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Vocabularies of Self-Determination in 1919: The Co-Constitution of Race & Gender in International Law

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Abstract: Throughout the twentieth century, the principle of “self-determination” has had many lives, as political catch-phrase, legal possibility, and a justifying logic of world order. In the aftermath of World War One, it was a principle that suffused the treaties discussions of the Paris Peace conference, and loomed large in the framing of the plebiscites, as well as the League of Nations Mandate system. This was not least because it animated the claims of numerous nationalist and anti-imperialist activists agitating for increased rights and freedoms in this moment. In this chapter I explore how the notion of self-determination, and related ideas around national belonging, race and gender manifested in this 1919 moment in the promises of the Allied Leaders, in the claims-making of non-state actors, and in the discussions of legal professionals. In so doing I show how we can understand particular visions of international law in this period as part of a much larger political and cultural conversation about the relationship between the state and national, racial and gendered belonging.

Five key words: Self-Determination; Race; Gender; League of Nations; International Order.

The phrase “self-determination” has had a storied trajectory throughout the twentieth century. It has manifested variously, and messily, as a political principle, a legal possibility and an instrument of international order. Whilst self-determination was not explicitly included as a right in the Covenant of the League of Nations signed in January 1920 it was nevertheless a political principle that implicitly pervaded the legal framing of the League of Nations’ plebiscites, the Mandate System and the minorities protection treaties signed as part of the

Peace Conferences.¹ Moreover, it was an idea that motivated countless nationalist and anti-imperialist activists seeking to reconfigure world order in the aftermath of World War One. This chapter is an effort towards thinking through how we might study the relevance of ideas – and specifically the idea of self-determination - in the shaping of an international order.

In two articles, published in 1992 and 1993 respectively, legal scholar Nathaniel Bermann made an important methodological intervention into understandings of international law in the interwar period that has been subsequently overlooked in analyses of the legacies of the war and the 1919 peace treaties. In the first article he argued that “much of interwar international legal writing can be seen as a form of [high] Modernism,” not in terms of “direct correlation” or influence but as “an overlapping series of responses” produced by commonalities in the cultural situation.² In the second article, Bermann pushed this further to argue that the writing of interwar international lawyers “bequeathed us the very framework within which we continue to think about international law’s relationship to nationalism.”³ This resonates with Clifford Geertz’ contention that law is “constructive of social realities rather than merely reflective of them.”⁴ So too does it intersect with Paul K. Saint-Amour’s 2015 argument that the work of key international jurists provided an important insight into the mentalities of the 1920s. In his case, “by reading interwar fiction alongside contemporary works by air power theorists, international jurists, and civil defense writers” he showed “how the coercive psychodynamics of mass dread commonly associated with the Cold War” actually emerged as a palpable threat during the 1920s.⁵

¹ “The Covenant of the League of Nations” in *The Avalon Project: Documents in Law, History and Diplomacy*, http://avalon.law.yale.edu/20th_century/leagcov.asp, accessed December 19, 2020.

² Nathaniel Bermann, “[Modernism, Nationalism, and the Rhetoric of Reconstruction](#),” *Yale Journal of Law & the Humanities* 4:2 (1992): p. 352.

³ Nathaniel Bermann, ““But the Alternative Is Despair”: European Nationalism and the Modernist Renewal of International Law,” *Harvard Law Review*, 106:8 (1993): p.1795.

⁴ Clifford Geertz, *Local Knowledge: Further Essays in Interpretive Anthropology* (New York: Basic Books, 1983), p. 232.

⁵ Paul K. Saint-Amour, *Tense Future: Modernism, Total War, Encyclopaedic Form* (Oxford: Oxford University Press, 2015), p. 8.

Read together, the approaches suggested by Bermann, Geertz and Saint-Amour's scholarship show how new possibilities open up in intellectual history when we eschew a linear, genealogical approach to thinking about the relationship of ideas and instead adopt a more relational one. Something more akin to the concept of "montage" developed by the philosopher Walter Benjamin. The idea that we can glean specific historical insights by arranging non-self-evidently connected objects of inquiry. Benjamin describes this process thus: "Method of this project: literary montage. I needn't say anything. Merely show. I shall purloin no valuables, appropriate no ingenious formulations. But the rags, the refuse-these I will not inventory but allow, in the only way possible, to come into their own: by making use of them."⁶

In this chapter, I ask what happens when I apply this approach to the immediate aftermath of the First World War, in regard to the concepts of self-determination, national belonging and citizenship rights, ideas that have lived very different lives as legal, political and cultural principles but that have also been elemental to descriptions of the new post-war international order.⁷ First, I will briefly parse the notion of self-determination in relation to concepts of state sovereignty, nationalism and minority peoples as they developed out of the promises of Allied Leaders. Then I will turn to the efforts of non-state actors to leverage this moment to stake their claims to self-determination, citizenship rights and national belonging. Finally, I want to gesture towards a reading of these ideas against some of the legal discussions about self-determination, sovereignty and suffrage that occurred at the Paris Peace Conference and in its immediate aftermath. In so doing, I contend that we need to understand the particular visions of international law that emerged in this period as part of a much larger political and

⁶ Walter Benjamin, *The Arcades Project*. Transl. H Eiland, K McLaughlin (Cambridge, MA: Harvard University Press, 1999 [1939]), p. 460.

⁷ On the "murkiness" of self-determination see Eric Weitz, "Self-Determination: How a German Enlightenment Idea Became the Slogan of National Liberation and a Human Right," *American Historical Review*, 120:2 (March 2015): pp. 462-496.

cultural conversation about the relationship between the state and national, racial and gendered belonging. The sense of crisis and deep dissatisfaction with pre-war iterations of such discussions threw all of these categories into question.⁸ This gives us insight into the legacies of the 1919 world order that go beyond the success or failure of the League of Nations as an international institution.

From the beginning, the principle of the nation, and the associated complications of the constitution of the nation, were crucial components of the peace negotiations. Glenda Sluga has shown how “sexual difference was intrinsic to prevailing conceptualisations of ‘the principle of nationality’ and national self-determination” during these discussions.⁹ Here I want to build upon her meticulous reconstruction of the explicit references to ‘sex difference’ by the diplomats, lawyers and experts constructing the post-war world order, as well her focus on elite European (or white) women, by bringing this history into conversation with the claims to self-determination made by anti-colonial actors throughout the empires of Britain, France and the United States. Whilst these groups deployed similar vocabularies and frame-works to stake their claims, they are not usually studied in tandem. In part, this is because these groups were usually explicit in the way that they foregrounded either a gendered or an ethnic-national identity.¹⁰ As Kumari Jaywardena has made clear, anti-colonial leaders often had “no intention of applying the concepts of... equality and self-determination to the masses of women... in their own countries” despite the active role they played in nationalist movements.¹¹ I contend, however, that a comparison is useful on several grounds. These groups deployed overlapping

⁸ Whilst I focus primarily on the development of the concepts of self-determination, national belonging and citizenship rights here, it is important to note that this post-war moment was characterised by the emergence of new vocabularies around a number of legal and political principles integral to the logics of world order. This can be seen in the contemporary trajectories of the concepts of sovereignty and international law, explored respectively in this volume’s chapters by Leonard V. Smith and Marcus M. Payk.

⁹ Glenda Sluga, ‘Female and national self-determination: a gender re-reading of the ‘apogee of nationalism’, *Nations and Nationalism*, 6:4 (2000): pp. 495-521. See Sluga, *Nation, Psychology and International politics* (Houndmills: Palgrave Macmillan, 2006), pp. 123-132.

¹⁰ Sluga, “Female and National Self-Determination,” p. 514.

¹¹ Jaywardena, *Feminism and Nationalism in the Third World* (London: Verso, 2016 [reprint 1986]), p. 17.

vocabularies of ideas around self-determination which are only apparent when they are considered in tandem.

Examining this overlap reveals how, in 1919, questions of race and gender often intersected – indeed, were co-constitutive - to shape understandings of the principle of self-determination, as well as its relationship to national belonging and citizenship. When this overlap is considered in relation to contemporary discussions and debates within international law, we can see far more clearly how such understandings operated in a reciprocal manner with the construction of legal ideas. Engaging these points of intersection allows us to better reckon with their differences, too, showing clearly how the legal and cultural vocabularies were variously appropriated to further diverse ideas.

Wilson, Lloyd George, Clemenceau and the Promises of Self-Determination

World War One, and the Bolshevik Revolution, proved a turning point in thinking about the constitution of states and their relation to each other on the international stage. From May 1916 – almost a year prior to American entry into the war in April 1917 - the American President Woodrow Wilson publicly called for a new world order that overturned traditional “balance of power” dynamics in favour of a “community of power”.¹² The peace, for Wilson, would comprise a new international community grounded in “equality of rights”. Such a community would “neither recognize nor imply a difference between big nations and small, between those who are powerful and those that are weak.” Inclusion in this community was to be contingent upon the “legitimate development of the peoples themselves.”¹³ Wilson grounded these

¹² ‘Peace Without Victory Address,’ in A.S. Link et. al. (eds.), *The Papers of Woodrow Wilson*, 69 vols. (Princeton, 1966-94), vol. 40, pp. 533-39; Thomas Knock, *To End All Wars: Woodrow Wilson and the Quest for a New World Order* (New Jersey: Princeton University Press, 2019), pp. 111-13.

¹³ “An Address to the Senate,” 22 Jan. 1917, *Papers of Woodrow Wilson*, Vol. 40: p. 536.

principles in American republicanism but argued that they were values held by “forward looking men and women everywhere, of every modern nation.”¹⁴

Adom Getachew has argued that Wilson, alongside the South African politician Jan Smuts, brought their particular visions of self-determination to the 1919 peace negotiations in reaction to the radical visions of worker’s self-determination espoused by Lenin and Stalin as part of the 1917 Bolshevik revolution. The two men saw self-determination as the inheritance of the Anglo-Saxon race and the international order they brought into being was designed to make “self-determination safe for empire”.¹⁵ Indeed, in the 1917 ‘Declaration of the Rights of the People of Russia’ the Congress of Soviets had argued for “the right of the peoples of Russia to free self-determination, even to the point of separation and the formation of an independent state”.¹⁶ Only months after this declaration, speaking to Congress on February 11, 1918, Wilson offered the most famous version of his vision of a new world order organized around nation-states and predicated upon the right of self-government. “All well-defined national aspirations,” Wilson declared, “shall be accorded the utmost satisfaction.”¹⁷ A few days earlier, the British Prime Minister Lloyd George had also updated British war aims to include the principle that territorial settlements must be based on “the right to self-determination or the consent of the governed.”¹⁸ Like Wilson, Lloyd George emphasised that international relations henceforth would be based on the notion “equality of right among nations, small as well as great.”¹⁹

¹⁴ “An Address to the Senate,” p. 539.

¹⁵ Adom Getachew, *Worldmaking after Empire: The Rise and Fall of Self-Determination* (Princeton: Princeton University Press), p. 41.

¹⁶ “Declaration of the Rights of the People of Russia” (2 November 1917) www.marxists.org/history/ussr/government/1917/11/02.htm.

¹⁷ Woodrow Wilson, *Address to Congress of February 11, 1918*, in Ray Stannard Baker and William E. Dodd, (eds.) *Public Papers of Woodrow Wilson, War and Peace* vol. 1 (New York, Harper Bros., 1927; [reprint ed., New York: Kraus, 1970]), p. 180.

¹⁸ British War Aims, Statement by the Right Honourable David Lloyd George, 5 January 1918.

¹⁹ *Ibid.*

In a world of states and empires comprised of multiple ethnic, religious and linguistic groups, two questions quickly emerged: what constituted ‘a people or nation’ and which national groups had the right to self-determination?²⁰ In Lenin’s vision, national self-determination directly referred to the right to statehood of culturally or historically defined ethnic groups. In contrast, Wilson seems to have been gesturing towards the right of a ‘capable’ or ‘civilized’ population to be ruled only through consent. Capacity, or the status of being ‘civilized’ was, for Wilson, roughly equated with whiteness.²¹ One of the key challenges for the international community stemming from Wilson’s vision, predicated as it was on hierarchies of race and gender, were the implications for those minority groups living within nation-states deemed developed but who were themselves considered incapable of self-determination. Most obviously, this created the dilemma of the extent of self-determination to be granted those populations living in American, British, or French imperial territories.

Many colonial peoples clearly understood self-determination as a principle to be universally applied, even if their conceptualisation of the link between race and nation state belonging was quite different to thinking of Wilson and Lloyd George. Neither man, nor any of the Allied powers who set out to negotiate the peace at Versailles believed that each nationality – a category in any case that would prove too slippery to precisely define – should have its own nation state. But nor did many of those who mobilised the principle of self-determination to stake a claim to rights. To the contrary, many saw it as a pathway to political

²⁰ Erez Manela, *The Wilsonian Moment: Self-Determination and the International Origins of Anticolonial Internationalism* (New York: Oxford University Press, 2007), pp. 21-22.

²¹ This observation is borne out not just in Wilson’s remarks around self-determination but in his five volume *History of the American People* (New York: Harper & Brothers, 1901–02). Notoriously, quotes from this work were used as scaffolding for D.W. Griffith’s 1915 film, *Birth of the Nation*. The film portrays Black people as unintelligent and unfit for government and Wilson is often understood to endorse this perspective as he arranged for the film to be shown at the White House. See: Cedric J. Robinson, *Forgeries of Memory and Meaning: Blacks and the Regimes of Race in American Theater and Film before World War II* (Chapel Hill: University of North Carolina Press, 2007).

citizenship rights within empire, a status that many within the British and French empires did not hold for reasons of race, religion, and gender.²²

Lloyd George had earlier, in June 1917, indeed suggested that this principle would be applicable to colonies too, when he stated that “the wishes, the desires, and the interests,” of the people in previously German colonies would be paramount “in settling their future Government.”²³ He reiterated this sentiment in 1918, stating that “[t]he general principle of national self-determination is, therefore, as applicable in their cases as in those of occupied European territories.”²⁴ This sentiment was prefaced, however, by the notion that “[t]he governing consideration... must be that the inhabitants should be placed under the control of an administration, acceptable to themselves, one of whose main purposes will be to prevent their exploitation for the benefit of European capitalists or governments.” They were capable of a degree of self-determination, with “chiefs and counsels...competent to consult and speak for their tribes and members” but were not quite, he implied, at the stage of European peoples. Lloyd George was speaking specifically about the fate of Germany’s previous colonies but colonial subjects within other imperial configurations believed their situations to be analogous. Self-determination did not necessarily mean freedom from empire – although many did seek that end, as we will see in the case of Egypt – it could also mean greater participation within empire.

In France, for example, Prime Minister Georges Clemenceau had publicly suggested that naturalisation might be accorded to Muslim Algerian French subjects on the basis of their

²² Manela has shown the failure of Wilson and the League of Nations to successfully fulfil the hopes of this moment led to the calls for national independence rather than self-determination within the existing imperial formations: *The Wilsonian Moment*.

²³ Lloyd George, *Manchester Guardian*, June 30, 1917, p. 5.

²⁴ Lloyd George, *British War Aims, Statement by the Right Honourable David Lloyd George, 5 January 1918* (London: HMSO, 1918).

service (173,000 indigenous Algerian soldiers) in French forces over the course of the War.²⁵ Naturalisation, in this case, would mean the enjoyment of the political rights of the citizen, including the right to vote and thus representation in the French National Assembly. Thousands of Algerian soldiers had lost their lives during the War: estimates sit around 26,000.²⁶ The extension of citizenship status for such service had precedent in the legal status of the French Empire's *tirailleurs sénégalais*. The Senegalese- French Deputy, Blaise Diagne, had pushed through the conscription of Senegalese troops for the French forces in World War I, on the basis that all of the male peoples of the Senegalese Quatres Communes be granted full citizenship status – including voting rights – in return for their patriotic sacrifice. As a result, the so-called Blaise Diagne Laws had been passed in the form of the French Citizenship Law of 1916.²⁷ This had set a precedent for the possibility of reconfiguring the status of French colonial subjects by pressing the connections between the performance of patriotic duties and access to citizenship rights.²⁸ (It is important to note here, however, that the Blaise Diagne laws were not the straightforward reform of citizenship that they might have seemed, and it became clear in the aftermath of the war that many of the promises around citizenship would not be enacted.²⁹)

Whilst this possibility was quickly foreclosed in the aftermath of the War, when the *Loi Jonnart* of February 4th 1919 extended only a limited franchise to those veterans, civil servants and a certain educated elite willing to repudiate Koranic law, the hope of French citizenship remained.³⁰ Political actors of all ethnic identities sought to negotiate a new form of French

²⁵ Jacques Frémeaux, *Les Colonies dans la Grand Guerre : Combats et Epreuves des Peuples des Outre-Mer* (Paris: 14-18 éditions, 2006), p. 55.

²⁶ Frémeaux, *Les Colonies*, p.18.

²⁷ Alfred Stepan, “Stateness, Democracy, and Respect: Senegal in Comparative Perspective”; in Mamadou Diouf (ed.), *Tolerance, Democracy, and Sufis in Senegal* (New York: Columbia University Press, 2013), p. 215.

²⁸ Iba Der Thiam, *Le Sénégal dans la guerre 14–18 ou le prix du combat pour l'égalité* (Dakar: Nouvelles Éditions africaines du Sénégal, 1992), p. 42–43.

²⁹ David Murphy, “Defending the ‘Negro race’: Lamine Senghor and black internationalism in interwar France,” *French Cultural Studies*, 24:2 (2013): p. 163.

³⁰ Alice Conklin, *A Mission to Civilize*, (Stanford, CA: Stanford University Press, 1997).

Algerian citizenship in this moment. For the indigenous community, this citizenship sought the political rights of citizenship alongside the right to difference, in this case religious.³¹ Indeed, Emir Khaled, a key advocate for the rights of Algerian *indigènes*, lobbied for their representation in the French National Assembly. The possibilities hinted to by Lloyd George and Clemenceau were further consolidated by news reports of Wilson's Fourteen Points. Messali Hadj, who would later become an Algerian nationalist activist, recalled 1919 in terms of these promises. Visiting Tlemcen, his home city, he heard people everywhere making "comment on 'Wilson's fourteen points,'" which talked about the rights of peoples to self-determinations.³²

Appeals to Wilsonianism

Not only were people talking directly about Wilson's self-determination, they appealed directly to him and his administration to stake their claim to the right to self-determination. From the Vietnamese community in Paris, a letter signed by "Nguyen Ai Quoc," (a signatory believed to be the pseudonym of Ho Chi Minh and or Phan Van Truong), addressed a document titled 'Demands of the Annamite People,' to Robert Lansing, Wilson's Secretary of State.³³ In it Nguyen Ai Quoc evoked "the principle of Nationality" to lay claim, amongst other things, to the same laws for Vietnamese natives as for Frenchmen, and the same representation in parliament currently granted to the old French colonies in the Caribbean.³⁴ Nguyen Ai Quoc sought a personal audience with Wilson that never materialised. Lansing himself was clear about how he thought about self-determination, writing in his memoirs of the Paris Peace Treaties that "The more I think about the President's declaration as to the right to "self-

³¹ Donal Hasset, 'Defining Imperial Citizenship,' p. 279.

³² Messali Hadj, Ahmed Ben Bella, Charles-André Julien, Charles-Robert Ageron, Mohammed Harbi, and Renaud de Rochebrune, *Les mémoires de Messali Hadj : 1898-1938*, (Paris : J.C. Lattès, 1982), p. 103.

³³ On the Declaration see Michael Goebel, *Anti-Imperial Metropolis: Interwar Paris and the Seeds of Third World Nationalism* (New York: Cambridge University Press, 2015), pp. 155-156.

³⁴ Nguyen Ai Quoc to the American Secretary of State, June 18, 1919, Centre d'Archives d'Outre-Mer, Aix-en-Provence, 1 Services de liaison avec les originaires des territoires français d'outre-mer, p. 8.

determination,” the more convinced I am of the danger of putting the idea into the minds of certain races . . . The phrase is simply loaded with dynamite. It will raise hopes that can never be realized.”³⁵

Within America, multiple Black activist groups, including Marcus Garvey’s nascent Universal Negro Improvement Association (UNIA), the National Race Congress and the National Urban League lobbied for representation as part of the American delegation to the Paris Peace Conference.³⁶ Caribbean-American socialist activist, Cyril Briggs utilised Wilson’s rhetoric of self-determination to argue that African Americans were “an oppressed nationality” that were worthy of “a square deal or failing that, a separate political existence”.³⁷ Briggs was not alone in this thinking: a year later, a similar argument appeared in the pages of the Socialist Party of America newspaper, the *New York Call* in reference to the Black population in the American South.³⁸

Perhaps most famously in the American context, the African American scholar and activists, W.E.B. Du Bois, sought to carve out a role for African Americans as guardians of the newly ‘liberated’ German African colonies. Contending that Black Americans stood at the vanguard of the African diaspora, he thought that they were best placed to offer advice on the fate of these territories.³⁹ Du Bois accepted that “the principle of self-determination which has been recognized as fundamental by the Allies cannot be wholly applied to semi-civilized peoples . . . it can be partially applied.”⁴⁰ Du Bois’ vision of the partial application of self-determination involved the oversight of those German-educated Africans who were “Chiefs

³⁵ Robert Lansing, *The Peace Negotiations: A Personal Narrative* (Boston, 1921), pp. 97–98.

³⁶ Adam Clayton Powell Sr., ‘Voices of Negroes of New York on the Scheme’, *New York World*, December 12, 1918.

³⁷ Cyril Briggs, ‘“Security of Life’ for Poles and Serbs – Why not for Colored Americans’ and ‘Liberty for All’, *Amsterdam News*, September 1917.

³⁸ “Self-Determination,” *New York Call*, November 13, 1918, p. 6.

³⁹ See Sarah C. Dunstan, “Conflicts of Interest: The 1919 Pan-African Congress and the Wilsonian Moment,” *Callaloo*, 39:1 (Winter 2016): pp. 133-150.

⁴⁰ W. E. B. Du Bois, “The Future of Africa,” *Crisis* 17: 3 (January 1919): p. 119.

and intelligent,” the “twelve million civilized Negroes of the United States,” officials from the independent Black states such as Haiti and Liberia and representatives of the “educated classes” from within the British, French and Portuguese nations.⁴¹

Concerns about the fate of the African colonies were certainly not limited to Du Bois and the N.A.A.C.P. Another example of such thinking can be found in the International League of Darker Peoples. Formed in early January by A. Philip Randolph, Ida Wells-Barnett and Adam Clayton Powell Sr., amongst others, the aim of the League was to “organize all of the Negro delegates to the Peace Conference” to advance the interests of all people of colour in Paris.⁴² Like the N.A.A.C.P. and Du Bois, the League believed that Africans still needed to be guided towards self-government. This guidance, they argued, should come from a coalition of “Africans, Japanese, Haitians, Americans and West Indian Negroes”, people of colour who had demonstrated their fitness for self-determination. In 1918, this seemed possible, and mainstream New York papers reported on these possibilities.⁴³

Gender, the Peace and Claims to Self-Determination

Like many of the colonial peoples and minority groups agitating for improved rights, women within Allied countries also sought to mobilise support for their causes by contacting Wilson and other members of his State Department. In much the same way, they reiterated their current lack of representation and seized upon Wilson’s declaration of the right to self-determination to advocate for women’s involvement in the peace treaties. Prominent American women’s suffragists such as Carrie Chapman Catt and Alice Paul linked Wilson’s rhetoric about the fight for democracy and the right to self-determination to their own cause.⁴⁴ With no vote, they

⁴¹ Ibid, 119.

⁴² “The League of Darker Peoples: What it is and What it Can Accomplish,” *World Forum*, 1:1 New York (Jan 1919): p. 1.

⁴³ Louis Siebold, “Negroes Ask For African Colonies Lost by Germany,” *New York World*, December 12, 1918.

⁴⁴ Knop, *Diversity and self-determination in international law*, p. 286.

argued, even the delegates from their own country could not be said to truly represent women's interests.

It is worth mentioning here that more radical American suffragette appeals to Wilson had, since the revolution of 1917, also leveraged the Soviet Union commitment to women's equality in their efforts to reconfigure women's citizenship.⁴⁵ Russian women had gained the vote almost immediately after the February revolution and the Bolshevik government that came to power in the October had taken further legislative steps to expand women's citizenship rights to be on par with men. The militant United States' suffrage group, the National Women's Party, were quick to draw contrasts between this new women's citizenship in the Soviet Union and the contemporary state of affairs in the United States, the supposed champion of democracy.⁴⁶ Wilson became tentatively sympathetic to the cause of women's suffrage in part because of his acute awareness of this contrast. In a September 1918 address to the Senate he framed it in terms of the United States' image on the world stage as a democracy: "The plain, struggling, workaday folk... are looking to the great, powerful, famous Democracy of the West to lead them to the new day for which they have so long waited; and they think, in their logical simplicity, that democracy means that women shall play their part in affairs alongside men."⁴⁷ Supporting women's voting rights within the United States did not, however, translate to including them in the U.S. delegation to the Paris Peace Conference.

Jeannette Rankin, a Republican member of the House of Representatives, and the first woman to hold federal office urged the State Department Official, Henry White, to include women in the forging of the peace. She noted that "there is a possibility of this Peace Conference being made up on the assumption that the world is inhabited by men and men only"

⁴⁵ Julie L. Mickenberg, "Suffragettes and Soviets: American Feminists and the Specter of Revolutionary Russia," *Journal of American History*, 100:4 (March 2014): p. 1023.

⁴⁶ *Ibid*, pp. 1021-1022.

⁴⁷ Wilson, "An Address to the Senate," 30 Sept. 1918, *Papers of Woodrow Wilson*, Vol. 51: pp. 158-161.

and admonished him “to keep in mind that there are women in the world and that they have an interest in the world’s affairs”.⁴⁸ The president of the *Union Française pour le Suffrage des Femmes*, the French activist Marguerite de Witt Schlumberger, took a similar position in her own letter to White. She reminded him that “the women of the world” were “more than half its population” and “their needs and opinions” should be represented in 1919.⁴⁹ In many of these letters, the right to suffrage and the right to self-determination were treated as indivisible.

The arguments of Rankin and De Witt Schlumberger’s were a common refrain in appeals to include women in the peace talks, and were often combined with the idea that women, as mothers, had a particular role to play as peacekeepers and guardians of morality.⁵⁰ As Helen McCarthy has observed elsewhere, “the age-old binary opposition twinning femininity with peace and masculinity with war” was pervasive in these years and the decades that followed.⁵¹ This thinking was mobilised in complex ways that did not map straightforwardly on to pacifist or patriotic arguments. It was nonetheless a key feature across the political spectrum of arguments for women’s right to self-determination and citizenship during the war and in its immediate aftermath.⁵² In Marcus Garvey’s UNIA, for example, Black women were often urged to take their place in the struggle for Black rights because “the redemption of Africa depends on the motherhood of black women.”⁵³ Black women had a particular role to play in advancing the race because they would mould the leaders of tomorrow.

⁴⁸ Rankin to White, November 30, 1918, White Henry White Papers, Library of Congress, Manuscripts Division, Washington, DC (hereafter White Papers), Box 23.

⁴⁹ De Witt Schlumberger to White, January 15, 1919; White to De Witt Schlumberger, January 15, 1919, White Papers, Box 38.

⁵⁰ Union Française pour le Suffrage des Femmes to Wilson, February 13, 1919: Woodrow Wilson Papers, Library of Congress, Manuscripts Division, Washington, DC, Reel 393.

⁵¹ Helen McCarthy, *The British People and the League of Nations: Democracy, Citizenship and Internationalism, c. 1918-45* (Manchester: Manchester University Press, 2011), p. 182.

⁵² See Susan R. Grayzel, *Women’s Identities at War: gender, motherhood and politics in Britain and France during the First World War* (Chapel Hill: University of California Press, 1999); Julie V. Gottlieb, ‘Guilty Women’, Foreign Policy, and Appeasement in Inter-War Britain (Basingstoke: Palgrave, 2015), p. 10.

⁵³ “Message for the Negro Women of the World,” *Negro World*, February 4, 1922. See also Asia Leeds, “Toward the “Higher Type of Womanhood”: The Gendered Contours of Garveyism and the Making of Redemptive Geographies in Costa Rica, 1922-1941,” *Palimpsest*, 2:1 (2013): pp. 1-27.

The same kind of argument could, however, be mobilised against the right of women to be involved. Rehearsed at the level of the national as well as the international, the idea of women as moral guardians meant that many believed they would vote along conservative, often religious, lines. Writing in 1917, the director of research at the Carnegie Endowment for International Peace, and later official historian of the American delegation to the League of Nations, James Shotwell, observed that women were unlikely to be useful contributors to the innovation of international law or the world order in the post-war because they “probably hold to old traditions longer than men.”⁵⁴

Shotwell’s statement points to his urgent sense of the 1919 as a moment that required new modes of thinking about the nature of relationship between nation states. It also gestures towards the positionality of women and women’s access to political rights such as voting. Across the liberal and republican states like the United States, France and Germany, the citizen of the state was represented as abstract, rational and independent, yet symbolically and rhetorically cast in terms of white manhood. In the case of republican states, women transcended sex-based particularity by carving out a role for women grounded in a gendered essentialism. Women citizens occupied the private sphere as mothers and guardians of the moral order.⁵⁵ Men, in contrast, occupied the public, political sphere and performed the ultimate duty of patriotic sacrifice. In the liberal tradition, sex-specific particularity was implicit, rather than explicit. The political citizens were recognised on the basis of their rationality and capacity for self-ownership. Women were automatically excluded from this polity due to their emotional, rather than reason-based, natures.⁵⁶

⁵⁴ James T. Shotwell, in ‘Proposal for a plebiscite in Alsace Lorraine’, United States National Archives: NA Records of the Inquiry: MI 107, General Correspondence, Reel 35: R.G. 256, Doc. 32 I, p.8.

⁵⁵ Ruth Rubio-Marín, “The achievement of female suffrage in Europe: on women’s citizenship,” *International Journal of Constitutional Law* 12:1 (2014): p.7.

⁵⁶ See Elizabeth Mayes, “Private Property, the Private Subject and Women,’ in Martha Albertson Fineman, Terence Dougherty eds., *Feminism Confronts Homo Economicus: Gender, Law and Society* (Ithaca: Cornell University Press, 2005), p. 119.

Indeed, in the nineteenth and early twentieth century justifications of imperialism had often stressed the similarities between the irrationality, or unfitness for political maturity, of women and colonised subjects.⁵⁷ This was true of scientific literature too, where women's "inferior intellectual capacity" was considered analogous to those of people of colour.⁵⁸ In the context of evolutionary biology, white men were cast as a "progressive" genetic vanguard, whilst women carried the "conservative", "primitive" genes that characterised the "lower races".⁵⁹ European (white) women might have been considered to possess greater moral sensibilities but their unfitness for political life was described in very similar terms to that of colonial subjects. In the colonies themselves, efforts to spread 'Western civilisation' through education and the dissemination of scientific techniques were targeted almost entirely at elite cohorts of men rather than women.⁶⁰ Women of colour bore the double burden of supposed inferiority by virtue of both race and gender.

Claims to citizenship from colonial subjects often mobilised this gendered approach to citizenship and, by extension, to their capacity for self-determination. Anti-colonial movements across the colonised world grasped this gendered model in 1919 in order to show fitness for self-determination. When the United States had entered the war in 1917, nationalists in the Philippines eager to show Filipino fitness for self-determination, joined the army, on the basis that it would prove their "capacity and martial masculinity."⁶¹ Manuel Quezon, the President of the Filipino senate, then used this service to make the argument for Filipino

⁵⁷ See Arthur de Gobineau, *Essai sur l'inégalité des races humaines* (Paris, 1853), vol. 1, pp. 150-152; James Hunt, "On the Negro's Place in Nature," *Memoirs Read before the Anthropological Society of London* (1863-1864), p. 10; Robert Knox, *The Races of Men: A Philosophical Enquiry into the Influence of Race over the Destinies of Nations* (London, 1862). For samples of long-term evolutionist thinking, see Gustave Le Bon, *The Psychology of Peoples* (London, 1899), pp. 35-26. I was directed to these sources by the references in Michael Adas, "Contested Hegemony: The Great War and the Afro-Asian Assault on the Civilizing Mission Ideology," *Journal of World History*, 15-1 (March 2004): p. 35.

⁵⁸ Nancy Leys Stepan, "Race and Gender: The Role of Analogy in Science." *Isis* 77: 2 (1986): p. 263.

⁵⁹ Havelock Ellis, *Man and Woman. A Study of Secondary Sexual Characters* (1894; 6th ed, London: A. & C. Black, 1926), p. 491. See also Stepan, "Race and Gender," pp. 261-77.

⁶⁰ Adas, 'Contested Hegemony,' p. 35.

⁶¹ See Paul A. Kramer, *The Blood of Government: Race, Empire, the United States, & the Philippines* (Chapel Hill: University of North Carolina Press, 2006), pp. 382-88 (quote on p. 383).

independence to Wilson when he travelled to Washington D.C. in 1919. Wilson and his Secretary of War, Newton Baker, found it difficult to engage directly with these arguments. Instead, they staved off the Filipino commission with acknowledgements that independence was almost in sight.⁶² The situation was delicate, not least because the status of the Philippines and the protection of US interests in the country were a key component of Wilson's efforts to persuade the US congress to become part of the League of Nations.⁶³

In Paris at the 1919 Pan-African Congress, the Senegalese politician, Blaise Diagne, deployed a claim to French citizenship that resonated with the arguments of Quezon. He emphasized repeatedly that “[e]ach one of us who has come here is guided by the most genuine loyalty to the nation from which they have come.” War had proved a wonderful opportunity for Black men to prove their loyalty through patriotic sacrifice.⁶⁴ Echoing earlier African American hopes that participation in the war would finally allow them to be seen as true American citizens, Diagne expounded upon the “fraternité” of mankind that been demonstrated by the war. This “fraternité” would make the “better evolved” races of the world more likely to treat the “backward blacks” with the generous treatment their moral, social and physical condition required. As we have seen, Diagne had ostensibly seen this kind of argumentation bear fruit in the Blaise Diagne laws of 1916. The role of the soldier, in this imaginary, was the domain of men rather than women (despite the latter's sacrifices on the home front and as medical support). This elision of women from the equation of duties and the right to self-determination, enfolded in citizenship, did not go unnoticed or unchallenged by the few women delegates in attendance. Addie Waites Hunton, an African American activist in France working with YMCA, urged the delegates to remember the “importance of women in the world's

⁶² Emily Rosenberg, “World War I, Wilsonianism, and Challenges to U.S. Empire,” *Diplomatic History*, 38:4 (September 2014): 860.

⁶³ “Peace League as Lever for Free Philippines,” *New York Times*, April 13, 1919.

⁶⁴ Discours inaugural de M. Diagne au congrès pan-africain les 19–20–21 février 1919, 2.

reconstruction and regeneration” and to think more broadly than the sacrifice of soldiers when staking claim to citizenship.⁶⁵

In much the same way as Hunton urged her male peers in this Parisian context to include women in their claims to citizenship and self-determination, women involved in the 1919 Egyptian uprising were determined to have their contributions recognised. Shortly after Armistice was declared in November 18, a delegation of Egyptian nationalist activists led by Saad Zaghlul, had formally requested independent status from Britain for the protectorate of Egypt and Sudan. Zaghlul, the leader of the popular Wafd Party, also organised a delegation to plead Egypt’s case in Paris. It seemed to him, in January 1919, that “[i]t is altogether improbable that the Peace Congress, which is being held for the purpose of establishing the respect of all rights and giving freedom to all nations, will create new dominations for the strong over the weak.”⁶⁶ Zaghlul’s hopes, like that of many other petitioners to Wilson, were quickly dashed.⁶⁷ Moreover, the British, hoping to quell protest, arrested Zaghlul and two other Wafd leaders in the March of 1919, exiling them to Malta. This only incited further unrest, as protests broke out throughout Egypt. Protestors explicitly framed their activism in terms of Wilson’s Fourteen points, delivering letters to the legations of the United States, France and Italy to that effect. Similar sentiments were splashed over the signs held up by protestors in the street.⁶⁸ Egyptian women such as the suffragette and nationalist Huda Sha’rawi – wife of the Wafd Vice-President ‘Ali Sha’rawi - organised women-only demonstrations on the streets of

⁶⁵ W. E. B. Du Bois, “The Pan-African Congress,” 272; Adele Logan Alexander, “Introduction” in Addie W. Hunton and Kathryn M. Johnson, *Two Colored Women With the American Expeditionary Forces* (New York, 1920), p. xxii.

⁶⁶ Speech by Zaghlul, in “Hamad Pasha El Bassel’s Tea Party,” January 16, 1919, British National Archives, Kew, Foreign Office 141/810/6.

⁶⁷ Fawaz A. Gerges, *The New Middle East: Protest and Revolution in the Arab World*. (Cambridge: Cambridge University Press, 2013), p. 67.

⁶⁸ Margot Badran, *Feminists, Islam, and Nation*, (Princeton: Princeton University Press, 1994), p. 76.

Cairo whilst women from poorer households joined the men in street protests.⁶⁹ Although reluctant to fire upon the women-only protests, British forces had no such compunction about opening fire on the women marching with the men on the streets.⁷⁰ In death, women such as Hamidah Kahlil and Shafiquah bint Muhammad Ashmawi became nationalist martyrs.⁷¹

Despite women's clear involvement in the revolution and, in some cases the sacrifice of their lives for the cause, the Wafd leadership was not entirely welcoming of women's participation. Nor was Egyptian society more broadly open to the full participation of women in the public sphere. The Wafd Women's Committee (WWC) were both aware of the external eye upon Egypt, and critical of Wafd leadership efforts to curb their involvement. In response to their exclusion from the drafting of a key independence document, the WWC issued the following statement:

“by neglecting us, the Wafd has caused foreigners in Egypt to slander our renaissance by claiming that ... the women had simply been used by a group of men in the nationalist movement to mislead the civilized nations into believing in the maturity and advancement of the Egyptian nation and its ability to govern itself. Our renaissance, as you well know, is above that.”⁷²

They pointed to the clear hypocrisy of those who claimed “rights of Egypt and struggles for its liberation,” yet sought to “deny half the nation its share in that liberation.”⁷³ The feminist activist Nabawiyya Musa argued that such a denial would ultimately undercut the effectiveness of the fight for self-determination and the potential of the Egyptian nation. In 1920, she

⁶⁹ Badran, *Feminists, Islam, and Nation*, p. 77; Nermin Allam, “Women and Egypt's National Struggles,” *Women and the Egyptian Revolution: Engagement and Activism During the 2011 Arab Uprisings* (Cambridge: Cambridge University Press, 2017), p. 32; Jayawardena, *Feminism*, pp. 51-56.

⁷⁰ This sort of violence in the British-administered Egypt is also further evidence of Martin Thomas' argument in his chapter for this volume, namely that “that demarcating between ‘wartime’ and ‘peacetime’... becomes harder... if we fix upon the vulnerabilities of colonial subject status in conditions of societal upheaval”, 196.

⁷¹ Badran, *Feminists, Islam, and Nation*, pp. 76-77.

⁷² As cited in Badran, *Feminists, Islam, and Nation*, p. 82.

⁷³ As cited in Badran, *Feminists, Islam, and Nation*, p. 82.

declared: “A people cannot be vital so long as half are paralyzed and isolated from the affairs of everyday life. If women do not work, half the nation is unproductive... why do we lag behind in fighting for our political independence when we have the means in our hands?”⁷⁴ Her words echoed that of Marguerite de Witt Schlumberger, when she urged Henry White to remember that women made up “half the world.”

Suffrage, Plebiscites and the Question of Capacity

Whilst Wilson certainly disappointed those activists from the European colonies who sought better representation and access to rights, he did tentatively bring up some European women’s interests at the Peace Conference.⁷⁵ At a meeting of the Council of Ten held in the French Ministry for Foreign Affairs on 13 February 1919, he mentioned the requests of “a group of ladies, representing the suffrage associations of the Allied countries... assembled... in Paris, under the Chairmanship of Mrs Fawcett of Great Britain.”⁷⁶ The group in question proposed the establishment of a women’s commission to look into “the conditions of children and women throughout the world.” Wilson wondered if the Allied Powers might “agree to the appointment of a Commission consisting of one representative of each of the five Great Powers and four representatives of the Smaller Powers to report on the conditions and legislation concerning women and children throughout the world, and to determine whether any international relations should be issued.”⁷⁷ Such a body would be purely consultative and advisory in capacity. It also

⁷⁴ Nabawiyya Musa, “Egypt’s Need for Women Doctors, Teachers, Dressmakers, and Other Professions,” in *The Woman and Work*, as cited in Badran, *Feminists, Islam, and Nation*, p. 79.

⁷⁵ Sluga, “Female and National Self-Determination,” pp. 498-499.

⁷⁶ Secretary’s notes of a conversation held in M.Pichon’s Room at the Quai d’Orsay, Paris, on Thursday, 13th February 1919 at 3.00 pm present Wilson, Lansing, Balfour, Clemenceau, Orlando, Sonnino, Matsui’. United States National Archives: NA 256, American Commission to Negotiate Peace: 180.03101138.

⁷⁷ Secretary’s notes of a conversation held in M.Pichon’s Room.

mapped onto existing contemporary ideas about the gendered suitability of women for considering the problems of women and children.

As Sluga has elegantly elucidated in her writing about this moment, the other attendees in the room – from the French Prime Minister Georges Clemenceau, to the Japanese Foreign Minister Baron Makino and the Italian Foreign Minister Sidney Sonnino – were agreed in their repudiation of the idea.⁷⁸ Insofar as the subject of the conditions of women and children were concerned, the Inter-Allied Commission on International Labor Legislation had partially covered that topic already. Moreover, a Commission like that, peopled by those involved in suffrage movements, risked raising the spectre of women’s suffrage in the international domain. For varying reasons – from political pragmatism to anti-suffragist politics – no one thought that the peace conference was the place to consider this issue.

Many women, as we have already seen, felt differently.⁷⁹ At the 10 April 1919 meeting of the Peace Conference commission, a joint delegation of women from the International Council of Women and the Conference of Women Suffragists of the Allied Countries and the United States, presented a series of demands. This included the demand for women’s right to vote – both in the elections of individual nations and in the peace treaty plebiscites. The language of the demand was couched in the vocabulary of self-determination, and specifically of racialised ideas around self-determination.⁸⁰ That is to say, they asked for women to gain the right to vote in every country as soon as the requisite level of “civilizational and democratic development” had been reached.⁸¹

⁷⁸ Sluga, “Female and National Self-Determination,” pp. 499-500.

⁷⁹ Indeed, as Mona L. Siegel’s chapter in this volume demonstrates, “Female activists where everywhere” at the Peace Conference in 1919, even if male peacemakers were largely resistant to engaging their concerns. (353).

⁸⁰ Reprinted in Anne Wiltsher, *Most Dangerous Women: Feminist Peace Campaigners of the Great War* (London: Thorsons, 1985), App. 1, p. 20.

⁸¹ “Women’s Petitions to League Framers,” *New York Times*, April 13, 1919.

Ultimately, the Covenant of the League of Nations did not touch on the question of women's voting rights. In Article 7, it did, however, make "[a]ll positions under or in connection with the League, including the secretariat... open equally to men and women."⁸² Moreover, the drafters of the peace treaties allowed women the right to vote in some of the plebiscites determining nationality. Never before had women been included in processes geared towards the expression of popular sovereignty. This inclusion was limited, however, depending on marital status. Married women's nationality was determined by their husband's choice, regardless of how they had cast their own vote.⁸³ They did not have the right, as men did, to choose another nationality if they were unhappy with the results of the plebiscite.⁸⁴ (The treaty drafters wished to avoid the creation of multi-national households with split loyalties). Moreover, women were excluded from the vote in the plebiscites held in Vilna, Peru and Chile on the basis that women did not have a pre-existing right to vote in these places.

Indeed, in 1919, the United States and Britain were the only two powers on the League of Nations Supreme Council close to enfranchising women. A 1920 US constitutional amendment would prohibit the denial of voting rights on the basis of sex, although this was unevenly applied, and mostly excluded women of colour. Women over the age of 30 had been granted the right to vote in Britain in 1918 but they did not receive the right to vote on the same terms as men until 1928. Japan, Italy and France, the remaining three members of the Supreme Council would not grant women the vote until the 1940s. More broadly, women had the vote in Austria from 1918, Denmark from 1915, Germany from 1919 and Poland from 1918. Universal suffrage did exist for a few years from 1919 in Hungary but by 1922, women's

⁸² "The Covenant of the League of Nations" in *The Avalon Project: Documents in Law, History and Diplomacy*, http://avalon.law.yale.edu/20th_century/leagcov.asp, accessed December 19, 2020.

⁸³ Sluga, "Female and National Self-Determination", p. 511.

⁸⁴ Knop, *Diversity and Self-Determination in International Law*, p. 325.

suffrage was more curtailed. The Danish, German, Austrian and Hungarian delegations all demanded women's suffrage for the plebiscites.⁸⁵

Commenting on the issue of women's inclusion in the plebiscites for the Grotius Society in 1920, the lawyer Paul de Auer argued that there could be "no objection to this, even in States where women have no votes in questions of internal politics" because "in deciding the question of annexation a special political training is not necessary." He was explicit in stating that deciding nationality required less decision-making skill than casting a vote "as to whether the happiness of the people is better assured by the liberal or conservative party."⁸⁶ De Auer, then was making a distinction between the capacity required to select one's nationality, and the self-determining capacity implied in the right to vote on a representative for governance.

Somewhat ironically, however, it was not standard for women to have a say in their nationality at this particular time. Upon marriage, women's citizenship became entangled with the status of their spouse. In French law, the subordination of women's legal rights to her husband was conceived in terms of the performance of female republican citizenship. In English common law, the doctrine of coverture meant that women were protected under their husband's civil citizenship status. As Ruth Rubio-Marín has observed, this was not simply a matter of women's exclusion from the polity. To the contrary, it meant that civil citizenship was constituted for white men through the act of 'protecting' or subsuming – and in some cases owning – the legal rights of others.⁸⁷

⁸⁵ Wambaugh, *Plebiscites Since the World War*, vol. I, p. 477.

⁸⁶ Paul de Auer, "Plebiscites and the League of Nations Covenant," 6 *Transactions of the Grotius Society* 45 (1920) at p.53–4.

⁸⁷ Ruth Rubio-Marín, 'The achievement of female suffrage in Europe: on women's citizenship,' *International Journal of Constitutional Law*, 12:1, (2014): pp. 4–34, at p.7. See also Ursula Vogel, "Marriage and the Boundaries of Citizenship," in Bart van Steenbergen ed., *The Condition of Citizenship* (London: Sage Publications, 1994), pp. 76-89; Nancy Fraser & Linda Gordon, "Civil Citizenship Against Social Citizenship," in Steenbergen ed., *The Condition of Citizenship*, pp. 90-107.

This is particularly evident in the way that women lost not only their citizenship rights but their claim to nationality upon marriage to a foreigner. English women, from 1870 onwards, lost their nationality upon marriage to a non-British husband. Just after the war, in 1923, one English government lawyer described this as “one of the great principles of English law,’ a status conferrable solely ‘through the male line.’”⁸⁸ Even after women gained the vote in Britain marriage law remained unchanged until 1948. In France, the nationality of a married woman had been legally subject to her husband’s status since the Napoleonic code of 1804: indeed Article 1124 defined a married woman as legally incapacitated, a perpetual minor before the law. The question of nationality remained fundamentally the same until the passage of the 1927 Law on French Nationality which granted women the right to remain French and to pass this status on to their children.

This reform was not, however, accompanied by any concomitant civic rights such as suffrage or any other expression of political “self-determination.” To the contrary, it further embedded the notion of women as “citizen mothers” in France and was justified primarily in terms of population restoration after the losses of the First World War.⁸⁹ From the moment the debate over women’s national status had come before the French parliament in 1915, it had been framed in terms of women as mothers and guardians of the French civilization rather than in terms of their own rights. (This was particularly so in the context of the loss of so many of France’s men during the war.) It was often explicitly stated that this extension of nationality would not affect married women’s status as minors before the law.⁹⁰ As the French feminist

⁸⁸ Dowson, O. F., Committee of the House of Commons on The Nationality of Married Women, Report by the Select Committee Appointed to Join With a Committee of the House of Commons on The Nationality of Married Women Together with the Proceedings of the Committee. Minutes of Evidence and Appendices, (London: HMSO, 1923), p.4.

⁸⁹ Elisa Camiscioli, “Intermarriage, Independent Nationality, and the Individual Rights of French Women: The Law of 10 August 1927,” *French Politics, Culture & Society* 17: 3/4 (1999): p.59.

⁹⁰ See Senator Louis Martin, Journal Officiel (hereafter JO), Documents Parlementaires, Sénat. Séance du 10 février 1916, Annexe no. 35, p. 81. Cf. the bill of Ernest Lafont, JO, Documents parlementaires, Chambre. Séance du 18 février 1919, Annexe no. 5716, p. 1935.

Alice Berthet, put it, the law “treated [a] woman as a relative being. Both her material existence and her rights - up to and including that of her nationality - depend on men. Only her duties remain her own responsibility.”⁹¹

The notion of women as “citizen mothers” is underlined by the French state’s decisions regarding citizenship in the province of Alsace, annexed to France from Germany following German defeat in 1918. Alsatians were assigned identity cards in categories from A to D. Each category entitled the holder to different levels of citizenship rights and protection. To be designated Carte A, and a full French citizen, an individual’s parents and grandparents had to have been French citizens prior to the German take-over of 1870. Those with only one French parent or grandparent were assigned Carte B. Foreigners from states that had been allies of France during the war fell under the designation Carte C, whilst those who had been born in Germany or Austria, or had a parent or grandparent born there, were assigned Carte D.⁹² In contrast to prevailing international norms, German women who had married French men were classified as German, and their children were also denied French citizenship on the basis of the mixed- nationality of their parents. One government commissioned inquiry into the “problem” of French and German marriages in Alsace twisted the logic of women as “citizen-mothers” to justify this decision, arguing that “[i]t is much more the mentality that the mother carries from her origins and her education that determines the sentiments and the ideas of the child than the accident of the father’s nationality.”⁹³ German mothers in Alsace risked the so-called purity of the French race.⁹⁴ Such thinking was the product of popular and political culture

⁹¹ Alice Berthet, « La française doit rester française, même mariée à un étranger. La nationalité. Droit moral, » *La Française*, 25 January 1919. See also Elisa Camiscioli, *Reproducing the French Race: Immigration, Intimacy, and Embodiment in the Early Twentieth Century*, (Durham: Duke University Press, 2009).

⁹² Tara Zahra, “The ‘Minority Problem’ and National Classification in the French and Czechoslovak Borderlands,” *Contemporary European History*, 17:2 (May 2008): pp. 138-139.

⁹³ Alfred Zeil, Rapport sur les questions de nationalité. Comites d’études économiques et administratives relatives à l’Alsace-Lorraine, Adopté en séance du Comité du 23 Février 1918, 4, 30/AJ/96, Archives nationales françaises, pp. 46-47.

⁹⁴ See Ruth Harris, ‘The “Child of the Barbarian”: Rape, Race, and Nationalism in France during the First World War’, *Past and Present*, 141 (1993): pp. 170–206.

representations of Germans during World War One as a barbaric race, as well as the increasing tendency of French social scientists and medical experts to allege a biological racial difference between French and German peoples (and between different national groups more broadly).⁹⁵

The Legal Legacies of 1919's Wilsonian Moment⁹⁶

The system of tiered nationality that France adopted in Alsace is but one example of the questions of citizenship and national belonging around the problem of minority populations following the First World War. The notion of self-determination arose frequently in these debates, even as it was not explicitly included in the Covenant of the League. Indeed, its status as a legal principle was tested in the first session of the League of Nations when expert advisors considered the *Åland Islands* case of 1920-21. In essence, the inhabitants of the Islands sought to exercise the right to self-determination by joining the Swedish state rather than Finland. Finland itself was seeking to assert its independence from the newly formed Soviet Union.⁹⁷

Although often gestured to as an affirmation of self-determination as a political rather than legal principle, the reports on the *Åland Islands* case demonstrate that the term remained murkily defined. The League appointed two bodies to comment on the case. The first, the Commission of Jurists, ruled that “Positive International Law does not recognize the right of national groups, as such, to separate themselves from the State of which they form part by the simple expression of a wish...the grant or refusal of such a right to a portion of its population of determining its own political fate by plebiscite or by some other method, is, exclusively, an attribute of the sovereignty of every State which is definitely constituted.”⁹⁸ As such, the

⁹⁵ See Michael Jeismann, *Das Vaterland der Feinde : Studien zum nationalen Feindbegriff und Selbstverständnis in Deutschland und Frankreich 1792-1918* (Stuttgart : Klett-Cotta, 1992), 350-364.

⁹⁶ The phrase “Wilsonian Moment” is borrowed from Erez Manela’s *The Wilsonian Moment*.

⁹⁷ R. Delavoix, *Essai Historique sur la séparation de la Finlande et de la Russie* (Paris, F Loviton, 1932).

⁹⁸ Report of Commission of Jurists (Larnaude, Huber, Struycken), LNOJ Sp Supp No 3 (October 1920), 5–6.

particular circumstances of the case led to the Åland Islands population being granted *autonomy* rights instead.⁹⁹ Self-determination, then was a political rather than a legal concept.

Nonetheless, this political concept manifested in a number of plebiscites held by the Allies; in a series of minority protection treaties conducted under the authority of the League of Nations in disputed areas and in the development of the ‘mandate system’ which fell under Article 22 of the Covenant of the League. Therein, Allied powers, now ‘mandatory governments’ were tasked with governing their wartime colonial acquisitions in the interests of the governed, as “a sacred trust of civilization” until they were capable of exercising their established right to self-determination in the form of sovereign independence. As Adom Getachew has observed, this new system successfully “recast self-determination as a racially differentiated principle, which was fully compatible with imperial rule.”¹⁰⁰ However, debates about the nature of the interlinked (and still blurrily defined) notions of nationalism and rights to self-determination continued to dominate international law forums and writings in the interwar period. Not in the revolutionary way that Lenin or Stalin imagined, nor in terms of a cosmopolitan citizenship of empire predicated upon political assimilation that countless proto-nationalist groups had hoped for when they wrote to Wilson, or petitioned the Allied leaders at the Peace Conferences.

Something, however, had changed in the way that these concepts were understood in relation to international law, both by the legal specialists themselves and by broader audiences. Pre-war international law had been governed by a statist positivism that derived its authority from the consent of sovereign states. The existence of national minorities (or gender-based lobbyists, for that matter) was not relevant to international law in this formulation because they

⁹⁹ Report of the International Committee of Jurists Entrusted by the Council of the League of Nations with The Task of Giving an Advisory Opinion upon the Legal Aspects of the Aaland Islands Question (League of Nations. Commission of International Jurists on the Aaland Islands Question, 1920).

¹⁰⁰ Adom Getachew, *Worldmaking after Empire: The Rise and Fall of Self-Determination* (Princeton University Press, 2019), p. 10; see also pp. 40.

had no juridical existence outside of their state belonging.¹⁰¹ An illustrative example of this can be found in the reluctant affirmation of the League that whilst mandatory powers possessed administrative and legislative authority over the territory, this did not equate to the full sovereign powers of an individual state.¹⁰² Indeed, supporters and detractors of this principle alike pointed to the mechanism of the League's Mandate petitions system as evidence of the erosion of the 19th century concept that only states could be subjects of international law. This was, in part, because of a dedication to the principle that the catastrophe of World War 1 had irrevocably shown that nationalist impulses needed to be taken into account by international law, even where they did not map onto existing sovereign territories.

Increasingly, reformist jurists across Europe, like the French thinker Georges Scelle, the British scholar James Leslie Brierly, and the Greek legal scholar Nicholas-Socrate Politis, amongst others, cast doubt on the 'reality' of the notion of the state itself within international law. In their view it was a legal fiction or abstraction that had led to the War. Through their critique, they sought to establish the individual person as "the only *real* subject of the law."¹⁰³ Politis, in a 1925 work, put this rather clearly – and a little radically for the time – when he wrote: "Behind the vain fiction of the State, there is only one real personality: that of the individual... If the State is pure abstraction the international community, as it has been conceived hitherto, ... is an even greater abstraction: an immense sum of fiction."¹⁰⁴

¹⁰¹ For a brilliant excavation of "international law's fictional persons" in the interwar period see Natasha Wheatley, "Spectral Legal Personality in Interwar International Law: On New Ways of Not Being a State," *Law and History Review*, 35:3 (2017): 753-787.

¹⁰² Wright "Sovereignty of the Mandates,"; James C. Hales, "Some Legal Aspects of the Mandate System: Sovereignty, -Nationality – Termination and Transfer," *Transactions of the Grotius Society*, xiii (1937); E.L. Matthews, "International Status of Mandatory of League of Nations: High Treason against Mandatory Authority," *Journal of Comparative Legislation and International Law*, vi (1924).

¹⁰³ Wheatley, "Spectral Legal Personality," p. 766, fn. 42. On this tradition see Janne Elisabeth Nijman, *The Concept of International Legal Personality: An Inquiry into the History and Theory of International Law* (The Hague: T. M. C. Asser Press, 2004), pp. 126-243.

¹⁰⁴ Nicolas-Socrate Politis, *Le Problème des limitations de la souveraineté et de la théorie de l'abus des droits dans les rapports internationaux*, 6 R.C.A.D.I., 6 (1925).

Of course, against the revisionism of jurists such as Politis, there were those who defended the ‘reality’ of the state, to different degrees. The 1928 edition of Lassa Oppenheim’s *International Law: A Treatise* reads: “In contradistinction to sovereign States which are real, there are also apparent, but not real, International Persons – such as... insurgents recognised as a belligerent Power in a civil war, and the Holy See. All these are not... real subjects of International Law, but in some points are treated as though they were International Persons, without thereby becoming members of the Family of Nations.” Oppenheim was firm that this category of “international personality” was not one that could be ascribed to private individuals “nor to organized wandering tribes.”¹⁰⁵

The problem was that even in Europe the collapse of the Ottoman, Russian and Austro-Hungarian empires – all with diverse, multi-ethnic populations –, in combination with the League of Nations’ drive for ethnically homogenous nation-states left many of these so-called “organized wandering tribes.” These enormous changes in the international landscape left millions of people homeless and stateless in the interwar period.¹⁰⁶ Indeed, the drawing of new national borders across Europe and efforts to achieve homogenous populations culminated, in the case of Greece and Turkey, in the League of Nations-administered compulsory exchange of populations in 1923.¹⁰⁷ E. Maxson Engestrom put it thus: “the goal of the 1919-1920 peace treaties was purely and simply to apply the principle of nationalities to the problem of geographically reuniting men of the same race, the same language and the same civilization.”¹⁰⁸ Those three categories – of race, language and civilization – were not mutually constituent,

¹⁰⁵ Lassa Oppenheim, ed. Arnold McNair, *International Law: A Treatise*, 4th ed., vol. 1 (London: Longman’s Green and Co. 1928), p. 134.

¹⁰⁶ Barbara Metzger, “The League of Nations, Refugees and Individual Rights,” in Matthew Frank and Jessica Reinisch eds., *Refugees in Europe, 1919-1959: A Forty Years Crisis?* (London: Bloomsbury, 2017), 102.

¹⁰⁷ On population exchange see Weitz, “From Vienna to the Paris System: International Politics and the Entangled Histories of Human Rights, Forced Deportations, and Civilizing Missions,” *American Historical Review* 113:5 (2008): 1313-43.

¹⁰⁸ E. M. Engestrom, *Les Changements de Nationalité d’après les Traités de Paix de 1919– 1920* (Paris: A Pedone, 1923), 8.

however much the architects of the Peace treaties might have wished them to be. The Oxford scholar of colonial administration, Lucy Philip Mair, described “heterogenous populations within the borders of a single state”, “[o]ne of the most difficult problems of present day Europe” because citizenship was not sufficient protection. A host of discriminations ranging from violence and expulsion through to restrictions on language and culture could make them “feel like aliens in a country which is not theirs.”¹⁰⁹

Lawyer Sarah Wambaugh saw the principle of self-determination as a means for allowing these new minority groups in Europe to have their “day in court.”¹¹⁰ Conducting a study on plebiscites funded by the Carnegie Endowment for International Peace, Wambaugh became an international expert on plebiscites in the interwar and post-war period.¹¹¹ Wambaugh believed that the First World War had “rescued the principle of self-determination from its academic retirement.”¹¹² It seemed to her that “the main requisite of society is order, to which validity of title and territorial sovereignty is essential.” In such a formulation, it was “only by basing title on the principle of national self-determination” that there could “be a presumption of stability for the State or for the world-wide society of States.”¹¹³ Plebiscites were thus the only basis for assessing the will of the majority as “the criteria of racial and geographic determination are not sufficient guides for judgement regarding national sentiment.”¹¹⁴ On the question of women, Wambaugh made the case on the basis that it would allow for “a more comprehensive expression of opinion” as well as “representation for the men who have been killed in war or have perished through deportation.”¹¹⁵ Wambaugh’s

¹⁰⁹ Lucy Philip Mair, *The Protection of Minorities* (London: Christophers, 1928), 17.

¹¹⁰ Sarah Wambaugh, *A Monograph on Plebiscites* (New York: Oxford University Press), 33.

¹¹¹ See Wambaugh, *Plebiscites since the World War* (2 vols., Washington: Carnegie Endowment for International Peace, 1933).

¹¹² Wambaugh, *A Monograph*, 31.

¹¹³ *Ibid*, 32.

¹¹⁴ *Ibid*, 32.

¹¹⁵ *Ibid*, 33.

formulation reflected the reality, as we have seen, that a woman's nationality or belonging to a nation state was contingent upon her relationship with men of that state.

Both this reality and the expansion of the system of international law to take into account the nationalist impulses of minorities within existing sovereign states, meant that the door was open to the existence of non-state nationalities in the terrain of international law. This was not just a question of changing the source of international law's authority but its audience. A series of debates involving Politis, Scelle and others at the *Institut de Droit International* in 1925 concerned the drafting of a "Declaration of the Rights and Duties of Nations" are illustrative of these tensions. Intended as a formulation of the new system of international law that had emerged in the post-war moment, a fiery debate broke out between those who believed the declaration should be addressed to a 'jurist' only audience and those, such as the jurisconsult Albert de Lapradelle, who believed it should be "a document destined to strike the masses."¹¹⁶

In the latter case, Lapradelle was signalling the reality that "the masses" were already paying attention to international law as an instrument of activism in an unprecedented fashion. It was in this context that German lawyer Theodor Niemeyer argued that jurists must "penser en juriste, parler en paysan" or "to think as jurists, but talk as the masses do".¹¹⁷ He, alongside Lapradelle, believed that this was the best way to marry the sophistication of new legal thinking with its new audiences and newly imagined source of international law's authority: the popular nationalist impulses of the masses, or 'les paysans'. Nathaniel Bermann has suggested that this elegant formulation is best read "as fixing the new lawyers' task - that is, thinking through the

¹¹⁶ Albert de Lapradelle, *Avant-Projet de Rapport*, 1925 *Annuaire de l'Institute de droit international* 238 ; 240.

¹¹⁷ *Ibid*, 240.

relationship between the new welcome accorded to popular forces and the new emphasis on legal sophistication - than as achieving it.”¹¹⁸

By putting jurists discussions about post-war order in juxtaposition with those whose interests they sought to mediate, reflect or dismiss – we can see that the legal questions the treaties of 1919-1923 generated both constituted and reflected broader socio-political preoccupation with these questions as they were refracted through the lens of race and gender. These two categories were often mutually constitutive, deployed in various contexts as a means of preventing the recognition of, or laying claim to the right to self-determination, however variously defined. As others, such as Erez Manela and Adom Getachew, have shown, widespread disenchantment with the potential of the League as an international organization prompted many of the anticolonial nationalist movements that swept Asia and Africa in following decades.¹¹⁹ For the purposes of this chapter I am not so concerned with whether the League vested the efforts these “popular forces” with legitimacy. Instead, I argue that they are evidence, as nationalist or gender-based movements (or both), of a new object of and audience for international law that emerged from 1919. In this figuring, international law and the socio-cultural and political changes that emerged from World War 1 and the subsequent peace treaties have a reciprocal relationship.

¹¹⁸ Bermann, “But the Alternative is Despair,” 1803-1804.

¹¹⁹ Manela, *The Wilsonian Moment*; Getachew, *Worldmaking after Empire*.