholars, who had played a pivotal role in Russian imperial foreign policy and legal diplomacy before the First World War, led the initiative to create an international legal status for former citizens of the Russian Empire. A community of people trained to theorize and argue about law beyond the confines of states, and who were compelled to live outside the security of citizenship after the

Bolshevik revolution, emerged as critical theorists and advocates for the stateless in general, but the Russian émigré community in particular.<sup>45</sup>

Representing those who did not wish to have their nationality restored, or to return to the Soviet Union, the jurists advocated for the recognition of Russians divested of their nationality by the Soviet regime as stateless persons under international law.<sup>46</sup> For many of these jurists, their perspective on the possibility of nonstate forms of political representation had developed years earlier in the context of efforts to achieve liberal reforms in the Russian Empire. The revolution of 1905 had introduced academics and political writers to new forms of political representation. Now, in the post-World War I setting, intellectuals coordinated with existing representative groups to form ad hoc electoral bodies called *zemstvos*.<sup>47</sup> In 1923, the Russian *zemstvos* in Paris and London in turn called on the League to replace Nansen with someone more sympathetic to the ideals of the refugees. Émigré representatives expressed concern about falling under the “tyranny of the international,” where stateless people would become a “mandate” of the League—connecting their situation as wards of the High Commission to the dependent legal status of former colonial subjects now under the legal authority of the League of Nations. A representative of the Nansen office meanwhile offered the exasperated response, “They live only with the hope of a complete restoration of the former Russian Empire.”<sup>48</sup> The goal of re-establishing continental and imperial order was thus seen to conflict with the needs and aspirations of those who sought to establish a new kind of political identification and form of political representation.

#### IV

In the first few years of its existence, then, the League of Nations did not address statelessness as a general phenomenon that impacted a range of people in the new international order. As an international legal category, it belonged only to people who had formerly possessed Russian imperial citizenship but had lost their national status when the Bolshevik regime declared that they were no longer recognized as Russian citizens. Yet the scale of the crisis in the post-Habsburg successor states generated a counter movement to expand international recognition and protection for the people who were unable to acquire citizenship in the postimperial states. In the course of the upheaval of war and military occupation across Habsburg territory, large numbers of

imperial refugees from Galicia and Bukovina had fled occupying armies into the relative security of Vienna and into the regions of Bohemia and Moravia. By 1915, 285,645 refugees resided in Vienna. By the end of the war, 400,000 people from the border regions of the empire had moved to postimperial Hungary. Unable to return to their homes, many hoped to acquire citizenship in the states that succeeded the Austro-Hungarian Empire. While some of the successor states were anxious to acquire new citizens and extended membership to any refugee who could prove residence at the time of the ratification of the peace treaties, others limited the right to opt for citizenship. For example, Poland extended citizenship only to those who could prove that they descended from someone who had fought for Polish independence in the nineteenth century.<sup>49</sup> Austria, Czechoslovakia, and Hungary, also excluded the refugees who poured into urban centers from the imperial periphery during World War I on the grounds of both their nationality and their religious identification. According to the Treaty of Saint-Germain, the 1919 agreement between the victors and the Austrian republic, former imperial citizens could opt for citizenship in any successor state in which they identified according to “race and language” with the majority of the state’s population. However, the agreement required proof of German education, which many of the wartime refugees from the outskirts of the Habsburg Empire did not possess.<sup>50</sup>

Legal precedents drawn from imperial law furnished the successor states with a framework for exclusionary naturalization policy. In the Habsburg lands before World War I, legal identity was primarily based on the relationship between the subject and the province or town within the empire, or *Heimatsrecht*, where one had the right to live and to draw on social services. Anyone living within the right jurisdiction could be counted as a subject of the government. Over the course of the nineteenth century, the gap between the legal rights of citizens and those of foreigners in Austria had gradually widened. Identification as a foreigner meant, among other things, exclusion from poor relief, which was available only to citizens and provided by the municipality to which a person officially belonged even if the person did not reside there.<sup>51</sup> Introducing *Heimatsrecht* into the citizenship legislation of the successor states allowed governments to exclude war refugees from the ranks of their citizens. In Austria, a 1918 citizenship law passed by the national assembly excluded the seventy thousand Jewish refugees from Galicia

who had remained in Vienna after the war but could not claim indigenous land rights. In Czechoslovakia, the right to claim Czechoslovak citizenship depended on proof of residency. Former legal subjects of the Habsburg lands who had been granted residency in Czechoslovak territories after 1910 could apply for citizenship; however, the offer could be refused to those who were not "Czechoslovak by language and race." In Hungary, thousands of inhabitants of the former Hungarian half of the monarchy where formal proof of residence was rarely given, including poor Ruthenians and Hungarian speakers, had no papers proving legal residency, which prevented them from obtaining Hungarian citizenship.<sup>52</sup>

As the consequences of exclusionary policies became more evident, individuals began sending letters to the Permanent Court of International Justice and to the League of Nations claiming that they did not possess a nationality, petitioning these authorities to intervene on their behalf or to furnish them with documents validating their identity and allowing them to cross international borders. Joseph Reich, for example, who wrote the League in December 1923, requested that the League provide a passport for him. As he explained in his letter, he had an Austrian passport until 1918 and now, residing in Polish territory, had become a "Staatenloser."<sup>53</sup> One petitioner who wrote to the Permanent Court at The Hague in 1923 referred to the court as the "protector of the rights of persons without nationality" and asked that officials provide him with a document that would allow him to travel across borders.<sup>54</sup>

After receiving a number of such letters, Ake Hammarskjöld, the League's representative at the Permanent Court of International Justice, wrote to officials in the League's legal section in November 1923 to ask whether it would be possible to develop an international arrangement to regulate the status of the *heimatlosen*. He wrote, "I cannot help feeling a great pity for the persons concerned, who, more often than not by no fault of their own, are deprived of their essential rights."<sup>55</sup> Hammarskjöld did not elaborate on how such a generalized legal status would work, but he looked to the League as a potential source of rights and protection for people who could not claim the security of political membership in their own states.

## V

Hammarskjöld's proposal to create an international arrangement that would provide those without citizenship in the Habsburg successor states with a

legal status prompted discussion among legal officials at the League on what role, if any, the organization could play in addressing the condition of the *heimatlosen*. The question of what kind of authority the League possessed to adjudicate disputes over nationality directly confronted the interstate foundations of the organization. These reflections were recorded in a 1923 memo written by an unknown official labeled “The Case of Persons without Nationality.” The memo is significant mainly because of how it clearly sets out the way officials sought to avoid naming statelessness as a more general feature of postwar disorder, and how the codification of international law emerged as a neutral substitute for a more expansive regime of international oversight. The memo listed the various types of people who broadly fit into the classification of statelessness—those facing “hardships” as a result of the peace treaties between the victors and the Habsburg successor states, Russians divested of their nationality by the Soviet regime, and people like Max Stoeck who had their property seized after the war because they had been identified as German nationals but claimed to have lost their national connection to Germany. The memo therefore acknowledged the range of constituencies who could claim to be stateless since the war (though the author of the memo was careful to preface his use of the term *Staatenlos* with the phrase *so-called*). However, the memo proceeded to explain why the League should not officially acknowledge the “case of persons without nationality” as a general or widespread problem, since the absence of nationality “does not seem to be either a very wide spread evil or one which causes any general inconvenience to governments or even to individuals.”<sup>56</sup> Those living without a national status as a result of the peace treaties in Central Europe presented a particularly “delicate matter,” the memo continued, due to the complexity of the political situation in the post Habsburg successor states. In any case, the memo concluded, the organization could not appeal to any rule of international law preventing states from depriving a person of their national status, even if they had not acquired another nationality, or one creating an obligation for states to grant nationality to someone living without one. Despite the fact, as the memo noted, that the Stoeck decision had shown the emerging legal significance of statelessness, general recognition of statelessness threatened the boundary that officials at the League sought to conserve between matters defined as “international,” and within the remit of the organization and its associated institutions, and those beyond it. The document,

passed back and forth among the legal experts and civil servants within the organization, their notes scribbled along the margins, throws into relief how statelessness as a generalizable category posed a threat to the particular boundaries of international political order that the League's internationalist and legalist innovations were designed to contain.<sup>57</sup>

One less radical way, the unknown official suggested, for the League to address the "case of persons with no nationality" would instead be to present the problem as a defect of private law, an anomalous occurrence that nineteenth century treatises on international private law had established as largely the result of individual emigration, evasion of military duties, or acceptance of service with foreign governments. By coordinating the nationality legislation of countries around the world, the League could initiate the creation of international agreements in which states "surrender their existent sovereign right of deciding for themselves the condition under which their nationality is automatically or may voluntarily be acquired or lost."<sup>58</sup> League officials therefore pressed for an international convention on the conflict of nationality laws to bring the increasingly byzantine and divergent laws defining national membership into common order in the name of smoothing relations between countries. They argued that experts should formulate a code covering all conflicts and eventually produce a multilateral convention in which states agreed upon shared or compatible laws for naturalization and denaturalization. By limiting the scope of the problem of statelessness to the project of transnational legal unification, the League promoted a vision of mankind's slow progress toward the elimination of this anomalous occurrence through coordinated legislation. These plans fit with a style of thought associated with the domain of private law. In nineteenth century legal thought, public law did not have to be systematically coherent since the law could be presumed to derive from the command of a sovereign. Private law, by contrast, preceded sovereign command and could transcend states. The more internally rational and coherent it seemed, the less subject to national discretion it would become—hence the impulse to systematize the rules and make the system as comprehensive as possible. Presenting nationality as part of the mechanics of internationalism shifted attention away from restrictive regimes of citizenship, locating blame with the shiftless individuals who did not remain in any place long enough to acquire a nationality and were away from their original site of nationality long enough to lose

a prior legal connection. These reflections reveal how international officials resisted the proliferation of ideas and practices surrounding nonstate forms of political order.<sup>59</sup>

But the proposal to include nationality in upcoming international legal codification plans rested on the fiction that a world of exclusive, sovereign states already existed. In fact, codification evaded the more contentious issues surrounding the nature of sovereignty that the problem of statelessness provoked. The project to systematize the multiplicity of nationality legislation that had sprung up across different nations and empires did hold some promise, but it was the complexity of political sovereignty that was at the heart of the citizenship crisis. Many of the letters that the League received from individuals requesting assistance in determining their national status, or requesting a Nansen pass, came from former subjects of the Ottoman Empire. Norman Bentwich, the Jewish attorney general of Mandate Palestine, commented on the multiplicity of nationality regimes in former Ottoman territories: "No less than five new nationality systems have been created, each with its distinctive features as to acquisition, retention, and loss. There has been no such multiplicity of national civitas in this part of the Orient since the extinction of the Herodian Kingdoms."<sup>60</sup> Such conflicts existed not only between states recognized as sovereign and independent but also across postimperial territories poised between nation and empire. Individuals who had Ottoman nationality under the 1869 law were not considered automatic Palestinian citizens under new nationality legislation after 1925. The British mandatory power placed local Arab authorities in charge of nationality legislation in Iraq and Transjordan. In Britain's African mandates, inhabitants remained British protected persons. In Syria and Lebanon, the French gave mandatory representative bodies the power to enact nationality legislation.<sup>61</sup> Meanwhile, individual subjects of the mandatory powers required documentation to find work. Some pursued their claims before the Egyptian Mixed Court, the judicial institution founded in the 1870s to hear legal cases involving foreigners, and disputes over nationality claims were among the most numerous cases brought before the court. Workers who had previously held Ottoman citizenship petitioned the court to adjudicate their national status, as they required documentation to work in mandate territories. International legal codification, then, could provide principles that guided states in a way that promoted the general rationalization of nationality legislation; however,

it evaded the more profound political questions about sovereignty and empire that the League helped to keep in suspension.<sup>62</sup>

The project to gather information on the variety of nationality laws across the world in turn brought together a range of international legal experts to participate in the ambitious project to collect information on how countries legislated the rules governing national membership—who counted as a legal citizen and how individuals gained or lost such status. A transatlantic group of law professors and jurists led by Manley Hudson, an American from the Midwest who taught international law at Harvard, began meeting periodically after 1924 to consolidate their research in preparation for the third Codification Conference to be held at The Hague. The team of international lawyers led by Hudson sought to produce a common record of each country's legislation on nationality. In preparation, they sent questionnaires to member and non-member nations to survey levels of interest in proposed subjects for international codification, including nationality and the regulation of territorial waters. They then compiled an exhaustive list of the nationality laws of every country to be used during the Codification Conference.<sup>63</sup> The committee proposed several treaties whose ultimate purpose would be to require states to adopt a common criterion for the conferral of nationality. It was expected that this codification would eradicate statelessness at least to the extent that it arose from the conflict of domestic laws. The role of the legal codifiers would not be to dictate rules from above, setting the terms of how governments defined membership. Instead, legal scholars sympathetic to the aims of the League undertook the work of gathering the material, and organizing it in a way that facilitated coordinated national efforts to refine how countries legislated naturalization and denaturalization. The enclosure of national communities through nationality law produced new sources of international dispute as conflicting regimes of naturalization and denaturalization left migrants and state bureaucracies uncertain of their status. According to the vision of international legal codification, clarification of the norms regulating nationality—how someone acquired it or lost it—was vital to the preservation of peaceful relations.<sup>64</sup>

## VI

However, as codification plans progressed, the crisis of post-imperial citizenship persisted. After 1924, the League faced more pressure from civil society

associations and other international organizations to acknowledge statelessness as a more general problem, and to consider expanding the jurisdictional remit of the High Commissioner for Refugees. The implications of the new forms of international administration became vivid and concrete in Central Europe. The Nansen passport did not provide carriers with access to the growing number of social protections that states provided for their citizens or prevent arbitrary expulsion and deportation. Nevertheless, stateless refugees who carried the international passport benefited from international recognition and from their unique status as “Nansen refugees.”<sup>65</sup>

For those who obtained the protected status as Nansen passport carriers, international legal authority became tangibly real. The passport determined the juridical status of stateless persons and allowed an international agency to act as a steward for those without regular legal standing.<sup>66</sup> Though Austria recognized the Nansen passport, the high commissioner’s delegation in Vienna battled with the Austrian government over the boundaries of their respective authorities. Correspondence between the Austrian delegation to the League of Nations and the High Commission office in Vienna testifies to the tension between the government and the representatives of the international office, who congratulated themselves for successfully claiming the right to grant identity certificates for the Russian refugees rather than the Austrian authorities. Austria in fact tried to implement a *Staatenlosepasse*, a form of identification that would allow noncitizens to live and travel freely. The High Commission worked to maintain the Nansen regime for the refugees rather than institute the *Staatenlosepasse* for persons without nationality resident in Austria so that it could act as a distinct jurisdictional authority for the refugees.<sup>67</sup> As the Austrian state worked to establish its authority, the question of who possessed jurisdiction over the refugees in Vienna initiated a clash between different forms of governance in the city, building on fears that Austria had been reduced to a colonial territory as a result of the League’s intervention in the Austrian economy.<sup>68</sup> Through the High Commission’s efforts, Russian refugees preserved their distinctive status as subjects of the consular regime emanating from Geneva, enjoying rights normally only granted to foreigners on the condition of reciprocity.<sup>69</sup>

Within a few years of the empires’ collapse, thousands of former imperial subjects found themselves without citizenship in any of the successor states.

After receiving numerous petitions from the *heimatlosen* requesting assistance in acquiring a definite nationality for themselves, the Red Cross wrote to the League to advocate for further internationalization of the problem of statelessness. The letter sent from the Red Cross to the League explained that the peace treaties and the minority protection treaties did not “cover the entire ground” and left numerous people adrift. The problem of the *heimatlosen*, the letter continued, had for some time engaged the attention of jurists but “it has assumed such proportions during the past few years that international action seems to be necessary.”<sup>70</sup>

In March 1926, a commission of jurists from the International Union of Associations for the League of Nations met in Geneva to inaugurate a project to regulate the status of the stateless in the successor states of the former Habsburg Empire.<sup>71</sup> Walter Napier, a member of the British League of Nations Union, concluded that the only way to ameliorate the situation of the stateless would be to borrow the practices applied to the Russian and Armenian refugees. As he stated, “It is enough to compare the unfortunate situation of other stateless who don’t have the protection of the High Commissioner to appreciate the high value of this international action.”<sup>72</sup> Napier turned from a legal analysis of the problem in terms of the nature of sovereign authority and the boundaries of citizenship in the new states to more concrete considerations about how to alleviate the situation of those who found themselves without citizenship.<sup>73</sup>

Denunciations of the Russian refugees’ unfair advantages often accompanied complaints about the severe limitations of the minority protection regime to ensure citizenship or access to state goods. Commentators reinforced the contrast by emphasizing the particular poverty and deprivation specific to the experience of the *heimatlosen*. In an article written on the International Committee of the Red Cross and its work on behalf of the *heimatlosen*, one author referred to the Russian refugees as the most numerous but “least characteristic” of the several categories of *heimatlos* since they were in a “more satisfying condition than other *apatrides*.” Those not in this group were the “unfortunates,” or *ces gens malheureux*, who first addressed various charitable organizations and asked the Red Cross to intervene through intermediaries from other philanthropic organizations.<sup>74</sup>

The nature of the organizations that stepped in to advocate for the *heimatlosen* lent credence to the claim that assistance to those who professed

to be stateless in the postimperial successor states could only be comprehended in terms of charitable giving rather than more radical innovations in international political representation. Since many of the *heimatlosen* were of Jewish descent, organizations established to assist Jewish migrants before the First World War stepped in to provide assistance. The major Jewish networks of advocacy and protection developed out of the great demographic redistribution of Jewish people from the East to the West in the wake of successive pogroms and poverty in Russia and Eastern Europe between 1881 and 1914.<sup>75</sup> In addition to the request from the Red Cross, the League of Nations High Commissioner for Refugees also received appeals on behalf of the *Staatenlosen* from the Comité Unifié Juif and the Congrès de la Fédération des Ligues des Droits de l'Homme.<sup>76</sup> The British-based Jewish Board of Deputies petitioned the League to expand their work on behalf of refugees and the stateless. International Jewish relief organizations, including the Jewish Board of Deputies and the Alliance Israélite Universelle, wrote to the League in September 1926 to call attention to the numerous letters they had received from people in the successor states who claimed to have lost legal connection to any state.<sup>77</sup>

The League's response to the request by the Red Cross to expand the purview of their responsibility for stateless people hinged on the limited jurisdictional and legal capabilities of the organization. After the appeal from the Red Cross, the Vienna office of the High Commission for Refugees considered whether to extend the measures taken to assist Russian and Armenian refugees to "other analogous categories of refugees." The administrators managing the Vienna office of the High Commission tried to preserve the status for the Russian and Armenian refugees alone. In response to an inquiry from the central office about the number of these "analogous categories," the Austrian office reported back to headquarters that after conferring with the chief of police in Vienna, he was "assured" that the federal authorities did not have any statistics on the people claiming not to possess citizenship.<sup>78</sup> But how to justify the League's position on this matter? The lawyer in the League's legal section tasked with responding to the 1926 Red Cross letter argued that although on the surface the situation of the *heimatlosen* was comparable to that of the Russian refugees in 1921, in fact the Red Cross admitted that "the present question is not one which comes within its sphere of action" and that they therefore did not have the right to bring the issue

before the council. Since the Red Cross had determined that any initiative on behalf of the *heimatlosen* was beyond their remit, they could not similarly bring the case of this group before the League council.<sup>79</sup>

Another way of handling requests to intervene in cases where an individual's national status remained ambiguous was to turn the case over to one of the offices established at the League to administer issues around postimperial identification and governance. One year after the memo, in 1927, the legal department picked over a letter from a former Ottoman subject. In November of that year, the League received a letter from B. S. Nicolas, a man who described himself as an "Assyrian of Christian faith, native of Kurdistan." Nicolas wrote that he had fled from his country due to the "Turkish atrocities and massacres taking place." As he explained in his letter, he fought with the Allies against the Ottomans in Baghdad. His family left Iraq in 1925 for France with an Iraqi certificate of identity and had resided in Marseilles since then. They had repeatedly requested British protection but were denied, and had since applied for recognition as Turkish subjects. Nicholas stated that he had documents in his possession that would show definitively that the three nations had refused protection, or to confer nationality to him and his family, and "as such, our nationality is undetermined."<sup>80</sup> The chief of the mandates section responded that the "League of Nations has no general authority to determine the nationality of individuals or to grant nationality to them." Nicolas was advised to present a petition in which he would elaborate the obligations assumed by Iraqi and British officials according to the terms of the mandate.<sup>81</sup>

Mackinnon Wood, a senior member of the legal section of the secretariat, assessed the legal implications of the request, reasoning through the available categories and institutions established to manage the crises generated by the creation of states after the war. Wood reasoned that the secretariat did not have the authority to interfere regarding French or Turkish nationality or to intercede with the French authorities in Marseilles. Nor could they assist Nicolas in obtaining Greek citizenship since Greece did not have mandatory status or a treaty protecting particular minorities. Wood concluded that since Nicolas possessed an Iraqi certificate of identity, the petitioner had a claim to receive protection from the British mandatory power.<sup>82</sup> A further memo attempted to analyze whether Nicolas qualified for Iraqi citizenship in accordance with Iraqi nationality law from 1924. It depended,

the author concluded, on whether the Iraqi authorities considered refugees subject to the rules of domicile or “whether or not they consider refugees to have their ‘usual place of residence’ in Iraq or to be merely sojourning there in a very precarious and temporary way.” He suggested that the matter be sent to the refugee section of the International Labor Organization for further clarification.<sup>83</sup> Finally, another lawyer reviewing the claim concluded that based on Nicolas’s own story, he had been legitimately denied Iraqi, French, or Turkish nationality and that “this is a case of statelessness, which can only be immediately remedied through a considerate and generous action on the part of the Iraq authorities.”<sup>84</sup> Determining whether someone was stateless depended on reasoning through a shifting international landscape.

The growing number of people, like Nicolas, acknowledged as stateless by national courts and international authorities further fueled the campaign to expand the Nansen regime after 1928. As one study of statelessness from that year explained, the number of stateless persons had grown substantially since the war, but the causes and their legal character varied considerably.<sup>85</sup> As a common consciousness of the problem of statelessness emerged, activists rhetorically linked this community to the concept of world citizenship. Walter Furgler established Homeless: World Committee for the Defense of the Interests of People without a Recognized Nationality in July 1928. The aim of the organization was to “procure all the *sans-patrie* a legal paper like the Nansenpass which would permit them to go to all states, without being cast out.”<sup>86</sup> The passport possessed a concrete practical significance and a more symbolic one. Assuming border control recognized the document as valid, possession of the Nansen passport allowed individuals to obtain work or to cross borders. However, in the context of internationalist idealism after World War I, anyone without a national identity represented the possibility of postnational cosmopolitanism. Much like the proletariat in Marxism, the people with no nationality represented a third estate on which hopes for the future could rest. At a gathering of the stateless and organizations advocating on their behalf in Geneva, the pacifist author Romain Rolland told the crowd that “statelessness” was an honorable term that denoted European and world citizenship.<sup>87</sup> Carriers of the Nansen passport in turn appeared as the glamorous embodiment of world citizenship. In 1928 Shell Oil and the Ariel Motorworks company sponsored I. S. K. Soboleff’s around-the-world motorcycle trip, in which the cyclist carried only a Nansen passport

for identification. In his memoir, *Nansen Passport: Round the World on a Motorcycle*, Soboleff, a Russian aristocrat exiled during the Russian Revolution, described himself as the embodiment of the Russian diaspora. According to Soboleff, "all over the world I can always find others who speak my own language and who carry the Nansen passport, issued by the League of Nations to those who have no longer any country of their own."<sup>88</sup>

Still, the Nansen passport reaffirmed the normativity of the state's ultimate control over borders, and it rarely guaranteed security. A separate agreement signed in Geneva on June 30, 1928, sought to further shore up the legal status of Russian and Armenian refugees. However, many found that the passport did not provide protection from police harassment or from deportation. Holders of the passport could obtain a visa to enter another country to seek employment but if they failed to find work they often discovered that they had no place to return.<sup>89</sup> Some passport carriers bitterly recollected the years when they relied on nothing else but a Nansen pass. Vladimir Nabokov, who was a stateless Nansen refugee living in Berlin in the interwar years, later wrote that the passport was a "dreary hell that had been devised by European bureaucrats."<sup>90</sup> Yet it also symbolized the way that many had already begun to experience the reality of living in a nonstate political community. The lives of Russian refugees in China particularly illuminates how many anticipated that international institutions would supplant the loss of imperial privileges. In Chinese courts, Russian refugees endeavored to preserve the extraterritorial legal status they had previously been afforded as subjects of the Russian Empire. Even when they did not succeed in this endeavor, the community carried on as though they had brought their world with them. One stateless member of the Russian diaspora, who was part of the migration during the war from Russian territory to China, recalled how the sound of Russian and the smell of street kiosks serving comforting bowls of beef stroganoff filled the city of Harbin.<sup>91</sup>

While League officials resisted the idea that the stateless symbolized the future of international politics, non-western political thinkers and leaders observing the movement to characterize the stateless as a distinct group viewed the phenomenon in precisely these radical terms. The implications of mass statelessness, as well as the emergence of a novel international legal status for a defined group of stateless persons, for wider debates about empire, sovereignty, and the future of global order could not be ignored.

Indeed, the plight of the European stateless resonated particularly with non-western political actors considering the future of postcolonial statehood. M.K. Gandhi learned about the movement to publicize the condition of the European stateless from an issue of *Pax International*, the monthly journal published in Geneva by the Women's International League for Peace and Freedom, a pacifist organization founded during World War I. In his weekly paper, *Young India*, Gandhi cited the growing numbers of the stateless in Europe as evidence for the decline of European civilization and the model of statehood that it had established. The proliferation of people disconnected from any political community demonstrated, he argued, that when it came to European forms of governance, "all that glitters is not gold." Gandhi in turn pointed to the rise of a movement to protect the stateless as an indication that "a large number of the westerns are awakened to a sense of this very grave limitation of their civilization and are making a serious effort to overcome it."<sup>92</sup>

As he published these comments, Gandhi was locked in struggle with other leaders of the Indian National Congress over when to press the case for independence from Britain, whether to seek dominion status, and what the future legal and constitutional organization of the independent political community would be. In the context of these debates over the future of independent India and its postimperial political formation, Gandhi viewed statelessness as a sign of Europe's decadence and degeneration, and a clear warning to those who saw the European state as a model of future independence. For the European and American international lawyers who contemplated the significance of statelessness in the decade after the war, the search for alternatives to the state did not necessarily consist in the return to vernacular communities and local custom. For Gandhi, an anti-state political theory meant eschewing the institutions and hierarchies that had come to define "modernity" in favor of village communities that represented a different kind of self-governing political association.<sup>93</sup>

However, in the more direct context of confrontation over the legal status of refugees and the implications of international governance, the émigré jurists from the Russian Empire presented the strongest case for the notion that the stateless embodied the future of nonstate political order. To present the case for the independent political standing of nonstate legal subjects, the representatives of the Russian imperial diaspora sought to distance the political questions facing their community from earlier precedents

of philanthropic relief for migrants. Their emphasis on legal innovation and extraterritorial identification in part reflected their attempt to retain a separate identity from that of Eastern European refugees and economic migrants, who had been the source of much debate in Western countries, including England, France, and the United States.<sup>94</sup> A memorandum presented by the committee of experts of Russian and Armenian jurists on the legal status of Russian and Armenian refugees in 1928 demonstrates their attempt to draw a clear line between problems of a humanitarian nature and a juridical conception of right. The jurists stated that whereas initially the problem of Russian and Armenian refugees was humanitarian, the League of Nations and the International Labor Organization had successfully resolved the crisis. Their status, the memo argued, nevertheless remained precarious because they remained without a national status and did not for the most part want to acquire a new one.<sup>95</sup> The report therefore highlighted the *sui generis* character of the Russian and Armenian refugees and turned to the idea of right to describe their situation. By claiming that the crisis had ceased to be a humanitarian disaster and was now a question of politics, Russian jurists sought to place their predicament at the center of international affairs rather than relegating it to a part of the League bureaucracy designed to manage problems of a social or technical nature.<sup>96</sup> As we will see in more detail in Chapter 3, Russian émigré jurists turned to the language of international human rights to transform the terms of Russian statelessness, and provided the intellectual force behind the creation of the Institut de Droit International's Declaration of International Rights in 1929. They sought to distinguish the movement to promote international legal identification for the stateless from the wider humanitarian response to the war and subsequent continental upheaval. The context of the 1929 declaration therefore illuminates a universe of political debate in the interwar period around questions of governance and political representation on an international scale. Concerns about domination, paternalism, and depoliticization developed alongside the rise of ideas and practices around new forms of victimhood in the twentieth century.

The idea that stateless people represented the future of rights and legal personality beyond the confines of the state struck some advocates as a dangerous proposition in light of the alternative goal to ensure that all people gained the rights of citizenship. From 1921 until his death in 1930, Lucien

Wolf was involved in the coordination of two major international initiatives of the interwar era: the creation of the High Commission for Refugees and a system of minority protection for postimperial successor states in Eastern Europe. In both ventures, he sought to standardize international protection for Jewish and non-Jewish subjects. Wolf saw Jewish survival in Eastern Europe as contingent on the basic rights of citizenship and equal protection under the law. In his work on behalf of the stateless, Wolf promoted enforcement of the terms of the minority treaties promising civic inclusion to the members of particular minority groups rather than the extension of the Nansen passport. Wolf argued that the goal of the international minority protection regime was emancipation and emphasized international institutional means of getting there. Minority protection was a means to an end. Expanding the Nansen regime to those owed citizenship represented a further exclusion, and he instead sought to ensure that new states fulfilled the promise of the treaties by recognizing the citizenship of minorities within their borders. In his personal notes on the stateless problem, he wrote, "Proposals to extend refugee arrangements to *staatenlose* will perpetuate existence of large unasimilated and political restricted element in states concerned. This is not desirable."<sup>97</sup>

The conflict between nonstate legal order and civic emancipation recapitulated the battles over the meaning of international minority protection, and the dilemmas of Jewish emancipation resurfaced in a new international key after World War I in debates over minority rights and refugee relief. During his tenure managing the relief effort for Jewish refugees from the Russian Empire from 1921 to 1923, Wolf clashed with the members of the Jewish World Relief Conference who petitioned the Nansen office for a separate Jewish section of the High Commission for Refugees, as a way to acknowledge the distinctive goals of Jewish and non-Jewish refugees. By contrast, Wolf argued that the broader crisis was inseparable from the plight of Jewish refugees and insisted that attempts to solve them separately would lead to failure.<sup>98</sup>

Wolf's minority and refugee diplomacy placed him at odds with other actors in Geneva who presented the growing population of stateless people as the vanguard of world citizenship. He contended not only against the unwillingness of national governments to grant citizenship to people living in their territory, but also against jurists promoting the extraterritorial

legal status of the wider group of *apatrides*. When the Polish government argued that the stateless residing in Poland were mostly refugees from the Russian Civil War, Wolf stated that the population was in fact “habitually resident” at the time of the Treaty of Riga in 1919 and therefore should have been deemed Polish nationals under the treaty. He insisted, “This is a class quite distinct from refugees possessing a temporary domicile” and that it would not be “proper to give them Nansen passports.”<sup>99</sup> By contrast, Boris Mirkine-Guetzevitch, a Russian émigré political scientist and constitutional legal scholar living in Paris who served as legal counsel for refugees in France, argued that Jews from Poland were part of the broader population of the postwar stateless and the harbingers of a new regime of international rights.<sup>100</sup> Wolf thus articulated a broader concern about the danger of exceptional legal statuses. By insisting on preserving the territorial authority of the state and relying on international institutions that could help pressure states to adhere to their promises, he promoted a statist cosmopolitanism that returned after World War II as a more widespread response to the problem of statelessness.

From the beginning of his days advocating for British imperial intervention to defend the rights of Jewish subjects in the Russian Empire, Wolf had mainly sought to expand emancipation and civil rights. However, the association promoted by the Russian jurists between international human rights and the stateless threatened, as he saw it, the larger goal of civil emancipation and political enfranchisement. The pressure exerted by imperial, and later international, powers to compel wayward governments to adhere to their agreements to respect the rights of all inhabitants served as a means to an end. Like many political actors operating in the sphere of the League at this time, Wolf did not comprehend internationalism as a challenge to the centrality of the state for international politics.

## VII

In the decade after the end of the First World War, the term “statelessness” generally referred to a diverse group—refugees, political exiles, denaturalized citizens, those who never regained a national status after the war and the post-imperial political settlements. This chapter has presented an argument about the meaning of statelessness in relation to the novel experiments in international governance introduced in the decade after the war. Russian

jurists campaigned to create statelessness as an international legal status. However, as officials at the League feared, the category threatened to over-extend the organization's claim to oversee and regulate the sovereign capacities of the states. As the war and the dissolution of the continental empires opened up the Pandora's box of sovereignty, lawyers and civil servants within the League of Nations saw the expansion of international oversight to cover the many different kinds of "statelessness" as a particular threat to the boundaries it sought to institute between national and international spheres of political authority and legal jurisdiction. Instead, the League framed the question of statelessness in terms of the standardization of nationality law and the limits of the international regimes to ensure the rights of citizenship, or at least of nationals, to anyone designated within their administrative purview. Extending the Nansen passport only to individuals who were part of certain protected groups also represented a method of containment. Reflections on the concept of statelessness within the League illuminate what was so significant and distinctive about its entry into international politics and international thought. Read together with sources outside the League, we get a sharper sense of how the introduction of statelessness into international law and politics in a new way and at a new scale had significant implications for the foundational questions about politics and boundaries taken up in Chapter 3. In the interwar era the League's administrative goals were not the final word on the meaning of mass statelessness. The formal recognition of the status in national courts and at the League reverberated in unexpected ways. No longer a story told in works of fiction, or a curious anomaly, the stateless person provided a new conceptual point of reference as the world made by the war took shape.