

Lauren Hansson

International Law for International Relations

Professor Grieco

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German Jewish Refugees in 1933: Failure of the League of Nations

Abstract

In 1933 the League of Nations had an office at its disposal, the Nansen Office for International Refugees, with the capacity and willingness to address the problem of German Jewish refugees. Instead it created the High Commissioner for Refugees Coming from Germany (Jewish and Other) that was both underfunded and inferior to the Nansen Office, as it was not affiliated with the League or funded by it. Why did the League not extend its protection to German Jewish refugees via the Nansen Office in 1933? This analysis uses the documents of James G. McDonald, High Commissioner from 1933-35 to explore two explanations: the early start of appeasement in the face of the German disarmament crisis and the effects of transnational anti-Semitism. The broader implications of this analysis suggest the extent to which international organizations rely on states to cooperate. In addition, the discussion of transnational anti-Semitism has the potential to fit with a nuanced Constructivist theory of international relations.

I. Introduction

In 1933, at the beginning of Hitler's exclusion and disenfranchisement of German Jews, the Assembly of the League of Nations considered the problem of German refugees (Jewish and others). At that time the main League solution to refugee problems was the Nansen International Refugee Office, which dealt with Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish refugees. Instead of delegating the care of German refugees to the Nansen office, the Assembly elected to create the High Commissioner for German Refugees (Jewish and Other). The Nansen Office received part of its funds from the League of Nations but the High Commissioner's office received funds for neither administrative nor refugee settlement purposes.¹ It was not officially affiliated with the League and did not report back to it. In 1935, James G. McDonald, who had

¹ Louise Holborn, "The League of Nations and the Refugee Problem," *The Annals of the American Academy of Political and Social Science*, 203.1 (1939): p.133.

been appointed High Commissioner in 1933, resigned after he found his office incapable of the task at hand, particularly given its lack of League backing.²

Why did the League of Nations decide not to protect German Jewish refugees through the Nansen Office in 1933 and instead create an underfunded and inferior office? This analysis will first compare and contrast the capabilities of the Nansen Office with those of the High Commissioner, then it will explore perceptions about the Nansen Office's ability in 1933. I will demonstrate that the Nansen Office was capable, willing and widely acknowledged to be appropriate for the care of Jewish refugees in 1933. I will then explore two explanations: the early start of appeasement and transnational anti-Semitism. The most common explanation for this failure is disapproval from Germany. However, the Nansen Office had operated despite disapproval from the Soviet Union throughout its existence. Germany had already withdrawn from the League by the time the refugee question was addressed and the Soviets had not joined. In both cases the League had a desire to lure the country into joining (or re-joining) but in one case, disapproval mattered and in the other it did not. The question is therefore why the Jewish refugees were treated differently and why German objections were treated differently.

Although many date the start of appeasement policy to 1936 and the occupation of the Rhineland, this analysis suggests that appeasement was at play by at least 1933 and the beginning of Hitler's power in Germany. In the context of this paper, appeasement is defined as the policy of responding to aggressive actions from Germany by conceding and avoiding conflict. Evidence suggests that actors within the League were actively trying not to upset Germany, with the disarmament crisis of 1933 specifically in mind. They responded to

² James McDonald, *Letter of resignation of James G. McDonald, High commissioner for refugees (Jewish and other) coming from Germany: addressed to the Secretary general of the League of nation. With an annex containing an analysis of the measures in Germany against "non-Aryans", and their effects in creating refugees*, Vol. 53. No. 3, printed by Headley brothers, 1935.

Germany's violation of the Peace of Versailles terms, rearmament and announcement of withdrawal from the League by actively trying not to anger Germany or go against its preferences in any way.

Transnational anti-Semitism also supplemented the effects of appeasement at this time. Here the Constructivist theory of international relations is relevant. Constructivists emphasize how principles or ideas held transnationally may influence state policy, despite little relevance to material interests. However, these constructivist theories have been used to explain humanitarian aid and international moral action; this case suggests that principles can spread transnationally and have negative effects. Transnational anti-Semitism was something that pervaded the League of Nations and the policy preferences of different actors at the time, as James McDonald's papers evidence.

II. Evidence and Methods

This analysis relies heavily on the papers of James G. McDonald from 1933-1935, including diaries and correspondence. As well as documenting his own experiences as High Commissioner for German Refugees, McDonald's papers provide insight on the negotiations and interactions of actors within the League as they considered the refugee problem, most notably documenting his conversations with the Secretary General of the League, Joseph Avenol, and others. These papers are indispensable because McDonald was one of the main actors working to find a League solution to the German refugee problem and his insight is one of the only primary sources on the whole process. In addition, as High Commissioner he is in a good position to explain the limits and capability of the office. As a first person account, this source is subject to a certain level of bias and inaccuracy. However, the diary was never meant for publication and is most promising when he records discussions he had with various League actors, as if to remind

himself of the main points later. There is no reason to believe that McDonald would have fabricated any of what he wrote – the diary seems to have been created for his own personal purposes. For additional evidence on the High Commissioner’s Office, I turn to Norman Bentwich, assistant to James McDonald as High Commissioner, who published a report, *The Refugees From Germany 1933-1935*. The report provides more concrete information on the proceedings of the High Commissioner’s Office. For information on the Nansen office, I rely on League documents and the League Treaty series, as well as secondary source information.

To assess the Nansen Office’s viability and acknowledged acceptability as a solution to the German Jewish refugee problem, I will combine analysis of the Nansen Office’s dealings with Russian, Armenian and other refugees with analysis of McDonald’s papers on the negotiation proceedings in the League. I will also compare and contrast the abilities of the Nansen Office to those of the High Commissioner using James McDonald and Norman Bentwich’s documents and League documents on the Nansen Office. James McDonald’s diary and other papers also provide the primary evidence as to how appeasement and transnational anti-Semitism were at play. I will also look to work by Constructivist theorists to consider the transnational character of anti-Semitism at the time. The small number of primary sources available limits this analysis, but their unique insight into the discussions and negotiations within the League can be revealed through no other method.

III. Results and Discussion

The Capability of the Nansen Office

The first question to consider in this analysis is whether the Nansen Office for International Refugees was suitable for the care of German Refugees in 1933. To do so I will

summarize and evaluate the history of the Office and the League's dealings with refugees up until that point.

The League's refugee policy started in 1922 when it appointed Fridtjof Nansen as High Commissioner for Russian Refugees. The biggest issue at the time was that of Russian refugees after the revolution, and the Czechoslovakian government suggested to the League that settlement of these refugees could only be properly achieved through joint government action.³ Similarly, Gustave Ador of the International Committee of the Red Cross voiced the opinion of many at the time in saying the League "was the only supranational political authority capable of solving a problem which is beyond the power of exclusively humanitarian organizations."⁴ At the time there was clearly a general feeling that the League was the best way to coordinate and fund a project to meaningfully deal with such a problem.

Until his death in 1930, Fridtjof Nansen directed League policy towards refugees and he was eventually responsible for Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish refugees, among others. He worked to create a legal definition and status for refugees as well as organize for relief measures and employment. The invention of Nansen Passports was particularly important and their use was carried through to the Nansen Office after his death. These passports helped those refugees who as stateless persons were often unable to acquire passports or other certificates of identity. They also enabled refugees to work and obtain certain types of permits.⁵ The Nansen Passport was accepted by 53 governments as issued to Russian refugees in the Arrangement of July 5, 1922⁶ and by 38 governments as issued to Armenian

³ League of Nations Document, C.126.M.72.1921.VII, p. 6.

⁴ Gustave Ador, qtd. in "In the Red Cross World," *International Review of the Red Cross*, 47, p. 89.

⁵ Louise Holburn, "The Legal Status of Political Refugees, 1920-1938," *The American Journal of International Law*, 32.4 (1938): p. 683.

⁶ League of Nations Treaty Series, Vol. XIII, No. 355.

Refugees in the Arrangement of May 12 1926.⁷ Arrangements in 1928 and 1935 extended the Nansen Passports use to Turkish, Assyrian, Assyro-Chaldean and assimilated refugees and to refugees from the Saar, respectively. The Nansen Passport had become, through the 1920s and 30s, the most useful and widely adopted refugee identification certificate of the time. Its applicability to new groups of refugees had been demonstrated by the League's continued expansion of its use, even through 1935 to the Saar refugees. The proceeds from its purchase were also used to fund the actions of the High Commissioner and later the Nansen Office.

The Nansen Office for International Refugees was established in 1930 after the death of Fridtjof Nansen, who up until that point had been the main coordinator of refugee policy. It was meant to be a temporary office, which would expire by December 31, 1938, in part due to the feeling that it would be unnecessary at that point, having dealt with the majority of refugees under its care. However, through the 1933 Convention Relating to the International Status of Refugees it also provided a more long-lasting plan for the protection of its refugees. In addition, the Office's jurisdiction was extended to refugees from the Saar in 1935; clearly its 1938 expiration date did not prevent it from expansion. The Intergovernmental Conference of 1933, which dealt with Russian, Armenian, Assyrian, Assyro-Chaldean, and Turkish refugees, provided for certain civil rights and rights pertaining to admission and entry. It guarantees that refugees and nationals receive the same treatment in courts (Article 6) and most favored treatment when it comes to industrial accidents, welfare and relief, social security and taxation. (Articles 8, 9-11, and 11-13). In addition, the Convention stated that refugees could only be expelled and sent back to the country they fled from in times of national emergency.⁸ This Convention was handed down one day before the German refugee question was brought up in

⁷ League of Nations Treaty Series, Vol. LXXXIX, No. 2004.

⁸ League of Nations Treaty Series, Vol. CLIX, No. 3663.

the League Assembly by the Dutch government. Although only 8 states signed on to the document at the time, this was considerably more than what the High Commissioners office was capable of, as I will discuss.

The Nansen Office, as this discussion has revealed, had developed a passport system that both aided refugees in travelling and funded the Office. It was extended to new groups of refugees over the years, including to refugees from the Saar in 1935. The Convention of 1933 protected the Nansen refugees – granting them certain civil rights and restricting states’ ability to expel them. In addition to establishing a legal status internationally for refugees, the Office provided them with aid, materially and financially. It is estimated that the Office helped around 800,000 refugees during its existence, despite being financially limited.⁹ It received some of its funds from the League (and reported to the League, as an autonomous Office under its authority) and some of its funds from the proceeds of the Nansen Passports. In 1933, when the German refugee question was considered, these fairly robust capabilities were passed over in favor of the creation of a High Commissioner’s Office.

*The Capabilities of the High Commissioner’s Office For Refugees Coming From Germany
(Jewish and Other)*

The next step in this analysis is to compare the capabilities of the High Commissioner’s office to those of the Nansen Office. One could argue that the creation of a separate office just for German refugees was a sign of commitment to the severity of the problem. However, this was not the case. Unlike the Nansen Office, the High Commissioner was not affiliated with the League – it did not report back to the League or receive funding from it under James McDonald’s tenure. It relied solely on private funds and the help of Jewish organizations for

⁹ Susan Martin, “Forced Migration, the Refugee Regime, and the Responsibility to Protect,” *Protecting the Displaced: Deepening the Responsibility to Protect*, ed. Sara Davies and Luke Glanville, Leiden: Martinus Nijhoff, 2010, p. 20.

funds. In fact, the Office was located in Lausanne instead of in Geneva so as to be even physically separate from the League – something that Secretary General Avenol suggested himself. It had substantially less funds and less League backing than the Nansen Office straight off the bat.

The High Commissioner's separation from the League was, not surprisingly, its biggest problem. Norman Bentwich, assistant to James G. McDonald at the time, wrote in a report that, "the recommendations of the High Commission could not be embodied in any international agreement bearing the authority of the League, but were simply communicated to the Government offices."¹⁰ Thus it was not able to make any equivalent to the 1933 Convention. In addition, Bentwich notes that German refugees, although eligible for German passports, were in need of an identification system like the Nansen Passports because "it was apparent that the German authorities were unwilling to recognize many of the exiles abroad."¹¹ Although the High Commission wished to issue a sort of "McDonald Passport," it was only able to make a recommendation in May 1934 to governments that they should issue identification documents to those Germans unable to renew a national passport and to respect travel documents issued by other countries.¹²

James McDonald resigned his post in 1935, protesting the deplorable actions of the German government and decrying his Office's incapability of dealing with the refugee problem. He explicitly cited the lack of connection with the League as a major problem, noting that, "the work of assistance in the countries of refuge could be better carried forward by an organization directly under the authority of the League. It is now clear that the effectiveness of the High

¹⁰ Norman Bentwich, *The Refugees From Germany, April 1933 to December 1935*, London: G. Allen & Unwin, 1936, p. 89.

¹¹ *Ibid*, p. 92

¹² *Ibid*, p. 93

Commissioner's efforts was weakened from the beginning by... the decision to separate it definitely from the League."¹³ The High Commissioner's Office, evidently, was paralyzed from the start by the decision to separate it from the League and its capabilities in establishing legal status were significantly inferior to those of the Nansen Office. Indeed, McDonald spent much of his time as High Commissioner trying to strengthen its ties with the League.

The Acknowledged Suitability of the Nansen Office

Although I have examined the practical superiority of the Nansen Office comparative to the High Commissioner as a solution to the refugee problem, it remains to be seen whether it was an acknowledged alternative in the negotiation and discussion process. One could argue that the Nansen Office was winding down its work with refugees (given its end date in 1938) and was limited to only a few groups of refugees. However, its extension of protection to refugees from the Saar in 1935 refutes this claim. Furthermore, since its beginnings in the 1920s, the office had continually taken up more groups of refugees. Evidence from James McDonald's diaries on the negotiation that resulted in the High Commissioner's office indicates that the Nansen Office was widely acknowledged to be the best option for German refugees, both within the Nansen Office and in the League community more broadly.

McDonald's diary provides not only his personal opinion on the viability of the Nansen Office but also the opinion of other actors, most notably that of T.F. Johnson, the head of the Nansen Office and successor to Fridtjof Nansen, as well as Edward Phelan of the Bank for International Settlements. He recounts the details of his conversations with League actors in his diary in a straightforward way, as if to remind himself of the events of the day later. From these

¹³ James McDonald, *Letter of resignation of James G. McDonald, High commissioner for refugees (Jewish and other) coming from Germany: addressed to the Secretary general of the League of nation. With an annex containing an analysis of the measures in Germany against "non-Aryans", and their effects in creating refugees*, V ol. 53. No. 3, printed by Headley brothers, 1935.

accounts, the argument emerges again and again that the Nansen Office had both the organizational framework and the financial backing to handle the job and thus would be more convenient than forming a new office. On August 21 1933 McDonald recorded accounts of Phelan and Johnson, both of whom were working on the refugee matter and supported the Nansen Office as a solution. He notes in the diary that he went “over to see Phelan at the B.I.T. He explained their interest in the project and urged that it be carried through the Nansen Committee for reasons of economy chiefly.”¹⁴ Phelan is not the only person to suggest that the Nansen Office was more suitable. Most tellingly, on the same day McDonald records that he, “talked with Johnson of the Nansen Committee. He was optimistic that his group could handle the problem with little or no outside assistance.”¹⁵ McDonald’s meetings on this day show that three months before the question was officially addressed in the Assembly, there was a feeling within and outside the Nansen Office that it was the best candidate to take care of the German refugee problem for both financial and organizational convenience.

In a letter to Mildred Wertheimer, his advisor and colleague, written just one day later, McDonald elaborates further on T.F. Johnson’s support and also his own personal preference for a solution. He explains that, “Mr. Johnson, the executive secretary of the committee... stressed also the saving in time which would come through using an existing organization, especially in view of the extremely complicated nature of the job of placing a large number of emigrants in different parts of the world.”¹⁶ Given the confident support of the Nansen Office leadership, combined with the overwhelming economic and organizational benefits from going through the Nansen Office instead of creating a new organization, it is hard to discredit the Office as a viable

¹⁴ James G. McDonald, *Advocate for the Doomed*, ed. Richard Breitman, Barbara McDonald Stewart, and Severin Hochberg, Bloomington: Indiana University Press, 2007, p. 84.

¹⁵ *Ibid.*

¹⁶ *Ibid.*, p. 88.

option. It was, evidently, the most obvious solution to many. Finally, in the same letter McDonald summarizes his feelings on the issue and those of the people he has been meeting with:

The impression here is that it would be both easier and more effective for the League to broaden the mandate of the Nansen Committee, rather than set up a wholly new organization... It still has a large personnel, trained in the work of placing refugees... It receives from the League annually a sum large enough for the care of administrative expenses, and could, therefore, take on the Jewish refugees much more economically than could be done otherwise.¹⁷

From his papers during this period, the resounding conclusion is that the Nansen Office was, in his mind and in the minds of other actors working on the problem, the most economical and convenient option. It is unlikely that such confident support of the Office is a result of purely personal bias toward the Nansen Office as a solution. This analysis has suggested that the Nansen Office was both capable in practice to take up the problem and widely acknowledged by League actors and others to be the best solution. The High Commissioners Office that would be created instead can hardly compare to the capabilities of the Nansen Office.

Explanation of the creation of the High Commissioner's Office

The next question in this analysis is why the League made a decision so contrary to the needs of German Jewish refugees. The most common explanation is German disapproval and the possibility of a veto. However, Germany had announced it was leaving the League just a few days before the German refugee question was considered. Even in the years following the establishment of the High Commissioner, the League, and Joseph Avenol in particular, refused to consider creating closer ties to the High Commissioner's Office. Furthermore, the Soviet Union had always disapproved of the Nansen Office, but the League continued to support it. As the German government had left the League and the Soviets were not originally members, they were in similar positions of both being outsiders. The League theoretically should've had the desire to

¹⁷ Ibid.

lure both of them back into joining, but in one case disapproval mattered and in the other it did not. The German objections to refugee efforts were given more weight and the German Jewish refugees were treated differently than the Russian, Armenian or other Refugees covered by the Nansen Office. This section will explore how the strategy of appeasement led the League to treat German objections differently and how transnational anti-Semitism caused the Jewish refugees to be treated differently.

a. Appeasement

The first of two explanations I will explore is the diplomatic strategy of appeasement. Most scholars date the start of appeasement to the 1936 invasion of the Sudetenland, but evidence from James McDonald's diaries suggests an even earlier start. He documents the attitude of Secretary General Joseph Avenol and others as they work with the explicit goal of not going against the wishes of the German government as early as 1933. Appeasement is defined here as a strategy of avoiding confrontation and responding to acts of German aggression by acceding to its demands or preferences. During this time, Germany had made the aggressive move of rearming and violating the Peace of Versailles terms. The refugee problem was often discussed by McDonald and others at the same time as they discussed the disarmament crisis. The two topics were not unrelated and McDonald documents in his papers how certain actors were trying to please Germany and respect their preferences when it came to refugees as a response to the tensions.

McDonald's papers reveal that a strategy of appeasement was employed by several actors within the League. In a letter on September 24th, 1933, he recounts a meeting with Dutch representatives in the League, noting that one delegate suggested that the proposal to the League be limited to apply to Jews only, "because the German government could explain to its people

that the High Commissioner would make less like the return of Jewish refugees to Germany.” The Dutch, McDonald explains, “are anxious to make acceptance as easy as possible for Germany.”¹⁸ This suggests that the Dutch and other League delegates were actively considering how to please Germany most in finding a solution to the refugee problem – something that seems perverse considering Germany’s responsibility for the problem in the first place. McDonald continued his entry on that date by recalling that in a meeting with a Dutch member of the League Secretariat, “I had explained that the New York group was just as anxious as his government to save Germany’s face.”¹⁹ Clearly, at least when it came to the Dutch delegation in the League, which would soon bring up the refugee problem in the Assembly, pleasing Germany and not going too far against its interests was a goal. In the very same diary entry and in those immediately preceding and following it, McDonald recounts discussions of how to deal with the disarmament crisis; the issue of Germany’s aggressive action had to be on the minds of those discussing the refugee problem. In a time of potential conflict with Germany the League was striving to placate Germany as much as possible.

In addition to the Dutch delegation, McDonald’s diary highlights how Secretary General Avenol utilized the strategy of appeasement in 1933 and throughout the period of McDonald’s tenure as High Commissioner. In the early negotiating periods before the Dutch brought the refugee problem up in the League, McDonald’s letter to Mildred Wertheimer notes that Avenol considered “the tacit assent, if not the whole-hearted cooperation, of Germany” to be an “essential prerequisite” of League action on behalf of German Jewish refugees.²⁰ One could argue that this kind of thinking was a direct reaction to the German objections that could block action in the League, but Avenol’s reasoning continues long after Germany’s announcement of

¹⁸ Ibid, p, 109.

¹⁹ Ibid.

²⁰ Ibid, p. 85.

departure from the League (which occurred at the same time that the Dutch brought up the refugee question in October 1933). Avenol responded to this fairly aggressive action by further trying to please the Germans and lure them back into the League. Following a meeting with Avenol on August 23, 1934, McDonald, then acting as High Commissioner, noted that, “on the whole, I left with the feeling that Avenol is interested in our work... but that under no circumstances would he be willing himself or that any of his colleagues should risk the slightest jeopardy to the League’s relations with Germany in order to help us;” in addition McDonald explains that “one could get the impression that he was thinking always of the possible return of the Reich to Geneva.”²¹ In this meeting Avenol essentially refused to consider strengthening the High Commissioner’s office or in any way making its relationship with the League closer. Clearly a German veto was no longer in the picture, yet attempts to please Germany continued in the face of aggressive and confrontational actions because of the strategy of appeasement. It is particularly significant that the Secretary General made remarks hinting at appeasement because of his high position in the League.

This discussion of appeasement has relevance beyond its instance in the interwar years. The League of Nations, even though it had access to a capable Office that was widely acknowledged to be suitable for the care of German Jewish refugees, could not extend meaningful protection to German Jews because of the political preferences of individual governments. More broadly, it suggests that international organizations still rely on state support and cooperation, even those with both precedent and capability, like the Nansen Office.

b. Transnational anti-Semitism

The second explanation for the League’s decision in 1933 that this paper will explore is that of transnational anti-Semitism. This paper is only a qualitative analysis of primary sources at

²¹ Ibid, p. 458.

the time and cannot claim to prove anti-Semitism in a quantitative, statistical way. However, analysis of McDonald's diary reveals that anti-Semitism on the part of League delegates and the countries they represented was at play at the same time as appeasement. This type of explanatory factor could fit with Constructivist theories in a certain way, since Constructivists argue that ideas with national or elite-level backing may alter states' preferences without any relation to material benefits. However, transnational anti-Semitism departs from the typical Constructivist theory in that it is not a moral imperative that leads states to engage in humanitarian aid; in fact it is quite the opposite – but it is still an idea that can effect state action while having little relevance to a state's material interests.

In the period of negotiation before the Dutch government brought the refugee problem before the League, McDonald's diary highlights the way anti-Semitism, although not necessarily part of the way of thinking of the individual delegates, still affected their decisions. In a letter written on September 24, 1933 (mentioned earlier) McDonald explains that “the Dutch might phrase their appeal to include *racial* and *religious* refugees. This would avoid the invidiousness of selecting only the Jews.”²² In this statement, McDonald reveals that the Dutch feel that they would have more success if they did not mention the word “Jews” explicitly, as it would have an “invidious” effect and would not be well received internationally. Clearly, refugee policy that pertained to Jews specifically would be less politically viable in the League than refugee policy that pertained to more broad groups of refugees. This is reflected in the fact that the solution that was eventually created was named High Commissioner for Refugees Coming From Germany (Jewish and Other) – in an attempt to downplay the predominantly Jewish nature of the refugees coming from Germany at the time as they were beginning to be pushed from their jobs and excluded from German society.

²² Ibid, p. 108.

Furthermore, several League actors, including Joseph Avenol, seem to suggest that although they wish to help Jewish refugees, the immigration of too many Jews would be undesirable. One of Avenol's "essential prerequisites" to League action on behalf of Jewish refugees was that "the approach to Germany should be made in such a way as to make sure that Hitler would not reply: 'Of course we are delighted to have the League take charge of Jewish refugees. We accept this proposal enthusiastically, but we must ask that the League agree to take charge of all the Jews.'"²³ The underlying assumption in this statement could be that the League wants to take care of Jews, but not *too many* Jews. Although McDonald simply suggests the statement means that Avenol wants to avoid any impossible conditions from Germany, that cannot be the straightforward explanation. There was no real potential that Germany could actually make the League take every single Jew out of Germany; the fear was that Germany might actually want to facilitate the emigration of Jews (something that might otherwise be a positive result) and thus commit League states to accepting too many Jews – an undesirable group in many eyes at the time. Avenol further backs up this idea in his 1934 meeting with McDonald mentioned earlier. In this meeting McDonald's diary recounts that the Secretary General asserted:

It would be impossible not only to secure any strengthening of the High Commission's mandate, but probably even any expression of approval of its purpose. On the contrary, he felt that anti-Semitism had grown quite general since the last Assembly, and that, therefore, it was much better to keep the High Commission as it is, rather than to risk losing it by trying for more.²⁴

His feeling was that anti-Semitism, which had prevented the High Commissioner's office from a strong connection with the League in the first place, was now at such a level that the Office's very existence might be in jeopardy if it was reconsidered by the League. It was at play both in 1933 and 1934 and effected the decisions of the League.

²³ Ibid, p. 87.

²⁴ Ibid, p. 458.

Constructivist theory rejects the realist assumption that states only act in accordance with material or security interests and claims that certain pervasive ideas and principles can cause states to act in ways that are not in accordance with those interests. Another part of Constructivist theory, of course, revolves around the idea that transnational networks can operate to promote a certain idea or principle in such a way as to encourage states to engage in humanitarian aid and not in direct pursuit of material interests.²⁵ Further research would be required to establish exactly how much of a norm or transnational idea anti-Semitism was at the time, but this article suggests that it was an idea pervasive enough to shape League refugee policy. Thus it would fit in well with a nuanced version of Constructivist theory that accepted not only how norms and transnational principles can lead to humanitarian action, but how some norms can lead to the opposite and have negative effects. 19th century anti-Semitism is a strong candidate for such a theory.

III. Conclusion

It is clear from this analysis that the League of Nations in 1933 had an office at its disposal with the capacity and willingness to address the problem of German Jewish refugees. The legal and organizational framework of the office had been extended to six groups of refugees by 1933 and in 1935 it undertook protection of refugees from the Saar. Through the 1933 Convention Relating the International Status of Refugees, the Nansen Office provided long-lasting legal protection to its refugees. The papers of James McDonald indicate a willingness on the part of Nansen Office officials to undertake the task and a widespread acknowledgement that that office was the best equipped for the job in circles that were pushing for League action.

²⁵ Margaret Keck and Kathryn Sikkink, "Transnational Advocacy Networks in International and Regional Politics" *International Social Science Journal*, 51.159 (1999): 89-101.

The office that was instead created was significantly less capable than the Nansen Office, as a comparison of the Nansen Office and the High Commission has shown. The High Commissioner for Refugees coming from Germany (Jewish and Other) had no official League affiliation or funds and such a limited capacity for action that High Commissioner McDonald resigned his post very publically in 1935. McDonald's assistant Norman Bentwich has provided evidence that of the weakness of the High Commission, which only had the authority to make non-binding recommendations to governments.

A major roadblock identified across the board to the Nansen office's adoption of German Jewish refugees was Germany's disapproval of any investigation into their internal dealings with the Jews. However, the Soviet Union had long disapproved of High Commissioner Nansen and the Nansen Office's work with Russian refugees, yet the Office's work continued. Its work continued even despite a desire to lure the Soviets into joining the League. Although a member in 1933, Germany announced its departure at the same time the German refugee problem was discussed. The fact that in one case, domestic disapproval and a desire to lure a country into the League did not affect refugee policy and in the other case it did leads to the conclusion that some form of deferential treatment was going on.

This paper has investigated two reasons behind the deferential treatment during the period. Transnational anti-Semitism played a significant role. McDonald's diary has revealed that League actors feared that a robust Office might force too many Jews into individual state's borders. Comments from Secretary Joseph Avenol most strongly underline this point. Furthermore, the diary provides evidence that anti-Semitism was one of the big reasons that the Office's mandate was weak in 1933 and could not be expanded or strengthened in 1934. This explanation has implications for Constructivist theories, as it suggests that some transnational

ideas can influence state policy and have negative effects. Further research would be required to assess how much of a norm anti-Semitism was at the time.

The early start of appeasement is another, complementary explanation. Actors like Secretary General Joseph Avenol were extremely reluctant to offend Germany during the disarmament crisis and Germany's departure from the League. Even after its departure, McDonald's diary reveals that Avenol and the Secretariat were actively trying to please Germany and persuade it to rejoin. They responded to aggressive moves from Germany by actively trying to find the best option given Germany's preferences. This analysis has broader implications for the capabilities of international organizations. The Nansen Office was passed up by the League despite overwhelming evidence of its capability and precedence, and wide acknowledgement of its suitability by those in the League. This analysis suggests that international organizations still rely on the cooperation of their member states to achieve results.

This analysis has relied heavily on sources from individuals and as such is subject to certain kinds of bias. However, it has revealed a section of history often overlooked and a series of interrelated explanations. It points the way for further research into the less obvious ramifications of appeasement and the international anti-Semitism in that period that supplemented that of Germany. Further research could quantitatively analyze and compare domestic immigration quotas for Jews versus non-Jews in 1933 to more accurately assess the level of domestic anti-Semitism at play. A Constructivist inquiry into 19th century anti-Semitism more broadly could reveal interesting results.

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