

The League of Nations and the Refugees from Nazi Germany

James G. McDonald and
Hitler's Victims

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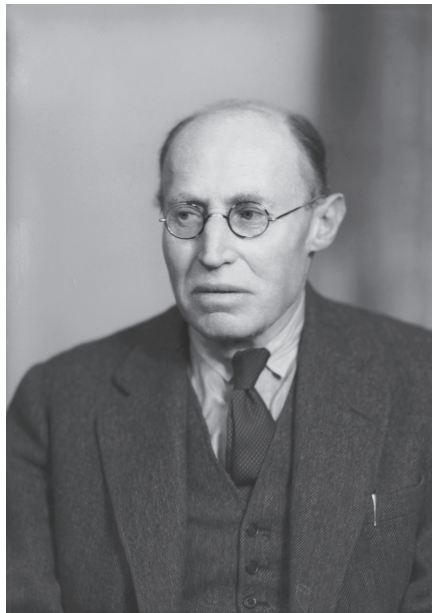
<i>Advocate</i>	Richard Breitman, Barbara McDonald Stewart and Severin Hochberg (eds) <i>Advocate for the Doomed: The Diaries and Papers of James G. McDonald, 1932–1935</i> (Bloomington: Indiana University Press, 2007).
Cecil Papers	Papers and Manuscripts of Lord Cecil of Chelwood, British Library, London.
Leo Baeck Institute	Leo Baeck Institute, New York, High Commission for Refugees from Germany Collection, 1933–1935 (DigiBaeck Digital Archive < www.lbi.org/digibaeck/ >).
LNA	League of Nations Archives, Library of the United Nations, Geneva.
LNA (HCR)	High Commission for Refugees (Jewish and Other) Coming from Germany, Duplicate documents. League of Nations Archives, Library of the United Nations, Geneva.
LND	League of Nations Documents.
<i>LNOJ</i>	<i>League of Nations Official Journal</i> .
<i>LNOJSS</i>	<i>League of Nations Official Journal Special Supplement</i> .
McDonald Papers	Papers of James G. McDonald. Rare Books and Manuscripts Library, Columbia University, New York.
MAE	Archives Diplomatique of the French Ministry of Foreign Affairs (Ministère des Affaires Étrangères), Paris.
<i>NYT</i>	<i>The New York Times</i> .
<i>Refugees and Rescue</i>	Richard Breitman, Barbara McDonald Stewart and Severin Hochberg (eds) <i>Refugees and Rescue: The Diaries and Papers of James G. McDonald, 1935–1945</i> (Bloomington: Indiana University Press, 2009).



1. James G. McDonald on the deck of the SS *Paris* on his way to Geneva to assume duties as League of Nations High Commissioner for the Refugees from Germany. United States Holocaust Memorial Museum (November 1933).



2. Edgar Algernon Robert Gascoyne-Cecil, Lord Robert Cecil, 1st Viscount Cecil of Chelwood (photographed in the 1930s). National Portrait Gallery, London.



3. Norman Bentwich (photographed in 1950). National Portrait Gallery, London.

Introduction

This is a sorry tale to tell. It is a story of failure. After reading the documentary sources of this history many times over, and reviewing the various rewrites of the text presented here, I come away with as much of the same sense of despair as many of the actors in this tale must have felt. One embarks on a history with a sense of hope that by reading the sources, reviewing the events and critically reappraising why things happened the way they did, it might be possible to find some meaning or moral resolution that is uplifting, that opens up a path by which we can trace something of a nobler humanity within its tragedies of history.¹ Or else, we are left to wallow in miserable stories of victimhood, suffering, defeat and exile. James G. McDonald's letter of resignation from his post as League of Nations High Commissioner for the Refugees from Germany in December 1935 might offer something of the former. He called upon governments to rise above the xenophobia and anti-Semitism in which they were mired, and to defy Nazism and the worst aspects of humanity that it presented to the world. A new way forward, he wrote, could be found in the evolution of justice in European political thought and behaviour, to which the League of Nations was heir and custodian. The fact that he had to make this statement at all, however, is evidence enough that the League of Nations and the governments that constituted it had failed as heirs and custodians of these noble aspirations.

This history must be told all the same in order to try to understand why the world failed to come to the aid of the victims of Nazism during the Nazis' first years in power. It reviews the responses to the refugees from Germany in the early 1930s when they first posed a grave humanitarian problem for the governments assembled in the League of Nations. They posed an economic and social burden in countries blighted by economic depression and, many feared, if left to fester, the refugee problem could well have posed a danger to the peace.

Those who called for intervention to aid the refugees from Nazism recalled the League's achievements in the face of the refugee crises that emerged after the First World War. The measures that the League had adopted for the legal protection of refugees from the Soviet Union and the newly independent states of the Middle East signified the great impact it could have on international affairs. Its achievements of the 1920s were found in the humanitarian responsibilities it assumed, one major part of which was the new international refugee regime that it was creating. But these ideals did not endure. By 1933, the world seemed exhausted – by economic depression, a resurgent nationalism, the drift towards political extremes, the breakdown of the spirit of international cooperation which the peace settlement and the League of Nations had fostered and, finally, the seemingly endless flow of exiles, the stateless and the unwanted, all seeking refuge from homelands in dramatic change and turmoil.

The League, in short, refused to assume responsibility for the refugees from Germany. This was in part because it was already moving away from involving itself in the seemingly endless problem of refugees of all backgrounds. It was also because important high-ranking officials believed that if it had assumed this responsibility it would have alienated Germany from the League – this creation of the hated Treaty of Versailles – and would therefore have given the new Nazi regime grounds to accuse it of political interference in its domestic affairs. The League therefore chose to appease this agent of persecution rather than to assist its victims. One measure of its failure was the extent to which expressions of post-war idealism reappeared in the discourses about and debates within the League. By restating the principles that gave the League its purpose in the 1920s, many hoped to revitalize its humanitarian culture and to give it a renewed purpose in world affairs. These expressions of idealism may have been rhetorically significant, but were effectively meaningless, however. The appointment of a League of Nations High Commissioner for the Refugees from Germany in October 1933 was one expression of this past idealism. It was created in the belief that it could continue the successes of the League's work for refugees, but without the political, legal, financial and administrative backing of the League, it had little authority, and therefore had little impact on the task it was set. Without the authority or resources of the League behind it, it had to find its own way and was left to sink or swim, while it tried as best it could to find a place for the refugees in countries that did not want them.

Refugees, for the most part Jews but also communists and socialists, democrats and pacifists and other anti-Nazis, began to leave Germany on Hitler's assumption of the Chancellorship in January 1933. More followed, in greater numbers,

after the Enabling Act of 24 March paved the way for Nazi single party rule and Hitler's dictatorship. Persecuted in their daily lives and stripped of positions in German education, the civil service and culture, many thousands of Jews sought to flee the country.

Sought to flee, that is, as it was not always possible for them to do so. Foreign consulates in the major German cities faced long queues as Germans applied for visas to leave immediately for France, Belgium, Holland, Switzerland, Czechoslovakia, Britain and the United States. Intellectuals and scientists dismissed from their university posts were in high demand abroad, and those with the means to live independently presented few problems. Initially, those seeking to flee were favoured generously with the grant of visas, but as the Nazis' hold on power grew more certain, the anti-Jewish and anti-Leftist reactions showed no sign of moderation. As the rush to leave became more urgent, governments grew more reluctant to admit them. Concerned about exposing their borders to communist infiltration, and giving unwelcome foreign workers and professionals access to labour markets that were under the strain of economic depression, governments instructed their consuls to be more circumspect in granting visas, and to be prepared to say 'no' more often. Those who could afford to wait in the lengthening queues had less to fear from the Nazis than others, for whom any wait was simply too much. They fled without authorization and entered one of Germany's neighbours illegally. Others could not provide the necessary documents or demonstrate sufficient wealth to support themselves and their families. They had the choice of remaining behind or seeking clandestine passage. A good part of the refugee problem in the countries on Germany's borders was the high numbers of illegal immigrants scrounging a living as best they could.

The narratives of victimhood in exile lend themselves to narratives of flight, escape, survival and even doom, in the longer history of the Holocaust. The plight of refugees is therefore a history often retold through the optic of the tragedy of Europe's Jews during the Second World War. This history chooses another optic, that of its 'present' in the early 1930s. It aims to explain the failures of this history through the events of the time and to avoid the distortions of the historian's own present. It aims to examine why things turned out the way they did by examining events in their own contexts, and not through our knowledge what what happened after September 1939.

By October 1933, the impact of the refugees from Germany was so great that the League of Nations decided to appoint a High Commissioner to coordinate the efforts for refugee relief and resettlement. This gave hope that a solution was

possible – indeed, the mandate of the High Commission assumed that it would work towards a solution – and that the refugees from Germany could be resettled peaceably in other countries. There was a belief that Germany might be embarrassed by world opinion of its race policies and that it could be persuaded to moderate them and fall in behind international standards of humanitarian behaviour towards its citizens. The optic of this historical present is offered by the personal papers and diaries of James G. McDonald, the man selected to lead the rather awkwardly named High Commissioner for the Refugees (Jewish and Other) Coming from Germany. He was a direct witness to, and a key participant in, the transition from these hopes to the weary despair of his letter of resignation in December 1935.

McDonald had an academic background in history and international relations from Indiana and Harvard universities. He had carved out an important public profile for himself in contemporary politics as president of the American Foreign Policy Association since 1919. He came to the notice of Europeans for his interest in German affairs, twice visiting Europe and Berlin to see for himself the unfolding of the National Socialist revolution of 1932 and 1933. He impressed many during his second visit in early 1933 when he represented world opprobrium towards the persecution of the Jews directly to the leaders of the Nazi Party. His close personal and professional associations with leading American Jews and their philanthropic organizations made him an attractive nomination for the League of Nations, which then refused to back its own creation with financial and administrative support. McDonald served as High Commissioner until his resignation on 31 December 1935 with little to show for his efforts, in despair, disappointment, frustration and sheer exhaustion over wrestling with international intransigence in the face of the refugees and Nazi barbarity towards its citizens.² Why had it come to this in just twenty-five months? There was no major initiative for refugee assistance or resettlement at this time and the refugee crisis seemed even worse at the end of 1935 than it was in 1933.

Historians point to the intransigence of governments when faced with the burdens that refugees imposed on them in the depths of worldwide economic depression and an uncertain international political climate. Governments could not ensure employment for their own citizens and bitterly resented the imposition of foreign workers on their labour markets. Moreover, the refugees were mostly Jews and communists. Either way, they upset their delicate social harmonies. Anti-Semitism spread, affecting local Jewish communities in the backlash against the Jewish refugees, and German communists could only be a political danger, just as they were portrayed in Germany itself. Historians also point to flaws in the

structure and mandate of the High Commission from the moment it was created, or put the blame on McDonald himself. He is easily condemned for lacking the capacity to persuade governments, of not being forceful enough in negotiations, or of being otherwise incapable of dealing with the situations before him. These then are histories told in retrospect, in full knowledge of the High Commission's, and McDonald's, failures. Moreover, the short history of the High Commission is also read through the prism of dynamics other than its own – international politics and foreign relations, developments in international humanitarianism and international cooperation or, more commonly, as an agent of Jewish rescue.³

A history from the perspective of the High Commission itself and the actuality of refugees from Germany avoids distortions caused by a reading through the optic of later times. Narratives of rescue are more cogent if this history is seen through the optic of 1945 and the Holocaust than they are if seen through its own present. Although he had many reasons to be apprehensive about the future, McDonald was far from alone in his belief that the Nazi regime could be reasoned with and persuaded to moderate its excesses, if it realized how Germany was diminished in the eyes of the world. This motivated much of his approach to his role as High Commissioner: no government could remain immune to reason if they were only aware of the full humanitarian consequences of their policies. This also shaped the manner in which the League of Nations viewed the refugee problem: confrontation with Germany over its race policies raised the stakes in its dealing with the new National Socialist regime. Only by persuading Germany to return to the international fold in the League could peace be assured, the senior ranks of Secretariat believed, and to encourage it to return, political controversies were best avoided. The League's assistance for the refugees could only be construed as political intervention in German domestic affairs; it would prove Nazi belief that the League was conspiring against German national interests. The Secretariat held stubbornly to this line throughout. McDonald's views about diplomacy with the Nazi regime changed after his attempts to open negotiations with it only demonstrated how defiant it was in all matters relating to the Jews and how impervious it was to world opinion.

McDonald was all too aware of the limits of his position; he could appeal to people's better nature, but with little success. This book explores the problems that he confronted, how he wrestled with them and tried to negotiate ways around them in order to respond to the needs of the refugees. There is much meaning to be found in his failures. He was in a unique position, an international figure representing, for the first time in international affairs, a handful of astute friends, colleagues and diplomats recognized, the condition of the Jews. He also upheld humanitarian morality against the brutality of one government towards

its citizens as well as the indifference of other governments to the fate of the persecuted. The book therefore concludes that the refugees from Nazi Germany and the institution of the High Commission for the Refugees from Germany, stand at a moment of an important transition in conceptions of international humanitarian responsibilities, when a state defies standards of proper behaviour towards its citizens.

A study of this kind would not have been possible without the publication in 2007 and 2009 of McDonald's diaries and papers.⁴ The archival record is fragmented and scattered.⁵ His diaries and papers fill important gaps in the fragmentary records upon which historians have hitherto relied. They are very much the personal records of a diplomat. They record his daily meetings and discussions, sometimes at great length and in astonishing detail, serving no doubt as aides-mémoires and, perhaps, as the source of a life story that he did not get around to writing. But they do tend to conceal the man himself. Only seldom does he reveal his personal feelings; at times, though, his frustrations are clear. As a contemporary record, they offer a unique insight into the 'present' of the crisis of refugees from Germany and the efforts to come to their aid. They are also the observations of a witness to government. He could list among his colleagues and interlocutors presidents, prime ministers and heads of ministries in Europe, Britain, Canada and America. He was on friendly terms with President and Mrs Roosevelt, but senior figures in the British government kept him at a distance. The French could be both friendly and hostile, sometimes at the same time. Even so, while he could persuade them about the moral cause he championed, none would offer genuine support or concede the need to change their government's policies. He was therefore an important witness to governments and their reluctance to extend themselves beyond the safety of restrictive, isolationist politics. He was witness to the stubbornness of the League of Nations, the fears of Europeans and European Jews at the spread of anti-Semitism, and the determination of the Nazi regime to enforce its racial policies in the face of outside opinion. They are McDonald's words, and therefore his personal subjective views of the issues that he confronted, the individuals with whom he spoke and worked, and the organizations with which he collaborated. The views of others are known only through his accounts of them. Errors that might creep in through his subjectivity are alleviated somewhat by two characteristics of his diaries: the general absence of his personal views and feelings in favour of reportage and the extraordinary detail of many of its daily entries, particularly those of discussions on important issues or with important individuals. He is not averse to describing criticisms and conflict, even when he was their target;

they convey the tone as well as content of his discussions and even the poorest outcome of his activities. These are after all private papers, never intended for publication in their raw form.

A brief account of the historical context will help clarify the place of the High Commission for the Refugees from Nazi Germany in the history of the League of Nations and the years between the two world wars. It was created in order to continue the League of Nations' humanitarian efforts for refugees that had begun in 1921, and therefore it carried forward something of the idealism of these earlier League successes. With the end of the First World War, refugees and population displacement had become an international problem, even a norm of the post-war order. Although the League of Nations' charter did not include assistance for refugees among its humanitarian responsibilities, member states nevertheless recognized that it was for these kinds of international crises that the League was created. Therefore, faced with a massive exodus of refugees from the Russian Revolution (by some estimates close to two million), the League created a High Commission for Refugees to come to their aid. The Norwegian scientist, polar explorer and diplomat, Fridtjof Nansen, was appointed High Commissioner. His first act was to convene an intergovernmental conference in 1922 to agree to an arrangement that would provide these refugees with certificates of identity in lieu of national passports so that they could cross international borders and resettle in places where they were wanted. The need of post-war reconstruction created a great demand for their labour and the Russian refugees were readily absorbed into the economies of many countries. The success of the 1922 Intergovernmental Arrangement for the Russian refugees was followed in 1924 with an Arrangement for Armenian refugees from the Turkish Republic, which helped resettle some 80,000 or more displaced Armenians from eastern Anatolia and survivors of the 1915 Armenian genocide. Again, post-war reconstruction created a need for their labour. The crowded refugee camps in the Middle East were soon cleared. Another Arrangement followed in 1927 for refugees in 'analogous' circumstances, predominantly Assyrians and Assyro-Chaldean Christians from the Turkish Republic, followed by another in 1928 which brought these separate accords together into the one document. In October 1933 an agreement was reached on the first international Convention on Refugees that would apply to all these so-called 'Nansen Refugees'.

The Arrangements gave the refugees a status in international law when they had lost the legal and diplomatic protection of their national governments.

Denationalization decrees in the Soviet Union in 1921 and Turkey in 1924 left the vast majority of the 'Nansen' refugees without nationality. They were an anomaly in international law. Their classification as refugees under the Intergovernmental Arrangements gave them access to emigration opportunities and welfare services to assist them in their integration and their dealings with national governments. Fridtjof Nansen was recognized as a statesman of great standing because of his success in overseeing the resettlement of so many thousands, perhaps millions, of refugees and stateless people. Nansen died in 1930 and his High Commission was absorbed into the League of Nations Secretariat as the Nansen International Office for Refugees.

It was with these successes in mind that member states moved in the League of Nations in 1933 to create the High Commission for the Refugees from Nazi Germany. The legacy of Nansen was very real, and his shadow fell over all talks on the refugee problem in the League. A new High Commissioner would undoubtedly be compared to him, but men of such stature were rare.⁶ No prospective candidate stood out. The League of Nations Council decided to turn to the American, James McDonald, believing that he might draw the United States more closely into European affairs, and that he would be able to tap into the vast financial resources of America's Jewish community.

McDonald was forty-seven years of age at the time of his appointment as High Commissioner. He was born in Ohio on 29 November 1886, had studied at Indiana University, obtaining his Bachelor of Arts in 1908 and his Master of Arts in 1910 in history, political science and international relations. His thesis was on the subject of diplomacy and the Spanish-American War. Between 1911 and 1914 he was a teaching fellow at the Harvard Graduate School in history and international relations. He returned to Indiana University in 1914 where he was an assistant professor of history, and during 1915 and 1916 he was a Harvard University Travelling Fellow in Spain. Over the summer of 1916 and 1917 he held the post of professor of international relations at the University of Georgia before resuming his position at Indiana University. He was one of the 141 founders of the Foreign Policy Association and was its chairman for fourteen years, from 1919 up to taking on the post of High Commissioner. He used his position in the Foreign Policy Association to inform the American public on international affairs through the new medium of broadcast radio.⁷ His chairmanship gave him access to leading political and diplomatic figures in many countries. He had diplomatic ambitions of his own as well. During 1933, his was one of names under consideration by the Roosevelt administration for appointment as US Ambassador to Berlin.

A journalist with the *New York Times*, who interviewed McDonald on the eve of his departure for Geneva in November 1933, described him as a 'very young and handsome man with keen vision and foresight. With blond hair and blue eyes and a fine build he looks more like a tennis champion than chairman of so large and prominent an organization as the [Foreign Policy Association]. He has a pleasant smile which is most frequently manifested and an altogether charming personality'.⁸ Most of what we know of McDonald's personality comes from a book by his daughter Barbara McDonald Stewart published in 1982 on the refugees and American foreign policy.⁹ She describes him as a teetotaler, an 'idealist by nature' forced in the circumstances to become a realist. 'He was a devout Christian and humanist, a patient and resourceful man, reliable and straightforward, who fought for the cause in which he believed'.¹⁰ She adds: 'My father put his hope for the future in young people with whom he had a natural rapport ... at heart [he] always remained a teacher'.¹¹

Photographs show him as a tall man with a long neck and sloping shoulders; he stands well above those alongside him. A mop of blond hair is brushed back from his forehead. Norman Bentwich, McDonald's deputy in the High Commission, described him as 'physically impressive; tall, fair, sparse, blue-eyed, of that Nordic type lauded by the Nazis ... with a ready gift of speech and a willingness to talk in undiplomatic language'.¹²

We have scant evidence on how others perceived him. What we have shows some antagonism, assuredly so, as he met with so many diplomats, ministerial staff and politicians who were reluctant to receive him, were unwilling to concede to his requests or, more often, had no authority within their own governments to make any deals with him and therefore found him a bit of a nuisance. Indeed, McDonald rarely met ministers; his negotiations with governments were normally through more junior officials. Consequently, the diplomatic archives in France and Britain scarcely make note of him. Aid agencies acknowledged his work more than governments did, recognizing the need for cooperation between them towards their common objectives. Even then, McDonald notes in his diaries the occasional outburst against him, for being overly idealistic, unrealistic in his expectations, or even being incapable of fulfilling his role. But he rightly noted these as manifestations of their common frustrations. The British Zionist, Chaim Weizmann, however, was scathing in his condemnation of him when he realized that McDonald would not be a partner in his plans for Jewish colonization in Palestine. On the other hand, the non-Zionists among the British Jews criticized him for being in Weizmann's thrall. He nevertheless had the unwavering support of American

Jewish leaders, who had put forward his nomination as High Commissioner and committed their funds to finance his work. The League of Nations had little regard for him or his office, nevertheless, since it did not want any association with the work for refugees to taint its relations with Germany. His few successes in his office left him open to criticism. One recurring objection was the accusation that he drew a large salary while pleading with people for much-needed money for refugee relief.¹³

McDonald assumed his post with enthusiasm and was idealistic about the contribution he could make. Yet he was conscious of the difficulties ahead. He expressed a clear vision of his work before he set sail from New York to receive his appointment from the Secretary General of the League of Nations, Joseph Avenol, but the instructions Avenol gave him left him no doubt that there were serious constraints on his mandate. The difficulties he faced would indeed be great.

This book was completed while an Honorary Research Fellow in the Department of History, Classics and Archaeology, Birkbeck College, University of London, during 2012. I am grateful to Jessica Reinisch for her support and assistance at Birkbeck.

It has been my intention to write a narrative history of the League of Nations, James McDonald and the High Commission for the Refugees from Germany since I first learned of McDonald's career during my postgraduate studies in the School of Historical Studies at the University of Melbourne. Many of the lessons I learned from the historians who directed my studies are reflected here; I hope I have lived up to the value of their instruction and insights. I would like to acknowledge the help I received from the archivists and librarians who have assisted me over the years, in particular for the valuable assistance of the Rare Books and Manuscripts Library of Columbia University, New York, for access to its McDonald's Papers collection, the library of the Leo Baeck Institute in New York, for access to their document collection on the High Commission for the Refugees from Germany and the League of Nations archives in the United Nations Library, Geneva. Some documents appear in several locations. Citations are made with reference to the first collection in which they were consulted. The Leo Baeck Institute has now made its collection of documents of the High Commission for the Refugees from Germany available online, through its DigiBaeck archive. I understand that the League of Nations Archives collection of High Commission documents remains in need of a caring hand. The dispersed and fragmentary nature of the archives had stood in the way

of a comprehensive narrative history. This changed when McDonald's family donated his diaries and personal papers, hitherto not available for historical research, to the United States Holocaust Memorial Museum. Their subsequent publication by Indiana University Press has filled substantial gaps in the archival sources and has made new historical perspectives possible.

The Refugees from Nazism, 1933

The American public learned more of the situation facing Jews under the Nazi regime from new German immigrants than from the press or their government. In early 1933, they brought stories of random violence, the loss of employment and a pervasive fear in the face of Nazi anti-Semitism. A 'wave of indignation' swept through American opinion. Jewish and Christian organizations protested Nazi race policies and called for the intervention of foreign governments. Indignation grew into a call for direct action, and a boycott of trade with Germany gained momentum. By the end of March 1933, New York businesses had cancelled an estimated \$2 million worth of orders in Germany, and Jewish importers were moving to stop more than half of Germany's sales in the city. The protest spread. Around 8,000 Jewish war veterans took to New York's streets. The American Jewish Congress organized a rally at Madison Square Gardens on 28 March, coinciding with meetings and rallies across the United States, in London and in other European cities.¹ Jewish shops and factories in Warsaw closed as a first step towards a boycott of German trade in Poland. Trade Unions and socialists in Switzerland, the Netherlands and Britain also came out in favour of an economic boycott of Germany. Trade orders were cancelled in such diverse places as Tunisia, Vilnius and Antwerp.²

In Germany, however, international outrage fed Nazi propaganda of a worldwide Jewish conspiracy. For Propaganda Minister Joseph Goebbels, it justified a counter-reaction with a boycott of Jewish businesses and professions across Germany on 1 April.³ Protest abroad therefore hardened Nazi attitudes, and quickly lost its purpose and energy. Governments were half-hearted in expressing their concerns, deferring to Germany's insistence that it was free to manage its internal affairs without interference from abroad.

The boycott of Jewish businesses was as much an affront to international opinion as it was reason for a new wave of persecution in Germany. For

international opinion, it was further cause for indignation. But how could that now be expressed? Protest had backfired on the Jews in Germany, and national governments were reluctant to offend the new German regime by public criticisms of its policies. Jewish organizations in the United States were divided on what would be the best response, and Jewish communities in Europe worried that Nazi anti-Semitism could seep across borders into their own countries, in reaction to the arrival of Jews in flight from the Nazis.⁴

The unfolding of Nazi terror against the regime's racial and political enemies forced many to consider fleeing Germany for their personal safety and freedom.⁵ Marxists, pacifists and other anti-Nazis were being forced out of public life, arrested, and sent to concentration camps at Oranienburg outside Berlin and Dachau outside Munich.⁶ Jews were being purged from German arts and culture in Hitler's headlong rush to Aryanize his Reich. The Law for the Reconstruction of the Professional Civil Service of 7 April 1933 forced non-Aryans – anyone who had at least one Jewish grandparent – from the German civil service. Later ordinances extended the law to remove Jewish university professors and schoolteachers, Jewish employees of national and municipal enterprises, the judiciary, the sciences and public health and welfare, among other occupations. A law to denationalize foreign-born residents who had been granted German citizenship by the Weimar Republic was adopted on 14 July 1933.⁷ Foreign-born but naturalized Jews and other unwanted foreigners lost German citizenship rights. The April boycott had left Jews in no doubt that they could not continue to live in Germany with security; the anti-Jewish legislation made it certain that they could not continue to live in Germany as Germans. All Jews were at risk under the Nazis, while communists, socialists and other anti-Nazis were at immediate risk of imprisonment.

But flight from Germany was not easy. Those who had reached the United States and informed the American public of conditions under Nazism were the fortunate ones with private wealth or family connections that had helped them secure an entry visa without undue delay. The less fortunate were left waiting in long queues at foreign consulates. Consular officials might have been sympathetic to their demands, but they were constrained by national legislation that imposed restrictions on the number of visas they could issue and the reasons for issuing them. The great economic depression of the 1930s had led all traditional countries of European immigration to deploy measures to restrict the number of new immigrants they would allow in. Only certain kinds were now considered acceptable and, indeed, desirable. Those who would be a burden – which, in the circumstances of the times could be any immigrant who would need to work to earn a living – were certainly undesirable.

The United States' Immigration Act of 1924 had already disrupted enduring patterns of European emigration. A reaction against the shifting demographic and cultural currents that the high levels of immigration from southern and eastern Europe had brought into American society since the end of the nineteenth century, the Immigration Act imposed restrictive quotas of 2 per cent for each country of origin, based on the ethnic composition of the American population in 1890. The intention was nothing less than to reconfigure migration patterns away from the recent predominance of Italian Catholics and East European Jews, towards the more traditional 'nordic' ethnic roots of the American people. The quotas, in short, aimed to restore the demographic status quo ante. Immigration from all sources consequently fell dramatically, from 706,896 in 1924 to 294,314 in 1925, the lowest level since 1898, with the exception of the years of the First World War.⁸

With the shattering impact of the Great Depression on the American economy and its labour market, immigration was cut back even further to protect American workers. In 1930, President Herbert Hoover approved a more rigorous application of the 'No Public Charge' test of the Immigration Act, which authorized consular officials abroad to refuse visas to those who, for reasons of age, physical incapacity, conditions of health or other reasons, could not support themselves and would therefore impose a burden on the American public. The policy change assumed that no immigrant could be assured of work and would therefore become a public charge. Entry visas henceforth would only be issued to intending immigrants who could demonstrate that they had sufficient private means to support themselves and their families, or whose family connections in the United States could guarantee their support.

In November 1930, therefore, the number of visas issued was a meagre 15 per cent of the total immigration quota.⁹ Only 23,068 new immigrants from all countries of origin arrived in 1933, less than the entire quota for German nationals, which was set at 27,370 per year.¹⁰ By the end of 1933, only 1,450 immigrants had arrived from Germany. There was no distinction between refugees in flight from Nazi persecution and common migrants – those who had left voluntarily for personal or professional reasons – although in the circumstances the different motives of those forced to flee and those who chose to leave were no doubt of little importance. They fled for their personal well-being as well as that of their families. Significantly, the figure also includes those German immigrants who were exempted from the quota schedule: artists, writers, musicians, composers, scientists, university professors and students, who were among the first victims of the Nazi Aryanization of German arts and culture.¹¹

The documentary requirements to satisfy consular officials of one's acceptability as an immigrant added to the difficulties of obtaining a visa. The issue or renewal of a valid passport, evidence of good moral character and police clearances and, in some cases, evidence of not having engaged in left-wing political activities, all forced intending emigrants to approach various Reich ministries and police. The queues at foreign consulates grew as delays in the provision of documents slowed visa processing. The US consulates in Germany could issue visas totalling no more than 10 per cent of the quota in any one calendar month. The queue awaiting a visa consequently grew, so much so that later in the 1930s it could take a matter of years before one was issued.¹² Many could not wait for even a short time, however, and decided to leave without valid papers; they fled mostly to France, the Netherlands, Switzerland, Austria and Czechoslovakia. They still hoped to get to the United States, and tried to bypass the long queues in Germany by leaving. They still had to present valid documents and a current passport, and to demonstrate their acceptability as immigrants. The queues in these countries also grew, while the governments there were eager to see them move on without delay.

Canada was not a viable alternative. The Canadian government also justified restricting immigration by citing the harshness of the economic conditions, having made an order in 1930 to permit only those immigrants with enough capital to establish themselves on farms. By this order, critics of Canadian policy argue, Canada had effectively cut itself off from the world. Moreover, it would remain deaf to requests to open its borders even slightly to Jews from Germany. Canadian policy had always been ethnically selective, and Jews were classified among 'non-preferred' immigrants, best kept out of sight in the marginal lands of the west and north. They drifted into the cities all the same, and in 1928, Jewish immigration was cut back to two-thirds its previous low number.¹³ Still, it was not yet entirely closed despite appearances. One estimate has put the number of Jewish immigrants to Canada in 1933 from all source countries at 943.¹⁴

The situation elsewhere in South and Central America is much less certain, but the available evidence shows that they were also turning their backs on new immigrants. Statistics are vague and sometimes contradictory, and it does not seem possible to make a clear breakdown of the ebb and flow of migration during the 1930s.¹⁵ Diplomatic sources in Europe and the United States in the early 1930s insisted that the largest immigrant nations in Latin America, Brazil and Argentina, would only admit new immigrants prepared to settle on the land. They were not wanted in the cities, and Jews, of the urban middle class, were unwanted most of all. Even so, one source at least shows that the intake

of Jews from all source countries was higher in Latin America in 1933 than in the United States, with 1,962 settling in Argentina, another 3,317 in Brazil and 500 in Uruguay. This compares to 2,372 who settled in the United States in the same year.¹⁶

A number of factors explain this uncertainty about German Jewish refugee settlement in Latin America.¹⁷ Immigration regulations in some countries included ethnic restrictions and limits on occupational categories. An entry visa might then have been sought for a less desirable country of settlement with the intention upon arrival of crossing the border to a preferred country. The grant of entry visas in Europe also did not always equate to migrant entry, as port authorities had the power to exclude arrivals. Immigrants arriving by first class or with a sum of cash in their possession entered without hindrance. Those of lesser means, however, could have been barred entry even if they carried a valid visa.¹⁸ The prospects of Latin America were inviting for refugee resettlement all the same. These were young countries in need of people to develop large undeveloped lands, which seemed ideal for the resettlement of so many of Europe's unwanted.

Just as in the Americas, European states responded to the impact of the economic depression by restricting entry and employment for immigrants. Protected by its sea borders, Britain had regulated immigration since the First World War through its Aliens Restriction Act of 1914 and the Aliens Order of 1920. These stipulated that only immigrants who could demonstrate that they had the means to support themselves and their families would be given leave to land.¹⁹ Immigration officers at British ports had the power to refuse admission to anyone without apparent means of support. They could also apply tests to evaluate the moral and physical character of prospective immigrants to determine their desirability. The Aliens Order proved such a protective shield, it was observed in one important contemporary report, that the numbers of refugees admitted to the United Kingdom bore little relation to the scale of the refugee problem.²⁰ Initial responses to the refugees from Germany in the Parliament, by the government, and in the British Foreign Ministry, affirmed the intent of the Aliens Order: the settlement of an immigrant would only be allowed when it was 'consonant with the interests' of Britain. With some 3 million unemployed British workers, the settlement of 'hundreds of thousands of Jews' could in no way be contemplated.²¹

Yet, the deepening crisis in Germany forced the British authorities to give ground. Ministers faced urgent representations from British Jews about the surge in anti-Jewish repression in Germany after the 1 April boycott of Jewish

businesses, and the British Passport Control Office in Berlin was overwhelmed with applications from German Jews seeking to enter England, to go to Palestine or to 'anywhere in the British Empire'. As the number of Jews arriving at British ports increased sharply, the Home Office relented. Jewish refugees would be admitted without distinction, on the condition that they did not become a public charge. The expense of their accommodation and maintenance therefore fell on to the British Jewish community through its various agencies. Best estimates put the number of refugees in the care of these agencies at something between 3,000 and 4,000 during the early 1930s.²²

Land borders presented entirely different problems on the Continent. By the end of 1933, France, with some 25,000 refugees from Germany, hosted by far the largest number. Of these, 85 per cent were Jewish. They had entered a country in deep economic and political crisis, with growing xenophobia against all foreign workers, and expressions of acute anti-Semitism at the appearance of German Jews.²³ To be sure, the xenophobic turn was evident well before the crises of the 1930s. France had begun expelling immigrant workers from certain industries at the first signs of economic troubles in the mid-1920s.²⁴ They worked in industries that had a large number of unemployed French workers. There were also national security considerations at play in the new policy directions. The expulsions were aimed also at relatively recent immigrants who had yet to set their roots in France. At the same time, in 1927, a new nationality law was adopted with the clear intention of tying established immigrants to France by reducing from ten to three the number of years of residence for eligibility for naturalization into French citizenship. By this one move, the number of young men available for military service increased dramatically. Still, the campaign against foreign workers continued. The conditions for the renewal of residence and work permits were tightened in 1926, and in August 1932 the government adopted a Law for the Protection of National Labour, which introduced quotas on the employment of foreigners in any one industry. Those eligible for naturalization were thus compelled to seek it.²⁵

French responses to the refugees from Germany were generous at first. From March up to 11 April 1933, some 4,000 visa applications had been received at French diplomatic posts in Germany.²⁶ For the refugees trying to flee Germany, any legitimate means would do. Most applications were for short-stay or transit visas, because obligations on documentary evidence and proof of the financial means were less onerous. For consular and Foreign Ministry staff, however, these strategies raised grave questions of national security and professional competition. The Foreign Ministry had no doubt that these applications for short-stay

or transit visas were a ruse to get to France, with every intention of settling. Most visa applications, it was also noted, were from 'an intellectual elite, doctors and lawyers for the most part'. The consular officers who received their applications found themselves 'in the presence of delicate questions of professional competition' that they did not have the competence to judge.²⁷ Foreign Minister Joseph Paul-Boncour consequently instructed his consuls in Germany to assess visa applications more rigorously and only approve them when they were certain a refugee had the means of living independently and would not prejudice French public order and security. Even so, it does seem that consular officials were moved by the plight of those approaching them as complaints continued that visas were still being issued far too readily.

Many, however, could not provide the documentary proof to satisfy consular officials, or they simply did not have the means to live independently. For some, circumstances were so pressing that the delay to obtain a visa was unendurable. Others simply could not obtain a German passport. There was no choice but to leave without one. Border guards were instructed to admit those who were truly refugees in flight from persecution, but admission to France was no guarantee of asylum.²⁸ Other barriers awaited the refugees. A residence permit required a work permit, but they were all but impossible to obtain because of the restrictions on the employment of foreigners due to the protection of French labour and the professions. Both work and residence permits were out of the question for most of the refugees. Their visas authorized only temporary residence, usually for twenty days. Onward travel was expected but seldom possible because of the difficulty in obtaining a visa to enter another country.²⁹

Although the situation was grave and difficult, France nevertheless maintained an open border for much of 1933. This changed dramatically towards the end of October. When the League of Nations announced that it was appointing a High Commissioner to assume responsibility for assisting the refugees from Nazi Germany, the French government decided immediately to admit no more refugees. They would now be the responsibility of the new High Commissioner. And the first of his responsibilities, the French government insisted, was to help relieve France of its already heavy refugee burden.

The Netherlands too had a long tradition of offering asylum to refugees, but unlike France it did not consider itself a country of immigration. Rather, until the First World War, when it was home to hundreds of thousands of Belgian war refugees, its history was one of emigration and transit. Only later, under the pressure of unemployment, was there a need for visa requirements and immigration controls.³⁰ The refugees arriving from Germany who could demonstrate

that they had the finances to live independently faced few obstacles in coming to the Netherlands. Tighter controls were only evident from May 1934, when the Netherlands, as was the case elsewhere, sought to keep out those without sufficient means of supporting themselves and their families. Until then, the Dutch government considered refugees from Nazi Germany as visitors and assumed no responsibility for their welfare. In the first months of 1933, some 1,500 refugees arrived, nominally as visitors, but with few restrictions many settled for the longer term. By the end of 1933, a total of 4,078 refugees had registered with the Dutch Jewish Refugee Committee.³¹

In Belgium, on the other hand, the Depression had already led to limits on immigration before the arrival of refugees from Germany. Border guards were instructed to bar the admission of immigrant workers.³² Just as in other countries, refugees faced few obstacles if they arrived with ample funds to support themselves, or if they had assets to invest in a productive enterprise, a feature peculiar to policy in Belgium. Political refugees, whose lives or freedom were endangered because of their political activities, could benefit from asylum. Jews, on the other hand, were not considered to be political refugees, and furthermore were not considered to be victims of socio-economic deprivation under Nazi racial legislation. They consequently had no right to work and were forced to live off their savings. They were tolerated only so long as necessary to arrange their onward travels. Even those considered useful to the Belgian economy because they had brought with them assets and a willingness to contribute were granted only temporary residence, which was extended only so long as they satisfied the Belgian government of their usefulness.³³ Germans who arrived without proper authorization were assuredly not welcome. They were pressured to leave before they had a chance to settle down: France and the Netherlands were consequently obliged to receive the refugees that Belgium rejected.³⁴

Switzerland provides an altogether different example. Some 8,000 to 9,000 German Jews, socialists and communists fled there in the first months of 1933, according to French diplomatic sources.³⁵ Between March and May 1933, some 7,631 Jewish refugees had passed through Basel railway station, but few remained for any length of time. For most, then, Switzerland was one stop on a longer journey. By the end of 1933, no more than 2,500 German refugees remained. There were no impediments in their way, so long as they had no intention other than visiting. Unemployment and economic protection again warranted border controls and the strict regulation of work and residence entitlements.³⁶ A decree of the Swiss government on 31 March 1933 formally excluded refugees fleeing racial persecution from permanent settlement. Jews, then, were German

emigrants in transit, allowed no more than six months residence under a special 'tolerance permit'.³⁷

The histories of the flight from Nazism have been so focused on responses in those countries with long traditions of immigration and asylum that comparative little is known of the conditions that faced refugees in Central and Eastern Europe. These were countries whose historical traditions were of the emigration of their populations to the West, especially to the Americas. Jews from the Pale of Settlement abandoned the old world of anti-Semitic persecution and resettled in important diasporas in France, Britain and above all the United States. Czech, Slovakian, Polish, Hungarian and the nationalities of the Balkans made up large numbers of the 'new immigration' to the United States from 1890. The reformation of Central and Eastern Europe at the end of the First World War saw many nationalities dispersed across new national boundaries. One solution to dislocation was naturalization into the nationality of the country of residence. Therefore, many Poles, Czechs and other nationalities of the former Austro-Hungarian Empire, who were living in Germany after 1918, chose German nationality under the Weimar nationality laws. So too did many thousands of White Russians who settled there as refugees after the 1917 Russian Revolution.

The German denationalization law of 14 July 1933, however, stripped those naturalized during the Weimar years of their German citizenship. Eastern Jews were a particular target of Nazi anti-Semitism.³⁸ Therefore German-Polish, -Czech and -Russian Jews could either flee or reclaim their former nationality and contemplate return to their 'homelands', even though they might not ever have lived there, or had any comprehension of their national languages.

To be sure, denationalized Poles, Russians and East European Jews from Germany, had few difficulties in gaining admission to countries in the West in early 1933. Attitudes hardened over the year, however, as the refugee numbers showed no sign of abating.³⁹ The consular officials who refused them visas could comfort themselves in the knowledge that these refugees had another nationality to fall back on. Russian Jews who had settled in Germany as refugees from Bolshevism could fall back on the protection of the Nansen International Office for Refugees, a bureau of the League of Nations responsible for refugees under intergovernmental agreements of 1921, 1924 and 1928. The Nansen Office could see to their welfare and resettlement where places were available for them.

Recent work on asylum in Czechoslovakia has shed some light on the gap in our historical knowledge of the conditions facing refugees in Central and Eastern Europe at this time. Czechoslovakia was an attractive destination for

the refugees from Nazism because the German language was spoken widely and because its long border with Germany offered many unguarded places to cross. Communists and socialists were particularly prominent among the German refugees there. The one requirement of the Czechoslovakian government was that the refugees refrain from political activity. There was however no specific policy for their support and maintenance, and they faced the general rules relating to the entry and residence of all foreigners.⁴⁰

The reception of German refugees in Poland in the early 1930s is still a largely unknown subject, however. In 1934, the American Jewish Joint Distribution Committee reported that, although the refugees arriving there from Germany were themselves Polish by nationality and experienced no restrictions on employment, the Jewish population as a whole suffered under extreme economic deprivation. The arrival of the refugees only exacerbated their circumstances.⁴¹ The High Commissioner's own inquiries in Poland in 1934 found also that Polish Jewish organizations were ill at ease with the arrival of Jews of Polish origin from Germany, who had never lived in Poland and who had no knowledge of either Polish or Yiddish.⁴² They upset the delicate state of Polish–Jewish relations, and Polish Jews were already feeling the impact of a rise in native Polish anti-Semitism.

In summary, the figures published by the High Commissioner for the Refugees from Germany in his first report, published in December 1933, showed that there were some 11,000 German refugees in Czechoslovakia and Poland. All of the 6,000 refugees in Poland were Jewish. Altogether, there was a total of 59,300 German refugees in Europe (including the British protectorate of Palestine, over which the British government regulated immigration), 86 per cent of them Jewish. France accommodated by far the largest proportion, at 42 per cent of the total (Table 1.1).

The true history of the refugees from Nazi Germany, however, is not one of their numbers. Indeed, the numbers were comparatively minor in comparison to the refugees in Europe in the 1920s, when there were in some estimations between one and two million refugees from the Russian Empire after the 1917 Revolution, and upwards of 320,000 Armenian and other refugees from Turkey.⁴⁴ Rather, the true history of the refugees from Nazism lies in the responses to them. They were all at risk if they remained in Germany, but no government was prepared to admit them as refugees, and no government took responsibility for their personal welfare and legal protection. The application of 'no public charge' tests, and the insistence that they had sufficient money in hand to support themselves without working and without recourse to public welfare absolved their host governments of responsibility for them. They were received

Table 1.1 Estimated distribution of refugees from Germany, December 1933⁴³

Country	Refugees	Jewish		Non-Jewish	
		Number	%	Number	%
France	25,000	21,250	85	3,750	15
Palestine	6,500	6,500	100		
Poland	6,000	6,000	100		
Czechoslovakia	5,000	3,750	75	1,250	25
Holland	5,000	4,000	80	1,000	20
England	3,000	2,500	83	500	17
Belgium	2,500	2,000	80	500	20
Switzerland	2,500	2,125	85	375	15
Scandinavia	1,500	1,125	75	375	25
Austria	800	640	80	160	20
Saar and Luxembourg	500	375	75	125	25
Other Countries	1,000	800	80	200	20
Totals	59,300	51,065	86	8,235	14

instead as immigrants, usually on short-term or transit visas, and had to fend for themselves from what little they were able to take with them from Germany.

The Russian and Armenian refugees of the 1920s in contrast, had the benefit of more prosperous economic conditions and politically supportive governments. Post-war recovery and reconstruction created a demand for workers that helped absorb them into the economies and workforces of those countries that took them in. These refugees were also the beneficiaries of humanitarian cooperation among the member states of the League of Nations, and represented for a short while the great hope of the League as an agent of peace and international accord. There was international agreement on the legal protection of these refugees in the special Arrangements of 1921, 1924 and 1928, and finally, through the first ever international convention for the protection of refugees of October 1933. By these accords, the Russians and Armenians had a distinct legal status as 'refugees', protected under the terms of these arrangements, with special travel permits that allowed them to enter and settle in countries where they could find employment or rejoin families and community members from whom they had been separated during their flight into exile.

The refugees from Germany, on the other hand, emerged in a period of great economic stress and political uncertainty. There was no place for them in the economies of Europe or the Americas. Labour markets suffering acute unemployment could not absorb them and public opinion had turned against all immigrants, whatever their origin, unless they could fend for themselves and posed no problems for the public order. Anti-foreign sentiments were aimed

specifically at immigrant workers and professionals who could be competition in the labour markets, who would make claims for scarce resources of public welfare and housing but who would make no contribution in return. Marxist refugees stirred anxieties because of fears about their political militancy in exile, which might well jeopardize harmonious international relations. The large number of Jewish refugees especially incited anti-foreign responses, rekindling dormant anti-Semitism, or stirring up an anti-Jewish hostility that was seeping across the German border as sympathetic political extremists looked approvingly upon the rise of Nazism. In Switzerland, German Jews bore the brunt of a new wave of native anti-Semitism as the Swiss complained that their country was being progressively Judaized.⁴⁵ Middle-class Catholic organizations in Belgium went so far as to call for the expulsion of all Jews. Meanwhile, Belgian labour organizations demanded an end to all 'foreign' participation in the workforce, when by 'foreigner' they meant 'Jews'.⁴⁶ In Austria, Czechoslovakia and Poland, local Jewish communities looked apprehensively upon the arrival of Jews from Germany lest they stir up native anti-Semitism.⁴⁷ French Jews also sensed the escalation of French anti-Semitism with the arrival of so many German Jews, compromising their loyalties to France and their co-religionists in need of protection.⁴⁸

The conditions the refugees faced abroad were made all the worse by some of the terms imposed on their departure from Germany. Many could not satisfy the demands of foreign governments that they have sufficient funds for their own support in order to obtain an immigration visa because the Nazi government would not allow emigrants to leave Germany with anything but a small fraction of their wealth. They were required in fact to dispose of their business, property and personal assets, receiving in return only a portion of their true worth. From what was left, they had to meet the costs of visas, travel and shipping, and pay the 'Reich flight tax', the *Reichsfluchtsteuer*. This tax, introduced in 1931, was a means of conserving Germany's foreign exchange reserves and to retain German wealth in Germany. For the Nazis, it was a means of appropriating wealth from Jews intent on leaving. The amount payable to the Reich upon departure was 25 per cent of the value of the property of emigrants with an income of 20,000 Reichsmarks (\$8,000) or more, or resources over 200,000 Reichsmarks (\$80,000). The remainder was retained in a special blocked account, with limited access. The tax was increased over time as the German government sought to increase its foreign exchange holdings. By May 1934, the maximum an emigrant could take was 10,000 Reichsmarks (\$4,000); by June, this was reduced further to 2,000 Reichsmarks (\$800).⁴⁹

These constraints – the appropriation of property and assets on an emigrant's departure, the bar to employment abroad, and the obligation to leave the country they had first entered when their temporary visas had expired – all contributed to illegality and clandestine behaviour. Illegality, with the use of forged papers, the refusal to surrender personal items or the use of unlawful means to save a part of their property, Herbert A. Strauss observes, was part of the process by which German Jews asserted their legal rights against the illegalities imposed upon them by the Nazi regime. Bribery was also one means of progressing along the queues for visas.⁵⁰ Those who had managed to take some portion of their wealth with them often found it quickly exhausted by the costs of travel and resettlement. The question of illegality therefore also arose to meet the challenges of survival abroad. Clandestine employment was often the only means refugees had of avoiding poverty, and an underground, clandestine existence was forced upon them in order to avoid forced expulsion or repatriation after the expiration of a visa.

When governments failed to protect the refugees, aid organizations stepped forward. Charitable organizations such as the Society of Friends (Quakers) and the Save the Children Fund mobilized volunteers and supporters to assist both Jewish and non-Jewish refugees. Jewish organizations were highly active in calling for philanthropic donations to assist in the emigration and resettlement of Jewish refugees. The Central British Fund for Germany Jewry, later known as the Council for Germany Jewry, was established in Britain in early 1933 as a representative agency for all sections of the Anglo-Jewish community. It took upon itself the organization and administration of relief and retraining of Jewish refugees in Britain, and organized a programme to help the emigration of Jews from Germany.⁵¹ Across Europe, national committees were formed to raise and distribute funds for refugee relief. In France, the National Refugee Aid Committee (*Comité National de secours aux réfugiés*) established by Robert de Rothschild, of the Rothschild banking dynasty, and Jacques Helbronner, president of the *Consistoire central Israélite de France* (Central Jewish Consistory of France), the official organ of French Judaism, provided relief for new refugees who could not obtain work. However, as more refugees arrived and found themselves in need of its assistance the Committee's funds were almost exhausted by the end of 1933 and new contributions were hard to come by. The Dutch Committee for Jewish Refugees (*Comité voor Joodsche Vluchtelingen*) and a Czech refugee aid committee assumed similar responsibilities for Jewish relief in the Netherlands and Czechoslovakia, and would play important roles in refugee protection in their countries.⁵²

These committees raised and distributed funds in their own countries. There was yet no international coordination of relief efforts. The major Jewish relief

agency that operated across national boundaries, the American Jewish Joint Distribution Committee, was at first divided about how best to use its resources for the aid of German Jews. Founded during the First World War to raise money from the American public for relief efforts, it channelled funds to agencies assisting Jews in Poland, Russia and the Ukraine. After the war, it continued its operations for reconstruction and rehabilitation in Eastern Europe through its European Office in Berlin. When the Nazis came to power, it relocated to Paris, and opinion among its leaders gradually shifted towards helping the emigration and resettlement of German Jews. Its policy was subsequently founded on the view that, under Nazism, there was no hope for the younger generation of Jews in Germany, and that they had to be retrained for productive 'vocations of agriculture, handicraft, and the like' so that they could resettle abroad.⁵³

The possibility of resettlement in Palestine promised the best solution for these young German Jews. As elsewhere, however, practical and political impediments stood in the way. Extensive planning and investment was required for long-term occupational training, and for the development of locations for settlement and industry. Even then, Zionist ambitions to relocate German Jews to Palestine faced the barrier of Britain's regulation of Jewish settlement. Since the beginning of its mandate of Palestine, British policy was determined by Palestine's capacity to absorb new settlers. Judgements of occupational demand, age qualification, and the interests of the Arab peoples determined the 'suitable conditions' that favoured settlement.⁵⁴

The Zionist Jewish Agency for Palestine capitalized on the political developments inside Germany to further its plans for Jewish settlement. It struck an accord with the German government to facilitate Jewish emigration to Palestine. The Ha'avara (Hebrew for 'transfer') agreement provided the capital the Jewish Agency for Palestine required for occupational retraining and agricultural and industrial development. German Jews intending to go to Palestine could retain part of their assets by providing payment in Reichsmarks to German exporters, and obtain in return Palestinian currency from importers in Palestine. In short, German goods were to be sold, and immigrants were to be reimbursed from the proceeds of the sales.⁵⁵ The Ha'avara effectively amounted to a monopoly on the sale of German goods in Palestine with the help of Jewish capital. But it alienated the Jewish Agency from other Jewish organizations that were promoting a boycott of German trade. The Ha'avara undermined the international boycott and instead contributed to the recovery of German industry. On the other hand, it also brought about the importation of capital and goods for agricultural and industrial development in Palestine and held out promise for the future for

young German Jews. Politically, it helped build a momentum for Jewish emigration that would challenge British control over Palestine resettlement.⁵⁶

During the first months of 1933 the refugees from Nazism garnered international attention in two ways: one elicited expressions of indignation at the Nazis' treatment of the Jews and their political opponents, the other mobilized philanthropic responses for the aid and welfare of the refugees. These were both responses of an outraged public. No government could seriously protest against German anti-Semitism, since anti-Semitic sentiments were all too evident in their own countries. Partly for this reason, governments held themselves aloof from the root causes of the emigration from Germany.

Those states to which the refugees turned were in the precarious position of balancing the pressures of economic depression, unemployment and the anxieties these caused. As restrictions on new immigrants were applied, the pressure from refugees also grew. And as refugee numbers increased, so did doubts about the capacity of national economies to absorb them. Even harsher restrictions were introduced, first to exclude refugees from the workforce, then to exclude them from the country altogether. In better times, the unwanted of Europe would have moved on to the Americas. This was no longer possible. Refugees therefore found themselves in overcrowded European labour markets, where trade unions, professional organizations, and political parties demanded the protection of national workers from foreign competitors. Welfare services for refugees were strained almost to exhaustion, and by the end of 1933 new sources of funds to continue their relief efforts were hard to come by.

Governments absolved themselves of this responsibility. Most of those in flight were received as temporary immigrants – visitors, or foreigners in transit to another country. There was some recognition that Jews, communists, socialists, pacifists and other enemies of Nazism, were indeed in need of protection for political or racial reasons. France, the Netherlands, Switzerland and Czechoslovakia in particular extended protection in the first months of 1933, when refugees could not produce valid identity or travel documents. But they were admitted only for a limited time, under special sufferance, and denied the right to work. Illegality among the refugees was therefore common; it was forced upon them by the need to survive. By working without an authorized permit, they risked expulsion or repatriation. Their employers could also fall foul of the law for hiring them without a work permit. Failure to leave upon the expiry of the entry visa forced many into a clandestine existence.

The refugees from Nazism were consequently a greatly disruptive influence on the societies and labour markets of Europe and the need for a coordinated

response to alleviate the problems was apparent as the International Labour Conference convened for its Seventeenth Session in Geneva in June 1933. This annual conference, which brought together governments, employers and trade union organizations of the International Labour Organization member countries, addressed matters of common concern to their economies and labour markets. Worker delegates from the Netherlands, France, Belgium and Switzerland presented a motion to its June 1933 session calling on the International Labour Organization to undertake all 'necessary studies with a view to placing German refugees in different countries without detriment to the economic welfare of those countries'.⁵⁷ The motion recognized the refugees from Germany as a matter of concern across Europe, and through their national labour movements, member governments came under pressure to raise it as a matter of international concern at the September 1933 Session of the League of Nations Assembly.

James G. McDonald in Berlin and Geneva

In his role as chair of the American Foreign Policy Association, James G. McDonald used the new medium of broadcast radio to inform the American public about international affairs. He observed and commented on developments in Germany, having first visited Berlin during August and September 1932, then monitoring from abroad the final crisis of the Weimar Republic and the National Socialist Revolution of January and March 1933. The intense interest in German politics within the United States ensured that he attracted an eager audience. His listeners were alarmed at these developments and the public mood hardened over the early months of 1933, upon the arrival of the first refugees from Nazism with their stories of persecution.¹

McDonald had returned from his visit to Berlin in September 1932 conscious of the power of Nazism. He had attended a party rally in Berlin on 1 September and gained, he noted, a new picture of Hitler's mass appeal and his movement's hold on the German people. In March 1933, he decided to return to learn more of the unfolding revolution. He arrived in Berlin on 29 March 1933. Three days later he witnessed the boycott of Jewish businesses and the new round of attacks on German Jews.²

His chairmanship of the American Foreign Policy Association opened doors to important figures in German politics, finance and the foreign office. He could also draw upon the aid of informal American-German networks, both Jewish and non-Jewish, to gain access to Nazi leaders and the victims of their anti-Semitism. He had already established a good working relationship with Hjalmar Schacht, president of the Reichsbank, and again drew upon on Schacht's contacts in the Economic and Foreign ministries. McDonald's talks with officials in these ministries included the disarmament negotiations between Britain, France and Germany, the state of the German economy since the Nazis came to power and the ramifications of Nazi policies on Germany's standing in international affairs,

a subject to which he returned frequently during his meetings. Some officials, he found, were still wary of the Nazis and of how Germany was being perceived abroad; some even belittled Hitler. Others, however, were convinced that Hitler was the way forward. Hans Luther in the Reichsbank assured him that once the Nazi revolution was complete, German policies would moderate, and reconciliation within Germany would be possible. Party members themselves were much less reassuring, however, telling McDonald that Germany was engaged in a fight for its very future.

There was little for him to discuss with those of closed minds, but he was quick to identify individuals who might be persuaded about the poor perception of the Nazi anti-Semitic programme abroad, if they were properly informed. Schacht was one such individual, McDonald believed, and there were others like him in the Foreign Ministry. The Foreign Ministry was not yet as Nazified as other ministries, and it seemed to have a moderating influence on the regime. The officials with whom he had the opportunity to discuss German foreign relations concurred that Nazi anti-Semitic excesses had gone too far, and had caused dangerous reactions against Germany abroad.³ Schacht, true to his senior position in the German economy, was sensitive to the impact of German isolation. Indeed, for McDonald, Schacht was a key point of contact and was someone with whom he could maintain good relations in order to keep open a dialogue with the new regime.⁴

Another with whom McDonald enjoyed good personal relations was the German-American Ernst Hanfstaengl. Educated at Harvard, Hanfstaengl had abandoned the United States after the First World War and had become a member of the National Socialist Party in its early days in Munich. Hanfstaengl also had long-standing personal ties with President Roosevelt and his family's business interests.⁵ He was therefore another important figure for McDonald to nurture, in order to impress upon the new regime the perception of its policies abroad. Hanfstaengl gave him access to senior party figures, even offering, without prompting on McDonald's part, to arrange a meeting for him with Chancellor Hitler.

The German Jews with whom McDonald met revealed the stark consequences of Nazi race policies. Max Warburg, brother of the prominent New York banker and chair of the Joint Distribution Committee, Felix Warburg, a friend and supporter of McDonald, brought him face to face with the personal toll that Nazi anti-Semitism had on German Jews and their foreboding for the future.⁶ Berlin's Jews were indeed deeply pessimistic and looked to McDonald for assurance and assistance. The attempts that were being made abroad to embarrass or damage

the Nazi regime through a boycott of German trade could only make matters worse for them, they pleaded, but they would benefit from the protection of such a well-placed American as himself, if he could remain in Berlin. It was not only his status that would help them; he had the right physical characteristics, as a 'perfect Nordic type', to impress the Nazis.⁷ The Nazis were indeed attracted to his 'perfect' racial features and so were curious about his views on their race policy: 'But surely you, a perfect type of Aryan', he was told, 'could not be unsympathetic with our views'.⁸

Not quite a diplomat, as he was not an official representative of the United States' government, McDonald nevertheless presented himself to his hosts as a citizen of the United States who could help shape American opinion. He therefore found men willing to entertain him and discuss German affairs openly. He maintained a diplomatic distance and gained their confidence, but secretly he was under his hosts' watchful eye. His mail and telegraphs were being intercepted, and the assurances he received about German–American relations, he could tell, were responses to the concerns he had expressed privately in his correspondence with the Foreign Policy Association; the assurances he was given about the future prospects of the Jews were no more than what he wanted to hear.⁹

McDonald was left in no doubt, in the end, that the Nazis were impervious to outside opinion, and he worried about what could unfold once the Nazi revolution was complete. Having witnessed the power of Nazi propaganda in inciting the national boycott of Jewish businesses on 1 April, he wrote of a 'very real portent' of the Nazi's deeper intentions. He was constrained in what he could say about the German regime, however, and admitted to the American public during a radio broadcast from Berlin that he could not tell the truth if he were asked to give a personal view. He was still, at the time, seeking interviews with senior Nazis and was awaiting Hanfstaengl's promised meeting with Hitler. Privately, however, he wrote to the Foreign Policy Association that the boycott was 'only the outward visible sign' of the 'destructive discrimination against all Jews in law, medicine, school, civil service, shop and industry'.¹⁰

With an eye to weaknesses in the regime, he noted the many rumours that the Nazi hold on power was not yet secure. The attitude of the Reichswehr to the National Socialist government was yet unclear, and some Jews hoped that it would come to their defence by standing against the SA, the Nazi paramilitary, and the party's security arm, the SS. There were also rumours that President Hindenburg was preparing for a state of siege to allow the Reichswehr to wrest power from the regime. Other rumours hinted that the terror against the Jews and communists showed how much Hitler had lost control of local officials.¹¹ At

a time of great anxiety and gloom, there was a need to look for signs that might give some hope for better outcomes.

They were hard to find, however. A private conversation with Hanfstaengl stirred McDonald to record his gloomier feelings. He might have considered Hanfstaengl a friend because of the courtesy he had shown him during his time in Berlin, but McDonald found his fanaticism frightening. The mere mention of the Jews rankled Hanfstaengl, and there was no point arguing, utterly convinced as he was that the Jews had forced Germany to sign the Treaty of Versailles and that Jewish bankers had profited from Germany's reparations.¹² Restless after their conversation, McDonald went for a late night stroll in the Tiergarten. In one of the few moments of reflection recorded in his extensive diaries, he noted the 'beautiful night, spring-like, bright stars, many lovers ... a world seemingly at peace and yet these ghastly hatreds breeding such shocking plans for heartless oppression of a whole section of the people. I almost thought I had experienced a nightmare'.¹³

Hanfstaengl, however, made good on his promise to arrange an interview for him with Chancellor Hitler. It took place on the afternoon of 8 April. McDonald began by raising the subject of German foreign affairs, but Hanfstaengl, who was interpreting, cut him short to raise immediately the subject of the Jews. This was planned, McDonald was sure, so that Hitler could deliver a well rehearsed polemic prepared for visitors from the United States: the regime was not primarily attacking the Jews, but rather the socialists and communists; the United States already had in place policies to keep the Jews out, while Germany has suffered their immigration from the east – this was now being corrected. Germany, in other words, was merely adopting the same kind of policies that the United States had implemented to keep out Jews, socialists and communists from Eastern Europe through its immigration quotas. The interview was of little value; there was no discussion and McDonald had no opportunity to present his argument about the impact of Nazi race policy on Germany's standing abroad. His diary entry on his interview, of great importance no doubt in his objective of informing the new regime of how its policies diminished Germany's standing in world opinion, is only fourteen lines long, of which half are Hitler's words. The entry concludes abruptly, still quoting Hitler: '[Germany] is fighting the battle of the world, etc'.¹⁴

Historian of Hitler's foreign policy, Gerhard Weinberg, writes that in the first half of 1933 the records of the US State Department bulged with protests from American individuals and organizations of all kinds against the German persecution of the Jews.¹⁵ McDonald's visit to Berlin reinforced the growing

impression within the State Department and among the American public that there was no reasoning with the Nazis, and that the full horror of its Jewish programme might only just be commencing. Upon his return from Berlin, therefore, McDonald could offer little reassurance to Jewish leaders in New York, affiliates of the Foreign Policy Association, and to President Roosevelt himself. Publicly, McDonald refused to condemn the Nazis, which left him open to attack as an apologist. His critics did not know that at the time he was under consideration for appointment as American Ambassador to Germany and was therefore not free to express his personal opinion. However, once the question of the ambassadorship was settled – William Dodd's nomination was confirmed by Congress on 10 June 1933 – McDonald could speak more openly. He described the Nazi Jewish programme in a series of radio broadcasts as not simply an outrage against Germany's Jews, 'but a threat to civilisation'. In an article for the *New York Times* of 15 June, he wrote that the anti-Semitic persecutions in Germany were actions taken by 'Christians in the name of Christianity'. What was happening to the Jews in Germany therefore was not a Jewish problem but 'a challenge to civilized men'.¹⁶

McDonald made many appeals to Christian sympathies in order to stir American opinion. The persecution of the Jews in Germany was not a Jewish problem alone, he insisted; it also affected the Christian world. Christians not only perpetrated these outrages, they were also among the victims. It was a theme he pressed in a number of public talks during July 1933: 'The Jewish problem is a Christian problem; the persecutions are carried out in the name of Christianity'.¹⁷ The refugees from Germany were not exclusively Jewish, he reminded Eleanor Roosevelt in a letter dated 24 July. There were many non-Jews also among them. Nor was there an end in sight to the problem. A new exodus would soon come, McDonald warned, 'and in that event, the percentage of non-Jews will be higher than the first'.¹⁸

McDonald returned to Berlin again in August 1933 to observe developments over the summer. Things had changed markedly. Moderate voices were now rare. The administration seemed to have been purged of men sensitive to international opinion; or, like Hjalmar Schacht, they had become more forthright in their support of Nazism in order to protect their careers. The few expressions of hope he heard came out of despair. George Messersmith at the American embassy expressed the vain hope that the parlous state of the German economy was stirring the first signs of discontent among the workers, and even the beginning of disillusionment among Nazis themselves. Yet, Messersmith was convinced that there was no chance of moderation in the regime's anti-Jewish

programme. Former German Chancellor Heinrich Brüning told McDonald that, while pessimistic about the future, he was nevertheless counting on the leaders of the Reichswehr to have a moderating influence in foreign affairs. Although Hitler might change his attitude about some things, Brüning warned, he was intransigent on the Jews.¹⁹

This brief visit to Berlin was the first stop in a tour of selected European capitals. He wanted to observe the impact of and responses to the refugees who had fled Germany, before travelling on to Geneva to observe the 1933 session of the League of Nations Assembly.

There was a palpable mood of pessimism in Geneva in the days before the Assembly started sitting. The change in the tone of international politics following the emergence of the new regime in Germany was only one reason. The year 1933 also marked a distinct drift away from the initial, idealist phase of the League of Nations when it was invested with the hopes of securing an enduring peace. In 1932, foundation Secretary General Sir Eric Drummond announced his intention to stand down, and on 1 July 1933, his deputy, Joseph Avenol, a conservative French nationalist, on the political right in his homeland, assumed the post.²⁰ This was more than a symbolic change. It came at a time when the League had faced a number of crises that revealed its weaknesses and its inability to assert itself in world affairs. Drummond cited as one reason for stepping aside the jealousies and discord among member states that had crept into the League's deliberations. Avenol, for his part, brought more caution, bureaucracy, secrecy and timidity into these deliberations, with a determination to depoliticize the League and its Secretariat. His approach was the appeasement of Germany.²¹

Neither the League of Nations nor its Secretary General can be held fully responsible for the faltering spirit of international cooperation, however. Economic depression and national self-interest that came in its wake were at once a cause and a symptom of a changed international climate.²² Certainly, the political crisis following Japan's invasion of Manchuria in 1931 – a clear breach of the non-aggression provisions of Articles 10 and 11 of the League's Covenant that justified League intervention – only revealed the powerlessness of the League and the timidity of its member states when confronted with an act of aggression by another member state.²³ But what options short of war could be considered? And if war was the one available option, then what did that mean for the ideals of peace for which the League of Nations stood?

The League's lack of will to stand up and defend its Covenant, and therefore the key provisions of the peace treaties of 1919, worked against international

cooperation. This was most evident during 1933. The year witnessed the failure of attempts to solve outstanding problems through international agreements. The World Economic Conference in London in June and July 1933 – an effort taken outside the orbit of the League of Nations in order to reach an agreement on measures to stimulate economic growth and world trade – had broken up with no consensus on currency stabilization and trade. The United States again withdrew from international cooperation to protect its national interests when President Roosevelt refused to concede ground on the debt burdens stifling European economic growth and on tariff levels strangling international trade.²⁴

International cooperation also broke down at a critical stage of the disarmament negotiations, the great unfinished task of the peace settlement. Negotiations had stalled and were a source of aggravation in the relations between the great powers. The idea of disarmament had become, in the words of Zara Steiner, a 'poisoned chalice' as France, Britain and Germany all refused to surrender strategic advantage. The French felt vindicated in their refusal to make concessions now that the new German regime was 'steadily alienating the rest of the world'. Comments like this gave the Nazis further reason to denounce the Treaty of Versailles for its victimization and humiliation of Germany.²⁵

The problem of the refugees from Nazi Germany was another issue dampening the mood of the national delegations arriving in Geneva in September 1933. The refugees were, the International Labour Conference had announced at its June session, an imposition on the labour markets and the cause of social and economic distress in Germany's neighbours. The League of Nations, it resolved, could play an important role in assisting both the refugees and the countries burdened by their presence. During the preparations for the Assembly, the question being asked was whether the League of Nations could assume an effective role in response to the refugees, not what sort of role it could take. There was a good reason for this. League members were yet uncertain about how the German delegation would present itself to the Assembly, the first since the Nazis came to power. What demands it might make on the hated symbol of the injustice of the Treaty of Versailles? A confrontation with Germany over its domestic affairs might well precipitate an adverse response. This was best avoided. One other question was scarcely uttered: did the League of Nations itself have the strength and the will to confront Germany over policies that were abhorrent to its members? The previous June, the League Council had an opportunity for a bold stance against German anti-Jewish policies but failed to take it, choosing instead to shy away from a confrontation with an important member.

Assistance for the victims of the Nazi persecutions was necessary under the circumstances, irrespective of whether or not there was the will to confront Germany over its policies. But assistance for the refugees did not address the greater problem, the cause of the refugee movements from Germany. The subject of the Nazi persecution of the Jews was deferred to in silence, so long as humanitarian aid was channelled privately to refugee assistance. There was still a great need for a public expression of worldwide outrage at Nazi policies, however. The boycott of German trade had rebounded, because Nazi propaganda used it as evidence of an international Jewish conspiracy against Germany. Life for Germany's Jews became more difficult as a consequence.

For the nascent Comité des Délégations Juives (Committee of Jewish Delegations), Germany's persecution of the Jews raised significant questions of international law in the post-war order, and it was essential that they be tested. The forerunner of the World Jewish Congress, the Comité des Délégations Juives was formed in March 1919 to represent Jewish interests during the Paris Peace Conference and after.²⁶ The minorities protection obligations of the Treaty of Versailles and the other peace treaties provided the grounds on which the legality of Nazi anti-Jewish actions could be tested.

Germany had been brought back into the fold of peaceful nations upon its ratification of the Treaty of Locarno in September 1926, which gave it a seat among the other European powers on the League Council. It subsequently had an equal voice in maintaining the peace and the values of international order and cooperation under the League's Covenant and treaties. Among them were the values expressed in the treaties for the protection of racial, linguistic and religious minorities in the new and reformed states of Central and Eastern Europe. Drafted during the 1919 Paris Peace Conference, these treaties ensured that those displaced from their national homeland by the redrawn European borders would not become inferior citizens in those countries in which they by chance found themselves. The admission of Poland, Czechoslovakia, Austria, Hungary, Romania, Bulgaria, Greece and Yugoslavia to the League of Nations required their signing these treaties to hold them to respect the rights of racial, religious and linguistic minorities living with their national boundaries.²⁷ Germany was not obliged to sign a general minorities treaty when it signed the Treaty of Versailles or when it was admitted to the League of Nations by the Treaty of Locarno. Yet Nazi anti-Semitic policies were widely interpreted as a grave breach of the spirit of minorities protection and the principles of justice that the minorities treaties represented.

However, there was one treaty provision that did, in fact, hold Germany to minorities protection. On this, the Comité des Délégations Juives determined a

formal challenge of the Nazi anti-Jewish measures. In 1922, a small piece of disputed territory of Upper Silesia on the south-eastern frontier between Germany and Poland had been placed under the jurisdiction of a special commission under a League of Nations Convention. Germany, like Poland, was therefore beholden to protect the rights of the racial, linguistic and religious minorities, namely, the Poles living in the German portion of Upper Silesia. Nazi anti-Jewish measures were applied in German Upper Silesia with the same force as in the whole of Germany. This, then, was grounds for invoking the minorities protection clauses of the 1922 Convention for Germany's failure to protect the rights of the Jewish minority there.²⁸

Therefore, on 17 May 1933, the League of Nations Secretariat received petitions from twenty Polish Jews on behalf of German Jews in Upper Silesia, and 'in Germany as a whole'. Another petition was received from an unnamed Czech Jew, who had the support of American and English Jewish organizations.²⁹ A third petition was made in the name of a Jewish refugee from German Upper Silesia named Franz Bernheim, who had fled to Czechoslovakia after the purging of Jews from German businesses.³⁰ It was submitted on Bernheim's behalf by Leo Motzkin, head of the Comité des Délégations Juives, and Dr Emil Margulies, president of the Jewish Party of Czechoslovakia.³¹ At the same time Motzkin and Margulies both filed petitions under their own names.³² This flurry of petitions and their legal arguments on the application of minorities clauses of the 1922 Convention on Upper Silesia are proof of an organized campaign to bring German policies before world opinion through the League of Nations.

The minorities treaties were specific to the states and the circumstances to which they applied; no general interpretation could be inferred from them. While the petitions argued that the Jews in German Upper Silesia were protected from racial, linguistic and religious discrimination under the 1922 Convention, no valid argument could be made about the protection of the Jewish minority in Germany. In the strict reading of the minorities protection provision of the Convention, furthermore, only one of these petitions, that of Franz Bernheim, was admissible and therefore could be reviewed by the League of Nations Council. Only Bernheim was a citizen of Upper Silesia and had a legitimate complaint of discrimination because he was Jewish. His petition called upon the League to enforce its responsibilities for minorities protection, to void the 'laws, decrees, and administrative measures in contradiction of the German-Polish Convention' and to order that 'Jews injured by these measures ... be reinstated in their rights and that they ... be compensated'.³³

For some historians, Bernheim's petition is a footnote to the longer history of Nazi anti-Semitism, a brief moment in the terrible problem of racial persecution in Germany that only served to demonstrate the impotence of the major powers and the League of Nations.³⁴ Legal scholars who have reflected on the evolution of international human rights during the twentieth century, however, view the petition as a brief awakening of human rights ideals in the interwar years before they were more fully realized in the wake of the Second World War.³⁵ Certainly, the petition was one way of expressing outrage over the Nazi persecution of the Jews, and to protest within the legal, political and diplomatic means available. It also shows the limitations of international law and politics when faced with the very real problems of protecting vulnerable minorities. The precise terms of the minorities clauses could address the specific complaints, but they could also provide international diplomats with the means of dodging issues of moral substance.

A 'flutter of expectation' greeted the Council's consideration of Bernheim's complaint in May and June 1933. It was an important moment for the League that attracted wide interest. The League Council could be decisive in its findings and show the force of collective opposition to the acts of a member state, or it could defer to the sovereignty of a member state in its domestic policy.³⁶ The will of the League itself was therefore in question when the Council agreed to hear the petition.

Media reports and diplomatic exchanges at this time criticized both the immorality of the persecution of the Jews and the lack of will of other states to challenge Germany. But this was not the time for the League of Nations and its member states to defy Germany and its new National Socialist leaders. Germany's relations with the liberal states of Europe were at a critical juncture on the question of disarmament. The League feared further antagonizing Germany and trod very lightly around the fraught question of its domestic politics.

Friedrich von Keller, a career diplomat leading the German delegation on the League Council, protested that the Council could not receive the petition, as Bernheim was not living in Upper Silesia when he made it. His protest was overruled and the petition was sent to a committee to prepare a report on the validity of Bernheim's claims and the provisions of the 1922 Convention that applied in his case. Upon receiving the report the Council ruled that there had indeed been a breach of the minorities clauses of the German-Polish Convention on Upper Silesia, but that the remedy would have to be made under the terms of the Convention itself, and not by an order of the Council. The petition was consequently referred for ruling to the Mixed Commission of Germans and Poles

of Upper Silesia, which administered the region on behalf of the League. Here it was here found that Bernheim had been dismissed for the poor quality of his work and his communist tendencies, and not because of Nazi race policy. Compensation of 1,600 Reichsmarks was nevertheless awarded. The Mixed Commission ruled on a further forty-seven complaints under the Convention from Jewish teachers, lawyers, doctors and other employees who had lost their positions. A compromise was reached in thirty-nine cases; sixteen were resolved by reinstatement.³⁷

The outcome was disappointing for those who had hoped that the Council would make a firm stand against Germany. In the circumstances, it could dare do no more. It had avoided a potentially embarrassing confrontation with a member state over its domestic policies, and the progress of the disarmament negotiations and Germany's standing within the League were not jeopardized. The question of the protection of minorities and Germany's treatment of its Jews had nevertheless been brought before world opinion, and the members of the Council were not prepared to let such a significant issue of international politics pass without debate. The foreign minister of Poland, Count Edward Raczyński, argued that the petition showed how a 'minimum of rights' was not guaranteed to everyone, because not all states were held to the same obligations; the League of Nations consequently had a moral obligation to pressure Germany into protecting its Jews. French foreign minister, Joseph Paul-Boncour, agreed that the petition raised matters of concern throughout the whole of Germany. Germany's treatment of its Jews, he concluded, was only 'one aspect of a more general and more moving problem', the status of Jews everywhere.³⁸ To be sure, both Raczyński and Paul-Boncour were self-serving in their interventions. Raczyński's Poland resented its minorities obligations while other European powers with large minorities, such as Germany, had no obligation – indeed, Poland was compelled to respect the rights of the German minority within Poland's new borders, but Germany had no such obligation to protect the rights of Poles within its borders. Paul-Boncour expressed long-standing Franco-German animosity, and their present antagonism on the question of disarmament, but was nevertheless constrained in his attack by France's desire to maintain good relations with the new German regime. The debate in the Council subsequently developed into a reflection on the scope of minorities protection and the status of Jews as a minority, and avoided criticism of Germany's racial policy.³⁹

It was resolved in the end that the minorities protection treaties represented fundamental principles of justice and toleration expected of all states towards their national and religious minorities. This had been recognized already in

1922, but conscious of the persecution of a minority by an important member state not beholden to a minorities protection treaty, the 1933 League Assembly reaffirm the 1922 resolution. It passed a resolution that all member states observe and uphold the protection of the rights of their racial, religious or linguistic minorities even when they were not bound by specific treaty obligations.⁴⁰

The political questions that arose from the Nazi persecution of the Jews were indeed difficult and fraught with ambiguity, and because they directly challenged Germany on its internal affairs, the League Council was reluctant to pursue them. Diplomacy seemed best if the opinions of other nations were made known quietly and respectfully. The emigration of those Germans who fled Nazi persecution, however, presented entirely different problems of a humanitarian and political nature for European governments. But even this was something that the League was reluctant to address, fearing that Germany could interpret the League's concerns for the refugees as criticism of its domestic policies and therefore political interference in its affairs.

As the opening of the September 1933 Assembly approached, the question of League assistance for the refugees from Germany was being pursued in earnest, as European governments responded to the social and economic impact they were having in their host countries. The Dutch government, with the backing of the Norwegian government, announced its intention to present a resolution for the League to consider the problems posed by the refugees from Germany, and that the League should assume responsibility for their assistance. The League's response to the refugees from the Russian Revolution in the Soviet Union in 1922 and for the Armenian refugees from the Turkish Republic in 1924 had demonstrated that refugee assistance was a role that it should rightly assume. Through the Intergovernmental Agreements pursued in the League, significant humanitarian outcomes were achieved. Any resolution on the German refugees, however, would have to avoid the criticism that it foreshadowed intervention in German domestic affairs and would therefore be defeated by Germany's veto. The wording was therefore critical; the intentions of the League had to be clearly defined and be minimal in scope if political imputations were to be avoided.

James McDonald arrived in Geneva when discussions on the resolution were well under way. His purpose in attending the Assembly was to observe and report on issues and outcomes to the Foreign Policy Association. Yet, he was recognized among European diplomats for his knowledge of German affairs and, following his recent tour of European capitals to gauge a sense of the impact of the refugees, for his interest in and knowledge of the refugee

problem. As an impartial observer, free of the burdens of European politics, his opinion was valued.

One option under consideration for League action was to expand the mandate of the Nansen International Office for Refugees. Created in 1930 to continue the work of refugee assistance for the Russians and Armenians begun by the League's first High Commissioner for Refugees, Fridtjof Nansen, the Nansen Office was already well equipped and well practiced in the problems at hand. This proposal therefore envisaged the Nansen Office taking on the task of assisting the refugees from Germany alongside its work for the Russian and Armenian refugees. This would ensure the continuity of existing programmes and a unified approach to all refugee groups. Another proposal suggested invoking Article 11 of the Treaty of Versailles against Germany (which was also Article 11 of the League of Nations' Covenant) because the German refugees constituted a threat to international security.⁴¹ This assuredly would be denounced as political interference in German affairs. The Dutch delegation, however, was pursuing the more pragmatic option of a resolution that the League take on a new mandate for the refugees from Germany and create a new agency responsible for their assistance and resettlement.

There was certainly no desire to confront Germany over its Jewish policies, McDonald reported to the Foreign Policy Association, but there was a positive response to the need for extending assistance to the refugees. There was sufficient support in the Assembly to see the Dutch resolution carried, McDonald also noted, although the League Secretariat was cautious and would prefer that no resolution be put forward. He reported the personal ambivalence of the new Secretary General, Joseph Avenol, who set out a number of strict conditions that would need to be satisfied for any resolution to be acceptable. Among them was the assent of the German delegation, as the League would be unable to pass any resolution if Germany opposed it. In order to secure German assent, the resolution had to be presented in such a way that Germany could not say that the League should take full responsibility for all its Jews, which, for Avenol, would be an impossible condition and would only embarrass the League. The resolution would also have to consider the financial implications of taking on this new responsibility, as the Assembly was unlikely to approve new financial obligations. Any plans had to be assured of funding before they would be agreed upon.⁴²

With these conditions circulating, the kind of arrangements that the League would be willing to make was as critical a consideration as the wording of the resolution itself. Because new financial outlays were to be avoided, it was

anticipated that the Nansen Office would take on the responsibility. It had a budget approved by the Assembly through to 1938, and could absorb new responsibilities more economically than if a new agency was created. However, as the Nansen Office was an agency of the League, the German delegation would have found the proposition unacceptable. The alternative, the creation of a new High Commission with specific responsibility for assisting and resettling the refugees from Germany in other lands, would require a significant financial outlay.

The resolution relating to the refugees from Germany was therefore prepared in full consciousness of German opinion, and the conditions of the Secretariat of the League itself. Those drafting it anticipated how the German government would present the text to its people, and in order to make it palatable to them it was decided to stress that the return of the Jewish refugees to Germany was not intended. Rather, the resolution would aim to 'expedite the emigration of other Jews'.⁴³ The resolution would therefore appeal to the German desire to rid itself of its Jews.

An atmosphere of gloom hung over the Assembly Hall at the commencement of the 1933 session on 27 September. German Reichsminister Josef Goebbels was observed leaving the hall after the opening surrounded by an armed body guard, a sight that left a deep impression on those who witnessed it, McDonald among them, stating as clearly as in words the Nazis' will to 'defy humanity'.⁴⁴

On Friday 29 September, the Dutch foreign minister, Jonkheer de Graeff, rose to present the resolution for the League to assume responsibility for assistance of the refugees from Germany. He began by lamenting the 'wave of pessimism' that had taken hold of the world. He spoke of a new arms race, of the economic depression that had 'plunged the world into poverty', and of nationalism that had left a void in the international resolve to confront difficult issues.⁴⁵ The difficulties presented by the refugees, he insisted, should not allow the League to succumb to this pessimism, nor to avoid its responsibilities. Instead, it presented the League with an opportunity to reclaim its former optimism. It was a just and proper cause that could restore the League's reputation and rekindle international solidarity. A positive response to the refugees, he claimed, would be a positive signal to the world; the League had to show its strength if it was to endure.⁴⁶

The Dutch delegation was backed by Norway, Czechoslovakia and Spain. A member of the French delegation, Senator Henri Bérenger, spoke in support of his Dutch colleague, but went further: the resolution for assisting the refugees was the starting point for renewing the principles for which the League stood, as the persecution of the Jews in Germany was a matter of justice that

rightly concerned international opinion.⁴⁷ Here Bérenger stated explicitly what de Graeff could not: that the term 'refugees' implied the persecution of the Jews in Germany. The delegates in the Assembly would have inferred this, but de Graeff was cautious about affronting German sensitivities and had avoided any imputation of this sort. 'Nothing is further from our thoughts', he assured the Assembly, 'than a desire to interfere in internal affairs coming under Germany's sovereignty. We have no wish to examine the reasons why these people have left their country'. He continued, 'We are not called upon to judge' the reasons why so many refugees had fled Germany. The question of assisting the refugees, he concluded, was 'a purely technical problem' for the League to resolve, for which a 'solution must be found by common agreement'.⁴⁸

This sidestepped political complications. The refugee problem was a 'technical problem' that required technical solutions of a legal kind, not a political one: on matters relating to passports, travel and identity documents, and the provision of visas, in order to help the refugees resettle in another country. The term 'technical problem' also had a pragmatic purpose. The resolution was referred for further examination to the Second Committee of the Assembly, responsible for technical questions. Hitherto, refugee issues had been considered by the Sixth Committee, which was responsible for political questions.

In truth, Germany had no need to protest that the League's interest in the refugees amounted to political interference in its domestic affairs. Germany's position was well known from the outset, and the resolution accepted by the Assembly was drafted with this in mind. The resolution, in short, was prepared in deference to German opinion.⁴⁹ The Second Committee, furthermore, could not go beyond what Germany would permit. German foreign minister, Konstantin von Neurath, sat on it and participated in its discussions on the resolution's final form, which would be taken back to the Assembly for a final vote before submission to the League Council. Von Neurath could have defeated it then, but he did not; nor did Germany veto it when it returned to the Assembly.⁵⁰ The resolution that came out of the Second Committee was effectively written in consultation with von Neurath, as the wording was altered to accommodate his comments and objections.⁵¹ The outcome was the appointment of a High Commissioner for the refugees from Germany, but once he was appointed, he would be head of an autonomous organization, independent of the League. He would be responsible for raising his own operating budget, and be accountable to the High Commission's Governing Body. The League Council would have no role to play once it had made the appointment, approved the statutes and decided upon the composition of the Governing Body.⁵²

McDonald had left Geneva to return to the United States before the Second Committee finalized the resolution. He was convinced that nothing would come of it, believing that Germany would not accept any move to establish an organization responsible for assisting the victims of its racial policies. On more than one occasion Foreign Ministry officials in Berlin, von Neurath among them, told him that any move by the League to assume a mandate for the refugees from Germany would not be acceptable.⁵³ In fact, the Foreign Ministry denied the very existence of a refugee problem, insisting that those who had left Germany since the Nazis came to power could still make use of German consular services abroad.⁵⁴ McDonald was therefore surprised that Germany did not oppose the final resolution. He was sceptical of its motives, wondering whether the Nazis planned to sabotage it, or whether they believed that the resolution would die a natural death in the Assembly or be rejected by the Council.⁵⁵ In truth, Germany's sabotage had already been perpetrated. It had ensured that the High Commission would be created on very weak foundations.

McDonald's scepticism was nonetheless justified, but not for the reasons he supposed. The Assembly approved the resolution on the creation of the High Commission on 12 October.⁵⁶ The next day, Germany announced its decision to leave the League, citing the stalemate in the Disarmament Conference. While engaged in the Second Committee's debate on the resolution on the refugees, Germany had no concern for what the League decided to do.

Under the League's Covenant, Germany's withdrawal would not be final for two years. Technically, Germany had only given notice of its intention to withdraw. During the two-year notice period, hope lingered that Germany could be persuaded to return and resume its place among the great powers. Secretary General Avenol believed that a sustained peace was only possible if Germany was brought back into the League; he was so desirous of securing its return that he would permit no inopportune criticism of German domestic policies, impolitic acts against German interests or even a more forthright response to the refugee problem, for fear of further alienating the regime in Berlin.⁵⁷

The flaws in the great project of the League of Nations crudely exposed over the course of 1933 were due in large measure to the changed economic and geopolitical conditions. The optimism of the 1920s that had carried the League forward during its foundation years had evaporated in the despair of economic depression and the jealous protection of national interests. League member states were unwilling to commit themselves to international accords that did not suit their interests, and were unwilling to finance grand initiatives of uncertain outcome because of the constraints on their own national budgets.

These were the circumstances in which Jonkheer de Graeff had put forward his resolution on the refugee question to the League Assembly in September 1933. He tried to inspire the delegates with the same spirit that had greeted the League's resolutions on refugees in the 1920s, but the circumstances were now quite different. The Dutch government itself, and the European powers that backed its resolution, were motivated by their own national concerns. From their perspective, the refugee problem was not so much the consequences of policies within Germany but the impact the refugees were having on their host societies and economies. The problem for them was one of border security, a stable migration programme and the protection of their national labour markets from foreign workers, whatever their origins. There were assuredly humanitarian reasons for these countries to seek action through the League of Nations, as the refugees were left to languish with no place of definite settlement and no access to labour markets and welfare services. The pronouncement that the refugees presented a 'technical' problem, and could, therefore, be solved by technical means, sidestepped the fraught questions of the racial and political persecutions in Germany, and the impact of their own policies on those fleeing these persecutions.

Over the course of his visits to Berlin, James McDonald changed from an observer and commentator on international affairs to being a participant in them. His visit to Berlin in April 1933 was to do more than simply assess the progress of the Nazi revolution. He took the opportunity to impress upon anyone who cared to listen how Nazi anti-Semitic policies had diminished Germany in world opinion. He believed that there were people within the Nazi Party and the Reich's administration with whom he could reason and through whom it would be possible to open channels of communication. He was convinced that the regime could be persuaded by international opinion to moderate its policies. He believed that even Hitler could be reasoned with, until he had the opportunity for a private meeting with him. The depth of hatred for the Jews was so great, he quickly learned, that the regime was impervious to criticism. It was sure of itself, and it would tolerate no criticism of its domestic affairs.

McDonald was therefore compelled towards advocacy in order to impress upon the American public and political leaders a sense of his own forebodings about Nazi policy. As he was not officially an American diplomat, he was free to mix with his contacts at home and abroad, not as a representative of the American government but as an influential public figure. He could even influence the top-most level of the American government, when, after a private dinner at the White House on 1 May 1933, he was able to persuade President Roosevelt of the

true nature of the regime in Germany. The Jewish programme was fundamental to Nazi ideology and the Nazis took no heed of criticism, he told the president. Direct intervention with the regime or with the German people seemed the only option to make outside opinion noticed, McDonald suggested. Roosevelt left McDonald with the impression that he was prepared to go over the heads of the regime and appeal directly to the better senses of the German people in order to demonstrate international opprobrium of their government's policies.⁵⁸ But no more came of this.

Finally, McDonald was drawn into the preparatory discussions on the resolution on assistance for the refugees from Germany ahead the League of Nations Assembly in September 1933. He had returned to New York and to his role of distant observer and commentator on international affairs without waiting for the final outcome of the resolution, sure that the German delegation would not allow it to go forward. He might have thought that this was the extent of his participation in League affairs and on the refugee problem in Europe.

The High Commissioner for Refugees (Jewish and Other) Coming from Germany

The League of Nations' work for refugees during the 1920s had been one of its great successes. While there was no clause in the Covenant giving the League responsibility for refugees, member states nevertheless agreed in 1921 that, with some 800,000 refugees from the Russian Revolution crowded into Constantinople and facing the real prospect of disease and starvation, they could not abnegate their international humanitarian responsibilities. Somewhere between one and two million refugees of the former Russian Empire could be found all along its vast frontier, from Finland in the north to China in the east. Most had no passports or identity documents, and could not be resettled without them.¹ The League's response – the appointment of a High Commission for Refugees and the 1922 Intergovernmental Arrangement on Russian refugees – provided the necessary documents and administrative resources to facilitate their resettlement. The refugees in Constantinople soon found a safe haven in Western Europe, the Americas and elsewhere.

This remarkable achievement was largely due to the efforts of the High Commissioner, the Norwegian scientist and diplomat, Fridtjof Nansen. He already had gained a formidable reputation for humanitarian work in overseeing the repatriation of prisoners of war in 1920 and 1921. Highly respected in diplomatic circles, he carried a great sense of purpose into his role as the League of Nations High Commissioner for Refugees. The success of the 1922 Intergovernmental Arrangement for the Russian refugees was followed by the adoption of another Arrangement, in 1924, for the many thousands of Armenian refugees languishing in camps in the Middle East. Upon Nansen's death in 1930, his work continued in the form of the Nansen International Office for Refugees, a bureau of the League Secretariat.²

It seemed appropriate in the eyes of many, therefore, that the Nansen Office should be called upon to assist and resettle the refugees from Germany in 1933. It had established quasi-diplomatic posts in several countries to deal with reluctant governments and to see to the practical and legal needs of the refugees themselves, such as attesting to documents and the verification of civil status, translations and resettlement assistance. It also had an international network of offices and staff experienced in welfare and resettlement services. Moreover, the Nansen Office was making contingency plans for assuming this new role before the Dutch resolution to the 1933 Assembly had been finalized.³

The view in Geneva, however, was that if the Nansen Office took on this new responsibility, it would need to appoint a person of international standing, prestige and authority, with the diplomatic skills and tact to negotiate outcomes with governments and charitable organizations in difficult economic times. It was widely agreed that the Secretary General of the Nansen Office, T. F. Johnson, was not such a figure. It is not clear why this was so, but he would seem to have left a poor impression on men of influence in the League Secretariat. There is little about him in historical records apart from, it seems, his own account of his career. A British military officer – he was given the title ‘Major’ in official League documents – he had served in Eastern Europe and Russia until the revolution and then served as an official of no real distinction in the League of Nations.⁴ He was an assistant to High Commissioner Nansen from September 1921 until he was transferred to the Refugee Service of the International Labour Office in 1924, where he was responsible for technical questions of refugee immigration, resettlement and employment. After Nansen’s death and the creation in 1930 of the Nansen International Office for Refugees, the League Council appointed Johnson as its Secretary General through to its designated date of termination at the end of 1938.⁵ The League’s Secretary General, Sir Eric Drummond, described him as a man with an ‘unfortunate personality’, entirely unsuited to the executive demands of a High Commissioner.⁶ By his own evidence, Johnson had little regard for the League, describing it as the ‘biggest disappointment in the history of the world’. Nor was he fond of Geneva, which he complained was too near France, and too much under French cultural and economic influence.⁷

The Nansen Office itself was just one obstacle to implementing an effective response to the refugees from Germany. A new intergovernmental agreement would also be required to ensure that the refugees from Germany had the same status as the other refugees under the Nansen Office’s mandate. In truth, the option of the Nansen Office taking on this new responsibility was not taken seriously. Because it was a bureau of the League of Nations, Germany would

construe its role as an attempt by the League to interfere in its domestic affairs. In all likelihood, a new intergovernmental arrangement would not have been acceptable to most states, as it would carry an obligation to admit more refugees and lift immigration restrictions.

Even so, the proposition that the Nansen Office assume responsibility for the refugees from Germany overlooked one critical matter: the legal, social and economic problems the refugees from Germany faced were markedly different to the problems of the refugee groups already under its mandate. The Intergovernmental Arrangements for the Nansen Refugees were necessary to address the legal problems arising from their lack of identity documents. Furthermore, most of the Russian and Armenian refugees had been rendered stateless by the denationalization decrees of the Soviet and Turkish governments, respectively in 1921 and 1924. Therefore, they no longer had a right to diplomatic protection abroad. Nansen's High Commission and subsequently the Nansen Office excelled in providing these services and the 'Nansen Passport' – the League of Nations identity documents authorized under the Intergovernmental Arrangements – replaced the legal protection they would have had with a national passport.

Most of the refugees from Germany continued to carry German passports. With the exception of those naturalized under the Weimar Republic who were denationalized by the Nazi law of 14 July 1933, they also retained their German citizenship. They could go readily to another country after obtaining an entry visa, although, in reality, these were not easy to obtain. In theory, they were still able to call upon consular services outside Germany.

These circumstances created the unique problem of the German refugees. The German refugee 'problem' was in fact a consequence of the strict conditions of eligibility for an entry visa, the temporary residence expected of the refugees fleeing Germany, and the prohibitions on their employment. Some may have fled without documents to prove their identities, but as far as their countries of asylum were concerned, the diplomatic services of German consulates were available for them to obtain a new passport or other necessary documents. Their host countries expected this because they expected the refugees to move on to another country once the term of the temporary residence had expired. As matters transpired, German consulates refused to issue passports to those who had left Germany without them and refused to renew expired passports. The obligations expected of their host states went so far as expecting communist and socialist anti-Nazi political refugees to seek the assistance of the Nazified German civil services. Onward travel and legal residence were consequently impossible for all but the privileged few who had sufficient wealth to support themselves, family

connections abroad who took responsibility for their welfare, or, as became the practice in Britain, Jewish organizations had sponsored them and saw to their welfare. Many others were trapped in difficult situations of illegal residence from which they could not escape, illegal employment or dependence on the good will of others and the scarce resources of refugee aid societies.

Because the refugees from Germany maintained their German citizenship, the question of their legal status was of less importance than it had been for the Nansen Refugees, a large number of whom were stateless. The High Commissioner's main objective would instead be to work with governments to secure opportunities for employment and resettlement so that the refugees would cease to be a burden on their host states and had the opportunity to re-establish their lives. To do this, governments would have to be persuaded to lift their immigration restrictions and allow concessions to the regulations that excluded foreign nationals from the professions and labour markets.

The expectations were such that the man appointed to the post of High Commissioner for the Refugees from Germany should be a man of the stature of Fridtjof Nansen. But men of his stature are rare. Europeans looked to Norway to carry forward Nansen's legacy. Christian Lange, one of longest serving representatives in the League Assembly and Nobel Peace laureate for 1921, would bring to the role of High Commissioner Norway's humanitarian tradition. One of the preferred candidates was former United States president, Herbert Hoover. Hoover's efforts in providing food relief to Belgium during the First World War and the plan he devised with Nansen during 1919–20 for providing food relief to Russia were both substantial humanitarian and organizational achievements.⁸ By 1933, however, his reputation in Europe had soured. As the Great Depression took hold in the United States, he had imposed protective tariffs against European exports and had called for a moratorium on German reparations. He also ordered, in 1930, the more rigorous enforcement of the 'no public charge' test to restrict immigration, with profound consequences for Europe. His indifference to the disarmament talks in 1932 also showed the Europeans that he had little interest in their affairs. They accused him of having 'let the League down', and the opinion within the League was that he should not be given an opportunity to redeem himself.⁹ Sensing this perhaps, and doubting the support he would have from the Roosevelt administration in Washington, Hoover declared himself unavailable, citing his reluctance to 'emerge from retirement'.¹⁰

British and American Jewish organizations took it upon themselves to find a suitable person. In doing so, they exposed their differences and rivalries. British

Jewish groups favoured an Englishman, and put forward Viscount Robert Cecil of Chelwood. Considered 'one of the fathers of the League' for the role he played in the drafting of the Covenant at the Paris Peace Conference, Cecil continued to work for the League as a representative of the British Foreign Ministry, and was head of the League of Nations Association in Britain. He had the diplomatic qualities sought for the post, great experience in international affairs and the support of important British Jews and Zionists. After Hoover had declined to be nominated, the American Jewish Joint Distribution Committee, with other American Jewish organizations, suggested General Jan Smuts, former South African prime minister and key negotiator for the British Commonwealth at the 1919 Paris Peace Conference. Like Cecil, Smuts also served the League during its foundation years.¹¹

The League Council was more concerned about the nationality of the High Commissioner than his personality. It favoured an American who could help draw the United States out of its isolationism and tap into the resources of the wealthy American Jews. But it was for this very reason that influential Americans did not favour the appointment of an American. Undersecretary of State William Phillips feared that an American High Commissioner would risk opening the floodgates to Jewish immigration. Supreme Court Justice Louis Brandeis, a Zionist, was concerned that an American High Commissioner would be at a grave disadvantage in negotiations with governments to take in Jewish refugees since America had done so little itself.¹² Once it became clear to American Jewish organizations just how much the new High Commissioner would have to rely on private financial contributions and that it would fall upon them to raise the money in the United States, they could not but insist upon the appointment of their own man.¹³

James McDonald used his influence as chair of the Foreign Policy Association to persuade Raymond Fosdick to agree to have his name put forward. Formerly Undersecretary General of the League of Nations, and in 1933 director of the Rockefeller Foundation and president of the League of Nations Association of the United States, Fosdick had the necessary diplomatic standing and an intimate knowledge of League affairs, as well as access to American funds. McDonald also proposed as an alternative, Theodore Roosevelt, Jr, son of the former president, and cousin and political rival of the incumbent, who had gained substantial experience in public administration as Assistant Secretary of the Navy, Governor of Puerto Rico (1929–32), and Governor General of the Philippines (1932–33).¹⁴ Fosdick hesitated when McDonald put the proposition to him. He would have a conflict of interest, he suggested, if he accepted the post and the Rockefeller

Foundation were asked to put up the money for the High Commission's administration.¹⁵ Theodore Roosevelt, Jr, seems not to have been canvased.

Only upon the suggestion of Felix Warburg and James Rosenberg of the Joint Distribution Committee did McDonald begin to consider himself a potential High Commissioner. It was not a suggestion that attracted him initially. He doubted that he was the best person for what he knew would be an 'excessively difficult job'. But Warburg and Rosenberg insisted and gave him of their full backing. They argued that McDonald's experience in international affairs, his relations with Jewish organizations in the United States, Britain and Europe as well as his recent advocacy on German-Jewish policies and attempts to open a dialogue with the German regime, had given him insights that no one else possessed. McDonald hesitated also because he was not a man of independent means, and wondered aloud whether the High Commissionership, which would require considerable travel, separation from family and the suspension of his career in the United States, would be in his best financial interests.¹⁶ Warburg and Rosenberg again reassured him. His financial obligations in the United States should not dissuade him, and gave their guarantee that the Joint Distribution Committee would cover his salary as High Commissioner.¹⁷

McDonald's nomination by such influential Americans as Warburg and Rosenberg was one reason why Europeans looked upon McDonald's nomination favourably. No less important was the financial backing of the Joint Distribution Committee. McDonald was also respected among European governments for his advocacy on German affairs. He had helped forge good relations between the United States, European governments and the League of Nations itself during his travels in Europe as chair of the American Foreign Policy Association; he had also left a good impression on everyone he met. League Secretary General Avenol privately noted his approval of his work.¹⁸

McDonald nevertheless had his doubts about taking on the post. They were not only personal. More than others, he was aware of the difficulties he would face in dealing with governments on such a delicate issue as that of the refugees. Nevertheless, his appointment moved quickly. On 18 October, Henry Morgenthau Sr – during 1933 the American representative at the Geneva disarmament conference – wrote to Secretary of State Cordell Hull asking him to propose McDonald's nomination to the League of Nations' Council. Despite his reluctance that an American assume a leadership role in a League of Nations agency, President Roosevelt formally nominated McDonald.¹⁹ The League Council expedited the appointment although British Jewish organizations, which still favoured Robert Cecil and distrusted McDonald for being too close

to the Nazi regime, had not agreed. Indeed, they complained that they had not been consulted before the Council voted on his appointment.²⁰

His appointment was confirmed on 26 October. Although his official title, High Commissioner for the Refugees (Jewish and Other) Coming from Germany, seems rather clumsy, there was a specific legal reason for it. His mandate included all those who were forced to flee Nazi Germany, whatever their nationality of origin. This itself marked a departure from the previous refugee Arrangements, which were restricted to refugees of a defined nationality, or former nationality. Moreover, although it did not seem to have been noticed at the time, the inclusion of the word 'Jewish' in the official title marked, for the first time, an intergovernmental agency assuming a responsibility for the Jewish problem in world affairs. It is more likely, however, that the use of the word in the title was to attract the attention of Jewish organizations, particularly American Jewish organizations, thus far remote from the League of Nations and its affairs, to come to the aid of their persecuted co-religionists. The support of American Jews was indeed critical. As the Joint Distribution Committee had undertaken to pay McDonald's salary and the majority of the High Commission's expenses, the Council had the assurance it needed that the League would not have to bear the costs.²¹

The Council may well have acted in haste, but it did so in order to bring to a close the awkward question of how it should respond to Germany and the persecution of the Jews. It had determined that once appointed, the High Commissioner would be autonomous of the League; the League would therefore no longer be troubled by suggestions of political interference in German affairs, or be embarrassed by accusations that it was doing little for the victims of Nazi persecution. Even so, it set ambitious aims. The High Commission was assigned the task of 'solving, by international action, the economic, financial and social problems' caused by the emigration of the refugees from Germany. These problems could only be 'solved' by international cooperation, which the High Commissioner would 'direct'. It would 'provide, as far as possible, work for the refugees in all countries which are able to offer it'.²² The states that held the best possibilities for this would be invited to participate in the High Commission's activities by their representation on its Governing Body.

The specific functions expected of the High Commissioner were spelt out: to provide a means of centralizing funds for refugee resettlement; investigate settlement opportunities across the world; to negotiate with governments for this purpose; to register refugees and identify their qualifications, skills and special needs; to organize training and to regularize the legal status of stateless refugees. It was expected in addition that the High Commissioner would also open

negotiations with the German government in order to secure an agreement on the transfer of Jewish assets from Germany.²³ If successful, all these activities would substantially improve the conditions of the refugees and the impact they had on their host countries. Yet, it was also a highly ambitious agenda when the High Commission had no guaranteed resources and was without the administrative and political support of the League of Nations.

The Secretariat was also intent on directing the work of the High Commissioner. Secretary General Avenol instructed McDonald to come to Geneva for consultations before commencing his duties. He was to be met by an official of the Secretariat on arrival in Europe, in order to keep him away from the press and making of any premature comments.²⁴

McDonald's interview with Avenol began poorly and did not get better. It was on the morning of 11 November 1933: 'Armistice Day', McDonald noted dryly in his diary, 'This has not been what I consider a perfect vacation.'²⁵ Avenol instructed him that his profile and activities should in no way conflict with the League's interests. He told McDonald that he should visit Geneva as little as possible in order to make it clear he was indeed independent of the League. Technically, Avenol reminded McDonald, the High Commission did not yet exist. A Governing Body would need to be formed, and it would have to meet to accept its statutes, appoint a chair, select a treasurer and approve the High Commissioner's activities. Until then, McDonald could make no decisions nor take any action. Beyond that, the League had no further responsibility. 'Officially', Avenol told McDonald in conclusion, 'we are through'. The League had set up the High Commission, had approved McDonald's appointment, and was finalizing its statutes; it would then have no use for it.

They might have been through, but Avenol nevertheless was determined to dictate how the High Commission should work. It was to be an intergovernmental body and private organizations, particularly Jewish ones, would contribute in an advisory role only. Avenol was also emphatic that the High Commission should nurture good relations with Germany, and for this reason Jewish influence in the High Commission would be best kept to a minimum necessary for its work. 'Yours cannot be a Jewish organization', Avenol insisted, 'if ever you wish to establish a useful relationship with Germany'. He vetted the draft of McDonald's first public statement, 'materially improving' upon it, McDonald conceded. There was certainly no place for the High Commission in Geneva. For that matter, there was no place for it in The Hague either, since the Dutch preferred not to host it, nor in London, as the French preferred otherwise. Yet it

was not welcome in Paris either. That left Lausanne, but the Swiss government was yet to indicate whether or not it would be welcome there.²⁶

Perhaps Avenol asserted his own views of the purpose of the High Commission because he was alerted to McDonald's vision of it. During a public address on 4 November 1933, the day before he sailed from New York to travel to Geneva, McDonald noted three objectives. First, the High Commission would complement private refugee aid organizations, not replace them; it would make their work more effective. Second, it would formulate programmes to assist both governments and aid organizations. Of particular importance, McDonald noted finally, were negotiations with the German government, as the most significant improvement in the conditions of the refugees would be gained by persuading the Reich to relax the conditions on their emigration. The Reich's 'flight tax', which stripped from emigrants all but a small amount of their assets, was the greatest impediment to their successful resettlement. It prevented the refugees from satisfying the 'no public charge' tests of the United States and other countries of emigration, and deprived them of the means of re-establishing their disrupted lives. Change on this one issue would also overcome concerns about the burden they placed on the economies, labour markets and welfare services in their countries of asylum. These were all difficult tasks, McDonald was certain; the 'job of the High Commissioner', he concluded, 'will be to do what he and his associates can to ward off that difficulty'.²⁷ To be sure, McDonald was under no illusion about the task he faced and the constraints the League's mandate imposed upon him. The High Commission had been 'set afloat on the uncharted waters of the future', he told his American audience before he set sail 'The League creates the instrumentality and leaves it to sink or swim'.²⁸

Avenol would have preferred that McDonald made no public statements before the High Commission was formally established for fear that his views might be mistaken for the views of the League of Nations. Sensitive to any criticism of German domestic policy, Avenol could well have interpreted McDonald's comments on the 'Reich's tax' as blaming the German government for the refugee problem. There were also some implied criticisms of the financial hurdles that other League member states put in the way of refugee resettlement. Again, it was better that these criticism not be made until the High Commission was autonomous of the League.

McDonald was upbeat about his prospects when he sailed from New York all the same. He was confident that the High Commission would find the money it required to carry out its functions: 'I am convinced that the administrative expenses will be met generously by the people who believe in [this] work'. He was

also confident that American Christians would come to the aid of the refugees. It was important that they did not see the refugees from Germany as a problem that concerned only Jews; it concerned everyone. And, he insisted, the task of funding the High Commission's work should therefore not fall entirely on Jewish sources, since the Nazi persecution of the Jews could well light a fuse to ignite anti-Semitism across Europe. Finally, as newsreel cameras and members of the New York press recorded his parting words, McDonald left the American public with a warning: 'You must use brutal, cold, contemptuous language to show what the Nazis feel towards the Jew ... What is happening today in Germany could happen tomorrow in Austria. And if this thing becomes the rule ... life for Jews anywhere on the continent between France and Russia may become impossible.'²⁹

The extent to which British Jewish organizations exerted their influence over McDonald was genuinely unexpected. It would quickly come to consume a considerable amount of his energy. Even before his ship had docked at Plymouth, Norman Bentwich, a highly regarded legal specialist, had been sent ahead by the Board of Deputies for British Jews to greet McDonald and to escort him to Paris, where they parted, McDonald continuing on to Geneva for his meeting with Avenol.³⁰

The Board of Deputies wanted to be sure that McDonald was briefed on the British Jews' expectations of his High Commission. There was some lingering resentment that an American had been appointed High Commissioner ahead of their nominee, Robert Cecil. They were especially aggrieved that their organizations had not been consulted before McDonald's appointment was announced. As far as British Jewish organizations were concerned, the League Council made its decision only to secure the financial backing of wealthy American Jews, ignoring British Jewish interests and their financial support for German Jews and the Jewish refugees from Germany. Bentwich therefore briefed McDonald on the position of the British Jewish organizations, informing him that their preference for High Commissioner was Cecil, and that they had been both surprised and disappointed with the speed of McDonald's appointment. It was therefore essential, Bentwich advised McDonald, that he establish good relations with the British organizations from the start. This would depend on how much he was prepared to cooperate with them.³¹ In other words, Bentwich informed McDonald that the British Jewish organizations expected McDonald to represent their interests and that they would have a strong influence over his work. Bentwich was therefore less interested in learning how McDonald intended to proceed than he was in setting out the groundwork for asserting British influence over him before he devised his own agenda.

Even so, McDonald learned much from Bentwich that was cautionary about British Jewish interests. The British organizations, for example, claimed a monopoly on Jewish emigration to Palestine, and Bentwich warned McDonald that he would become entangled in sensitive political matters if he concerned himself with Palestine. Moreover, the British Foreign Office would not accept the High Commission making any plans relating to the resettlement of German Jews in Palestine; only the British Colonial Office could do this, and it did not want to have to deal with yet another agency seeking entry certificates and residence permits.³²

Palestine, British foreign affairs in the Middle East and Zionist politics were already revealing the difficulties McDonald would have to navigate. The delicate politics of Jewish interests were reinforced in Geneva. A few days before McDonald arrived to meet with Avenol, Chaim Weizmann, president of the English Zionist Federation, and former president of the World Zionist Organization and Jewish Agency for Palestine, had arrived and had cornered Avenol to discuss the role of the High Commission.³³ Weizmann insisted that Avenol appoint Bentwich to a 'responsible position ... of the utmost importance' in the High Commission, by way of a concession for their nominee, Cecil, being overlooked. Weizmann had backed Cecil's nomination, and since McDonald's appointment, had personally implored Cecil to accept the role of British representative on the Commission's Governing Body. Weizmann claimed that he 'would give it a standing and authority it could acquire in no other way'.³⁴ Weizmann told Avenol that Palestine provided the best option for the resettlement of the Jewish refugees from Germany; it was the one country with a real need for young families and it would provide a new future for the Jews of Germany that was being denied them elsewhere. If the High Commission was to be effective, Weizmann insisted, it should take the lead in organizing German-Jewish emigration to Palestine.³⁵

On the one hand, British Jewish organisations insisted that McDonald should keep clear of any matters relating to Palestine. On the other hand, Zionists were insisting that Jewish resettlement in Palestine should be the High Commission's main role. After McDonald concluded his interview with Avenol on 11 November 1933, he took the opportunity to talk over his plans with Weizmann. McDonald emphasized his role as head of an intergovernmental organization and that his first responsibility would be to forge a consensus between governments for the benefit of the refugees. Private organizations, such as those Weizmann represented, could only have an advisory role, and they should not look upon the High Commission as an agency pursuing their particular objectives. But he

could not dissuade Weizmann from his own vision of the High Commission – it could help realize a ‘bridgehead in the Jordan Valley’, Weizman insisted, by channelling the Jewish refugees to Palestine.³⁶

McDonald learned shortly afterwards how disruptive Zionist ambitions could be. A press report of his discussion with Weizmann in Geneva was brought to his attention, in which Weizmann had nothing good to say about him. Weizmann had called McDonald ‘naively optimistic’ in expecting funds from ‘personal friends’ in the Joint Distribution Committee; he accused him of ‘indulging in a fantasy’ if he expected France to absorb Germans and for being ‘unwise and naïve’ to contemplate negotiations with Germany. Finally, Weizmann was reported to have said that unless McDonald gave a ‘larger scope’ to private organizations, their ‘cordial support could not be obtained’. McDonald took the report calmly, excusing it diplomatically as a misinterpretation of his discussion with Weizmann rather than a misrepresentation. He believed that it was something he could clear up with Weizmann privately at a later time. The insinuation that he was naïve, unwise and even unrealistic in his expectations was hurtful all the same. The High Commission was not yet formally constituted, and if reports such as this gained traction, there was real risk that he would be weakened in the eyes of his supporters and the organizations to which he must turn. They might see him as a man whom they need not take seriously, or one in whom they should not invest too much.³⁷

As he embarked on his first engagements with government officials and refugee aid societies, there was no option for McDonald other than to ignore these criticisms and trust that they were not damaging. The practical matters of the composition of the High Commission’s Governing Body had to be decided and McDonald sought the advice of European foreign ministries for suitable members. He left his first meeting with the French Foreign Ministry upbeat, assured of its support for its intergovernmental structure as ‘the only practical way’ to approach the refugee problem.³⁸ The British Foreign Office, on the other hand, believed that private organizations should have more than an advisory role. ‘Evidently’, McDonald concluded, ‘the Foreign Office had felt the influence of the Jewish organizations’ before he had a chance to outline his plans.³⁹

These initial meetings showed what would be a recurring pattern. Neither ministers of state nor senior ministerial officials would meet him. His discussions at the Quai d’Orsay in Paris were with the Foreign Ministry’s League of Nations liaison, Jacques Fouques-Duparc, and Alexis Saint-Léger, Undersecretary of State for Foreign Affairs. While both looked upon the High Commission positively, neither had influence on policy; nor was it up to them to suggest

French appointments to the Governing Body. At Whitehall, he met with Sir Orme Sargent, Assistant Undersecretary for Foreign Affairs, as Foreign Minister Sir John Simon and Anthony Eden, his undersecretary, were 'just leaving for Geneva'.⁴⁰ Sargent could not give McDonald any assurance of Britain's attitudes towards the High Commission or on the question of emigration to Palestine, but he did express the support of the Foreign Office for his opening negotiations with Germany.

McDonald's diplomatic skills were tested more in his dealings with the Jewish organizations than in his dealings with government ministries. The French National Committee for Refugee Aid (the Comité National de Secours aux Réfugiés) had already spent around 10 million francs on refugee assistance, and its resources were almost exhausted. It could not continue without considerable assistance from abroad, its chair, Baron Robert de Rothschild, advised. He expected that McDonald, now in his role as High Commissioner, with strong links to American Jewish aid societies, would be able to arrange for a transfer of funds from abroad to aid in the Committee's relief efforts. As McDonald advised Rothschild, however, the High Commission had no funds of its own to dispense for refugee aid, and he could not simply call upon money from the American societies.⁴¹

The financial straits of the French National Committee were due to the very large numbers of refugees arriving from Germany without the means to support themselves. There was no end in sight to the burden of relief as the refugees were barred from employment, and the Committee was already looking to the High Commissioner not only for leadership on refugee assistance but also direct financial support to aid its work in alleviating refugee distress. The fact that McDonald could offer nothing raised, from the very start, serious doubts among the French about the High Commission's purpose.

The chief concern of the British Jewish and refugee aid organizations, on the other hand, was the role they would play in the work of the High Commission. It was not yet clear whether they would be active participants or, as appeared to be the case, whether they would serve only in an advisory role. Because he would have to work with them constructively, McDonald was prepared to concede to some of their wishes. He suggested to Sargent in the Foreign Office that Robert Cecil be appointed Britain's delegate to the Governing Body, as Weizmann had suggested, and that he would support the selection of Cecil as its permanent chair. He also suggested to British Jewish leaders – Norman Bentwich, Neville Laski, president of the Board of Deputies, and Leonard Montefiore, president of the Anglo-Jewish Association – that a permanent executive body of five

members, three of whom would be Jews, be drawn from the High Commission's proposed Advisory Council. They would be invited to sit with the Governing Body in order to give it the benefit of their 'knowledge and character'.⁴² McDonald insisted that the High Commission would be most effective if it were intergovernmental in nature, as this would give the High Commission lines of communication directly with governments on important matters of policy. But, McDonald conceded, it also required the closest possible relations with private organizations, as they were best placed to serve the refugees.⁴³ McDonald finally agreed that Bentwich would make an ideal associate in the High Commission.

British Foreign Secretary Sir John Simon had in fact already put forward Robert Cecil's name to the League Secretariat as Britain's representative on the Governing Body. While Cecil accepted his nomination, he was not prepared to take on the role of permanent chair of the Governing Body because of the demands it would make on his time and the travel that it would involve. He could only commit himself to chair the first meeting of the Governing Body. That meeting was already scheduled for Lausanne on 28 November, a date unsuitable for Cecil, but McDonald was so eager to have Cecil as chair that he offered to defer it to a later date to fit Cecil's schedule. Cecil's reputation, McDonald believed, would not only consolidate British and Jewish support for the High Commission, it would also help carry world opinion in its favour; his diplomatic experience would also be of great benefit to the High Commission.⁴⁴

The greatest difficulty that McDonald faced in his engagements in London was managing the expectations of the many individuals who offered their assistance or sought an invitation to sit on the Advisory Council. One or two left him 'nonplussed'. Neville Laski insisted that he should be one of the three Jews drawn from the Advisory Council to form the proposed permanent executive on the Governing Body. He would be needed as a British Jew, Laski said, in order to balance the influence of Weizmann and American Jews. Laski also claimed to be 'the best known Jew in Europe' while Weizmann was 'not really an Englishman'.⁴⁵ Many groups were indeed invited to send representatives to the Advisory Council, but some groups were not as suitable as others. The Save the Children Fund, with a long tradition of relief and welfare services, was welcome, but not the Second International; the International Federation of Trades Union would instead represent the interests of non-Jewish political refugees.

In the immediate flurry of organization and politics in which he had become so quickly ensnared, McDonald could well have lost some sense of the purpose of his work. Two individuals who sought him out to give a first-hand account of the lives of the refugees reminded him of his objectives, but it also

reminded him of the constraints he faced. A niece of Felix Warburg, Lola Hahn, introduced him to a young German Jewish refugee, Wilfrid Israel. Hahn and Israel both insisted that German Jews themselves should be represented on the High Commission; their interests, they pleaded, could not be left to others, and only German Jews could extend their assistance into Germany. It was a heartfelt request, but one to which McDonald could not respond directly. He could not be sure what the governments represented on the Governing Body would permit, nor what would be possible in view of his plans to open negotiations with the German government. Still, this one interview carried much more meaning than the petty self-promotion or niggardly jostling for influence he had thus far experienced. As he listened, McDonald recalled, 'I had a sense of participating in a terrible human tragedy'. The purpose of his mission was reinforced, and he was convinced that the High Commission had to establish good relations with the Reich or its work would only be a 'very partial success'.⁴⁶

Still, McDonald experienced much in these first weeks as High Commissioner that could have left him pessimistic about his prospects. The limitations on his office were reinforced, and he could well have become frustrated by the few assurances he could give to those actively supporting his work. His one regret was that he had so little time to meet all those he wanted to meet.⁴⁷ It was a bold mission and he could look ahead with anticipation nevertheless: 'This is an adventure!', he wrote to his colleagues in the Foreign Policy Association, 'exciting and exhilarating, and so far as one can now see it promises to continue to be'.⁴⁸

As McDonald continued his consultations with the Dutch, Belgian and Swiss governments, the office of the High Commission was taking shape. His personal assistant from the Foreign Policy Association, Olive Sawyer, continued to work with him, with her salary paid from the High Commission's budget. Another colleague from the Foreign Policy Association, Herbert May, served as an unsalaried general counsellor and advisor. As Secretary General of the High Commission, McDonald selected a Dutch official of the League of Nations, André Wurf bain. Wurf bain had served on a number of League commissions, spoke several languages and could offer inside knowledge of the League's operations. Finally, McDonald appointed Norman Bentwich as Deputy High Commissioner, assisting McDonald on technical and legal matters. The Secretariat set up its office in Lausanne in preparation for the first meeting of the Governing Body, now scheduled for 5 December 1933 to accommodate Cecil's schedule.

The membership of the Governing Body was also being finalized. It was decided by nomination to the League of Nations Secretariat. The representatives

would have both a consultative and planning role and serve as the main channels for negotiations on questions of refugee assistance and settlement with their national governments. Joseph Chamberlain, professor of law at Columbia University and a board member of the Foreign Policy Association, was nominated as the representative of the United States government. Henri Bérenger, of the French Senate's Foreign Affairs Committee, was named the French representative. In all, the League Secretariat invited fifteen states to nominate representatives. Belgium, Czechoslovakia, Denmark, Italy, the Netherlands, Poland, Sweden, Switzerland and Uruguay all nominated representatives.⁴⁹ Spain did not acknowledge its invitation, while Argentina and Brazil both declined, claiming that they had no one suitable for the role among their European diplomatic corps. The commander-in-chief of the Argentine military, moreover, sent the Governing Body a message that demonstrated attitudes with which the High Commissioner would have to contend. 'Learning . . . that the Argentine Republic has been mentioned as a refuge for Hebrews, I have the honour to let you know that you can discount my country as a propitious country for Jewish colonization. We shall not tolerate that our country, where the Jew is an oppressor, strangler and extortioner of our society, be taken as refuge by the lowest of all races, the refuse of humanity.'⁵⁰

The Uruguayan diplomat, Alberto Guani, was therefore the sole representative from Latin America, a region where much hope was placed for refugee resettlement. Well experienced in intergovernmental talks and League procedures, Guani served as president of the League Assembly and rapporteur of the Second Committee when the refugee question was brought before it during its 1933 sessions.

Under the statutes written by the League Secretariat, the High Commissioner could take no action without the Governing Body's approval, and he was to report on his activities to its regular sessions. In turn, the members of the Governing Body represented their governments' interests, and were expected to return to their governments afterwards with the resolutions they had agreed for implantation in policy. A selected number of private organizations would be invited to form the Advisory Council but choosing precisely which ones should be invited proved exceedingly difficult and frustrating. The final decision was deferred to first session of the Governing Body.

The make-up of the Advisory Council had been a thorn in McDonald's side from the moment he assumed his post. Jewish groups were divided between Zionists, who pursued the politically charged ambition of the colonization in Palestine, while the large philanthropic organizations committed

themselves more to relief and resettlement in the traditional countries of immigration in the Americas. The Joint Distribution Committee and the Jewish Colonization Association were adamant that it would be impossible for them to sit as equals with the bodies like the Comité des Délégations Juives and the American Jewish Congress, whose Zionist agendas they considered 'political and irresponsible'. Much of McDonald's energies therefore went into balancing these conflicts in order to ensure that he could work cooperatively with all organizations. The established non-political aid organizations, he insisted, had to continue their usual operations if the High Commission was to fulfil its objectives. It was also vital that he could rely on the expertise, structures and financial resources of the Zionist organizations to facilitate Jewish emigration.⁵¹

While so much of McDonald's attention was given to organizational matters, little attention was being given to strategies for refugee assistance. He believed that national governments and national aid societies had a common interest in working cooperatively with the High Commission towards their common objectives and that through this a common strategy could be devised. However, refugee aid societies needed to find new sources of funds immediately in order to continue their work of relief; they therefore had to look to the general public for new contributions. The interests of governments, moreover, were not altogether in accord with McDonald's objectives. Britain was circumspect in its approach to the High Commission because of its guardianship of Palestine, while the countries neighbouring Germany would have no part in accepting an additional burden. France claimed that it was already overwhelmed by the impact on the German refugees on its labour market and could absorb no more. The Belgian government expressly told McDonald that refugee admissions could not be sustained indefinitely and, were their numbers to rise, it would need to consider closing its borders.⁵² Meanwhile, the traditional outlets for Europe's unwanted, the Americas, insisted on their restrictive immigration barriers. From the beginning, therefore, there was the difficult question of whether it was at all possible to negotiate the permanent settlement of refugees, when some countries wanted to be rid of them and others refused their admission.

The Lausanne Office, December 1933

During this foundation period, McDonald skirted around the key issues involved in refugee assistance in order to deal with preliminary administrative matters. Before the High Commission could be formally constituted, the composition and membership of the Governing Body had to be agreed upon and support from member governments garnered. The backing of both Jewish and non-Jewish aid societies was critical for McDonald, as he would need to rely on their expertise, experience and, above all, financial commitments for his High Commission to have an impact. The composition of the Advisory Council was consequently also critical, but the decision on its membership was difficult and sensitive. The final selection of its members was deferred until the Governing Body had met for the first time.

This was scheduled for 5 December 1933 in Lausanne. As the governmental representatives of the Governing Body and interested private organizations gathered, McDonald's place within the broader network of political and communal interests became clearer. As an American, he moved within a milieu of seasoned European diplomats and hardened, sometimes cynical politicians representing their nation's particular interests. He was also from a country that had all but closed its borders to new immigrants when one of his tasks was to persuade the Europeans, who bore the brunt of the refugee problem, to do more for the refugees. And, although not a Jew himself, he was nevertheless drawn into the internal political conflicts between the traditional 'establishment' Jewish organizations in both the United States and Great Britain, whose approach was facilitating Jewish emigration and resettlement across many countries, and Zionists, who looked upon the High Commission as a means of promoting Jewish settlement in Palestine.

McDonald was therefore an outsider among the forces that he was trying to harness to a common cause. His lack of influence over individuals of greater prestige and political authority was clear on the morning of the Governing Body's

opening session. Cecil told McDonald that he could not accept his nomination as its permanent chair. McDonald approached the Uruguayan Alberto Guani. But the French representative, Henri Bérenger, insisted on putting Cecil's name forward all the same, and after a private discussion with Cecil, Bérenger had persuaded him to change his mind. As Cecil's main concern was the travel required for future meetings in Lausanne, it appears that Bérenger agreed to withdraw France's objection to the Governing Body meeting in London. McDonald took no part in the discussions and was not aware of what Cecil and Bérenger had agreed.¹

From the start, therefore, it would seem that McDonald carried little diplomatic authority into the Governing Body and would struggle to assert his will over its members. His authority as High Commissioner came instead from his public advocacy for the refugees, an approach that came through clearly in his opening address to the Governing Body. A large audience of aid organizations and the American and European press assembled in the Palais de Rumine at the University of Lausanne for the opening session to hear McDonald describe the extent of the refugee problem.

His address was as much a record of the perception of the refugee problem at the end of 1933 as an account of its size and nature. The Governing Body was a sign of international attention on the plight of a persecuted people, McDonald began. It was proof of the 'interest among nations' of the 'grave economic, financial, and social problem' of the refugees. At a time of acute economic crisis throughout the world, he continued, this situation could conceivably grow to 'such proportions as to be possibly unmanageable.'² The cautious approach of the League of Nations towards the refugee problem was not far from McDonald's mind, however. He reassured all those present that the refugees did not constitute a political problem; it was not the Governing Body's role, he declared, 'to interfere' in German affairs. The High Commission was instead an intergovernmental body that sought common ground to help the refugees. 'We have no wish to examine the reasons why these people have left their country'; they presented a 'purely technical problem, and its solution must be found by common agreement'.³

A summary of the distribution of the refugees from Germany was published (Table 1.1), drawn from figures obtained from the various national refugee aid societies across Europe. It showed that a total of 59,300 refugees had fled Germany between January and November 1933; just under half were in France. These were at best just estimates, however; many refugees were almost certainly double-counted, having been registered in one country before going to another

and being registered there. There was no way of knowing how many had decided to return to Germany when they found conditions difficult in another country, or could not obtain an entry visa, or were forced to leave because of an expired visa or having entered illegally.⁴ The figures nevertheless illustrated the serious imbalance in the distribution of the refugees across Europe, with France, the Netherlands and Czechoslovakia bearing a heavy responsibility, while the United States had scarcely been touched by the problem. In all, 86 per cent of the refugees were Jewish; the remainder were socialists, communists, trade unionists, pacifists and other political refugees. Until this point in time, McDonald declared, Jewish aid organizations had borne the cost of relief and assistance for both Jewish and non-Jewish refugees. A considerable proportion of the refugees held a nationality other than German. Some 16,520 were Polish in origin, or were stateless and without a recognized nationality.

McDonald then proceeded to outline his priorities as High Commissioner. In the face of this crisis, he said, he had two clear responsibilities: to coordinate the relief and settlement work being undertaken by private refugee aid organizations, and to negotiate opportunities for resettlement with governments. On the first, McDonald explained that the High Commission did not have resources of its own to provide relief and assistance, and it could not be the medium through which relief funds were collected and disbursed. His role was therefore to support and coordinate the activities of the many aid and benevolent organizations that were better equipped to carry out these vital functions. Rather than develop assistance programmes itself, the High Commission's functions would be instead to facilitate the strategies of other agencies that aimed at making the refugees more attractive to prospective countries of resettlement through retraining, or by investing in industries and jobs in which they could be placed. On the issue of resettlement, there were specific technical questions that required the agreement of governments. Among these were travel documents, identity documents and questions of property rights, critical issues that would also require negotiations with the German government.⁵

Fractures appeared when the Governing Body reconvened in a closed session later that day to deal with procedural matters. The question of membership of the Permanent Committee of the Governing Body, which McDonald had proposed in order to deal with important matters more quickly and efficiently between the formal meetings of the full Governing Body, drew scant interest from some governments. The representatives of Sweden, Italy and Denmark declined membership on the instructions of their governments. The Italian representative, Senator Giovanni Majoni, went further and pre-empted later

discussions. With 500 refugees from Germany in Italy, Majoni declared, it had reached the end of its tolerance and could accept no more. Italy's participation in the High Commission would therefore be limited.⁶

Majoni was the first of several representatives who declared that it was the intention of their governments to hold fast to their policies against the admission and settlement of more refugees. Bérenger also declared that the French government expected the High Commission to help relieve France of its existing refugee burden and to work for a more equitable distribution of the refugees among other countries. For this reason, France had suspended entry visas and residence permits from the date the League of Nations decided to appoint the High Commissioner. 'France and French private aid organizations,' Bérenger continued, 'have done more than their duty when faced with the humanitarian problem arising from the events in Germany'. France's position was therefore that it could not be 'indefinitely hospitable ... it will consent to be a clearing house but not a final haven for all refugees'⁷

Bérenger had in fact expressed the general mood of the Governing Body. The Swiss representative, Henri Rothmund, explained that his government had issued entry visas for expired passport holders in order to assist them to flee Germany, but it could not continue to do so. The Czechoslovakian representative, Prince Max Lobkowitz, said bluntly that the alternative to a travel or identity document for refugees was their repatriation to Germany.

A travel and identity document akin to the Nansen Passport issued to Russian and Armenian refugees during the 1920s was nevertheless considered unwarranted and undesirable in the circumstances facing the refugees from Germany. An intergovernmental conference would need to be held to agree on its terms and use; that would take time, when the problem was urgent. Moreover, it would raise 'difficult political questions' of interference in German affairs.⁸ It was recommended instead that the international identity and travel document adopted by the League of Nations Organization on Communications and Transit in 1927 be made available for the refugees from Germany. Although it was not in wide use, it provided a valid and recognized document for travel in lieu of a national passport. Governments could declare their intention to use it immediately without the need for an intergovernmental agreement. Italy and France objected, however, arguing that a travel document issued by the High Commission itself would be stronger than the 1927 document, and would command an obligation of states to receive refugees resettling from another country. The discussion progressed no further as, Cecil declared from the chair, there were too many matters of government policy that had yet to be determined, and representatives were

being asked to comment on issues on which they had not been instructed. The question was therefore held over for later consideration.⁹

National interests also dominated closing statements. Defending American silence on the refugee problem, Joseph Chamberlain explained that the questions the Governing Body faced were not of moving refugees from one country to another, or of charity. 'The refugees must be allowed to remake their lives, and this requires the cooperation of private organizations with governments.' The United States therefore welcomed the creation of the High Commission and its intention of coordinating the work of private organizations seeking the cooperation of governments.¹⁰ Lobkowicz indicated that the Czechoslovakian government was conflicted between the refugees' need for charity and the 'economic and social problems' they caused. For Bérenger and the French government, the obligations of refugee relief no longer rested with the countries of refuge on Germany's borders but with the High Commissioner and countries in the Americas: 'France, frontier of liberty, has not only done a work of charity but also a work of reconstruction and put into practice the fundamental principles of the High Commission itself'. But, again he stressed it could not continue to do this. 'It is above all on the American continents where the redistribution can be made ... It is for the High Commissioner to take up the torch that the League of Nations has passed to him ... It is now time that effective aid were apportioned by the great American associations and the High Commission.'¹¹ Robert Cecil concluded the proceedings, speaking on behalf of the British Government. 'It is as difficult in England [*sic*], as elsewhere, to find employment. Considerable amounts of money have been collected to assist refugees ... and to enable them to go to other countries ... Europe is full; we must turn to other continents ... countries in Africa and the Americas that can offer an outlet.'¹²

In summary, the Governing Body made no decisions at its first meeting. Its members returned to their governments with the recommendation on the adoption for the use of refugees of the international travel and identity document of the League of Nations Organization on Communications and Transit in 1927. However, there were no discussions on what the governments might do directly to assist refugees, nor approaches to the refugee problem that might help alleviate some of its worst aspects. Each representative defended their government's policies, while pleading for others to take the burden off them. The Europeans looked to the High Commissioner to assist in the emigration of refugees from their own countries and therefore firmly placed upon him the responsibility of finding openings in the United States and other places of resettlement.

Leaders of the major Jewish organizations were invited to Lausanne to address the Governing Body during its opening session. The session began, McDonald recalled, with brief and perfunctory statements that left little impression on their audience until Weizmann rose to make a 'very statesmanlike and moving address'.¹³ 'One must not be too hopeful', Weizmann began, 'in view of the disturbed economic position of the world [but] it should not be beyond human power to solve this problem.' He named regions where migration opportunities for the refugees from Germany existed. These were, in truth, established countries of immigration – the United States, the British Dominions, especially South Africa and Australia and some South American republics. But he also named the French dependencies and mandate territories, and added, 'we believe, to some considerable extent, in Palestine'. He continued: 'The Jewish community alone could not do what was required without the sympathy, without the political, moral and material support of the civilized nations.' He cast a moral imperative before his non-Jewish audience: 'A wave of anti-Semitism is sweeping over the world ... The peculiar social and economic structure of Jewry – forced on us by centuries of history during which we were merely in the role of passive sufferers – cannot be maintained in the face of a changing world.' He concluded: 'The success of our endeavour in Palestine is based on the determination of our people, especially our youth, there to found a life on a normal and productive basis'.¹⁴

Weizmann's advocacy of Jewish settlement in Palestine antagonized the non-Zionists attending on behalf of their own organizations. American Jewish interests were particularly annoyed. It seemed to them that Weizmann had 'pocketed' McDonald, and they took their complaint directly to McDonald. Joseph Hyman of the Joint Distribution Commission, with its European director Bernard Kahn, and Louis Oungre, European director of the Jewish Colonization Association, all insisted that McDonald moderate Zionist influence in favour of New York Jewish organizations by limiting Zionist representation on the Advisory Council. Discussions on the composition of the Advisory Council had dragged on; they were 'interminable and racking', achieving little for the time that McDonald devoted to them. Here was another reason why McDonald could not reach a final decision. Positions were firm and could not be swayed; he could only try to balance their conflicting demands as best he could, while maintaining a spirit of cooperation.¹⁵ There was the danger that if the final decision was left to drift, that cooperative spirit might be lost.

McDonald found himself in the midst of highly charged conflicts within the American and British Jewish communities. Since the Balfour Declaration on

Palestine in 1917, Zionism had emerged within both the British and American Jewish communities as a defining issue, socially, religiously and politically. It divided the traditional establishment Jewish communities, populated by families of the older Jewish migrations from Europe, from those who had settled during the mass migrations from Eastern Europe in the 1880s and 1890s. The establishment organizations were content with philanthropic aid for fellow Jews, in order to educate them and nurture their Jewish identity, and to protect them from persecution through their emigration abroad. To this end, the American Jewish Joint Distribution Committee raised funds in the United States to assist the rehabilitation of East European Jews during and after the First World War, while the Jewish Colonization Association bought up land in the United States, Argentina and Brazil with a view to establishing new Jewish immigrant communities. Zionists, on the other hand, tied Jewish identity with a Jewish homeland in Palestine. The differences between these two groups became a political struggle for influence and control over key Jewish institutions.¹⁶

The antagonism between the establishment and Zionist organizations had three immediate consequences for the resettlement of the German Jewish refugees. One was a struggle for influence over the work of the High Commissioner. Establishment American organizations were making the major contributions to High Commission's budget, which Weizmann interpreted as their 'pocketing' of McDonald. Weizmann insisted to the contrary that the most realistic prospect for the success of the High Commission was the resettlement of German Jews in Palestine. A second consequence was a struggle over the distribution of Jewish resources and financial contributions from philanthropists and benefactors. Should they be poured into schemes involving Palestine, as the Joint Distribution Committee and the Jewish Colonization Association worried, the community resources upon which they could draw would be considerably diminished. The third consequence was that should Weizmann 'pocket' McDonald and gain recognition for his Zionist plans in this sleight of hand way, the establishment organizations feared that the work for the refugees from Germany would be mired in unnecessary political controversies: the British government would not consent to any increase of Jewish emigration to Palestine for the foreseeable future despite Weizmann's urgings, and it would damage McDonald if Weizmann were to distract him with this in mind. McDonald's only response to these pressures was to try to hold himself aloof from any particular interests and to try to assert his authority over particular agendas.¹⁷ But Weizmann could only interpret this as McDonald giving in to the American establishment Jews, because he was utterly reliant on them for the High Commission's budget.

The first act of the newly selected Permanent Committee of the Governing Body was to decide on final membership of the Advisory Council. Eighteen organizations were invited to participate, half of them Jewish, representing Britain, France, the United States, the Netherlands and Poland. Three organizations were actively engaged in resettlement: the Jewish Agency for Palestine, Weizmann's organization; the Jewish Colonization Association, which was already investing heavily in overseas resettlement schemes and the Joint Distribution Committee. The Comité des Délégations Juives was also invited, despite protests about it adding even more Zionist influence over the High Commission. Non-Jewish organizations included the International Catholic Organization; the Universal Christian Council for Life and Work, which comprised non-Catholic churches in Europe and America; the European offices of the Inter-Church Aid, a similarly federated organization of the non-Catholic churches; the Save the Children International Unit; the International Migration Service; the Society of Friends (Quakers); the International Federation of Trades Union, which represented the interests of political refugees, and the French National Refugee Relief Committee (Comité National de Secours). Two bodies assisting academic and professional refugees were also invited.¹⁸

The selection of these organizations reflected McDonald's desire to bring together a broad spectrum of interests, but their number and diversity could have made the Advisory Council unwieldy. McDonald therefore decided to select a smaller group of eight to form a 'bureau' of the Advisory Council, with which he could consult more regularly. The three Jewish colonizing organizations were selected, along with the Central British Fund, the French National Committee, one agency concerned with academic and professional refugees, Caritas Catholica and two non-Catholic Christian organizations. Caritas Catholica was apprehensive about participating, believing that the work of the High Commissioner even indirectly reflected political criticism of the German government.¹⁹

Even these eight organizations could prove difficult to manage as their interests diverged considerably. McDonald had decided to form this bureau not simply to establish a firm basis for inter-organizational cooperation, but also as a strategy to placate the interests of the more politically and financially powerful organizations, which would be expected to invest the most in refugee assistance and resettlement. These eight organizations, and particularly the powerful Jewish organizations, would dominate the eighteen-member Advisory Council, to such an extent that they marginalized smaller groups, which struggled to make their voices heard.

'Looking back', Norman Bentwich, McDonald's deputy later recalled, 'the eagerness of the organizations to send representatives to the Advisory Council seems a little remarkable'. Sectional and national prestige played a major part in the Council's composition. A few members showed little concern for the High Commission once the Advisory Council was formed, and they made only minor contributions. On the other hand, Bentwich believed, some organizations that were not invited to sit on the Advisory Council did much more for the refugees.²⁰

For McDonald, the bureau was a way of working more effectively with the main organizations, but it suggests a flaw in the structure and purpose of the Advisory Council. While trying to balance all interests, he opened it up to too many agendas that vied with each other for influence. The bureau was an acknowledgement that the Advisory Council's effectiveness was doubtful. For his part, Weizmann interpreted the bureau as an attempt to stymie his influence. Privately, he questioned McDonald's abilities to manage the affairs of the High Commission. In the weeks before the Governing Body, he expressed how he intended to impose his ambitions on McDonald. 'I think now', he wrote to Arthur Ruppin, head of the Jewish Agency in Jerusalem, 'we shall be able to exert considerable influence on him. London is, after all, nearer than New York ... he now intends to form an Executive of this Advisory Committee [i.e. Council] ... It may be assumed that I am to be one of the three Jewish representatives.'²¹ Privately as well he insisted that his influence had indeed shaped the High Commission: on his insistence, Robert Cecil accepted nomination as Britain's representative on the Governing Body, and his own nominee for a post of significance on McDonald's staff, Norman Bentwich, had been appointed Deputy High Commissioner. This was all to the good for Weizmann's influence over McDonald. Although the British Government refused to recognize any role for the High Commission in relation to Palestine, Weizmann believed that McDonald would nevertheless 'soon be forced by circumstances' to pay close attention to the Jewish Agency, which was created by the British Mandate to regulate Jewish emigration there.²²

The final selection of the Advisory Council and its bureau, however, incensed Weizmann because McDonald had given the American organizations a standing equal to his own. He was scornful of McDonald for representing American interests. 'The Jewish organizations did very well', he wrote to his wife during the third day of the Governing Body, 'but the trouble is with the Americans, probably with Felix [Warburg], who keeps cabling which of the Jewish organizations should and which should not be admitted to the Advisory Council ... The Americans are a great misfortune. Poor McDonald is at a loss. [He] is scared stiff of Felix. I don't care any more and am leaving now.'²³

Weizmann saw McDonald's efforts to moderate differences as a weakness. If left to fester, however, these differences could have fractured McDonald's relations with the Jewish organizations on whom he depended.²⁴ The selection of organizations to sit on the Advisory Council, and then the bureau, was indeed an attempt to moderate the influence of the larger, more powerful organizations, or more accurately, the ambitious individuals leading them, and to give a place to the smaller but none the less important organizations. But Weizmann certainly exaggerated; he did not leave Lausanne before the meeting of the Governing Body had ended, if that indeed was his intention. He attended a lunch on 7 December with McDonald, Cecil, and 'a group of friends' from the League Secretariat. The next day McDonald met with Weizmann for over an hour, and left with no hint of the scorn that Weizmann had expressed privately to others.²⁵ In truth, Weizmann had little more to do with McDonald. He had gained most of what he had sought from the High Commission. The Jewish Agency was on the Advisory Council, as was the other major Zionist organization, the Comité des Délégations Juives. He also had the opportunity to sit in on the meetings of the Governing Body as a member of the Advisory Council's bureau.

Suspicion nevertheless persisted among the leaders of Jewish Colonization Association and the Central British Fund that McDonald was allowing Weizmann to speak on behalf of all British Jews. Overall, Joseph Hyman advised McDonald, the feelings and opinions among the British Jews were altogether confused, about Weizmann, about the High Commission, about their role in it, and about McDonald's intentions and the way he had structured the role of the private organizations.²⁶

Would McDonald have looked upon this first meeting of the Governing Body as a success? Its first meeting was over, but it had set no clear direction, having proposed no initiatives and with no advancement on the primary task of ameliorating the conditions of the refugees. McDonald nevertheless expressed satisfaction with the outcomes. His nominations for the Advisory Council were approved and the great efforts of negotiation, argument and compromise had been resolved in the way he wanted. He was also satisfied that Cecil had committed himself to the role of permanent chair of the Governing Body and had proved himself a 'jewel beyond price' during its first meeting. McDonald was also satisfied with the contributions of the national representatives. He was uneasy all the same with their apparent 'eccentricities', which were large enough for him to worry about 'possible future dangers'. He was most satisfied with the contribution of the representatives of those countries from whose citizens 'must come the largest financial resources' upon which the work for the refugees would rely.²⁷

This sense of satisfaction, however, did not suggest success. There was consensus on the strategy he outlined – the coordination of the work of private organizations, cooperation with governments and negotiations with Germany – but the one clear message from the Governing Body was that national governments looked to the High Commission to solve their refugee problems. European countries expected McDonald to do what was necessary to facilitate the emigration of the refugees abroad, while the United States and Uruguay, the only two countries from the Americas represented on the Governing Body, did not intend to relax their immigration policies. Moreover, despite the energies that McDonald expended on forming the Advisory Council and establishing a solid cooperative basis on which he could work with selected member organizations, they were uncertain about the role they would play in the structure and activities of the High Commission. McDonald had insisted from the outset that he would need their advice on activities and programmes, but the early enthusiasm of Jewish organizations seemed more to do with their expectation of influence and their hope that the High Commission would facilitate their agendas. Once it was clear this would not be the case there was, as Hyman had anticipated, much confusion.

There was, however, little time for McDonald to reflect on the outcomes of the Governing Body. Almost immediately upon its conclusion, he left Lausanne to return to New York for the Christmas holidays, but on his way back through France he was distracted by two controversies that undermined the efforts he had put into nurturing confidence in and support for his High Commission.

The first controversy came from within the High Commission itself. A junior member of its staff, James Parkes, an Anglican clergyman who had been recommended by Felix Warburg for his work in the International Students Movement and his promotion of Christian–Jewish relations, publicly complained that McDonald's salary and the salaries of the other staff in the High Commission were 'indefensibly large'.²⁸ McDonald could not ignore the accusation, fearing that, at a time when aid societies were struggling to raise funds for their relief work, it could undermine his personal credibility. Norman Bentwich, who drew his salary from the Hebrew University in Jerusalem, reassured McDonald that American salaries, on which his was based, were large by British standards. In his own defence, McDonald explained that the choice he had faced was between accepting a salary from the High Commission's budget based on his needs, or accepting a payment from private individuals and therefore compromising his independence. André Wurf bain, his Secretary General, agreed to a lower salary, equivalent to what he had been paid in his previous position in the League of Nations. The difference went back into the High Commission's budget.²⁹

The High Commission was never greatly endowed with funds. In the forward budget for 1934 tabled at the December 1933 Governing Body, salaries were around half its operating expenses. Total contributions from all sources amounted to 275,107.34 Swiss francs. Salaries were budgeted at 139,662.98 Swiss francs, out of a total expenditure of 236,326.43 Swiss francs. McDonald's salary for 1934 was listed as 60,000 Swiss francs, around \$2,150 per month (£435).³⁰ Yet, sensitive to the accusation of an indefensibly high salary, he pledged a private contribution to the High Commission of 7,500 Swiss francs to be drawn from his 1934 salary.

The second controversy was again over Palestine. Before he returned to London, McDonald had already been confronted with a newspaper report of an earlier argument with the British Foreign Office on the question of emigration to Palestine. It related to a meeting with the colonial minister, Sir Philip Cunliffe-Lister, and two senior members of the Colonial Office. McDonald claimed that the report was completely unfounded, but he again found himself having to defend his relationship with Weizmann and the arrangements he had made for his Advisory Council. He also faced a stern lecture on the British Government's position on Palestine. The British government, Cunliffe-Lister began, could not permit itself 'to be used to set up a Jewish hegemony in the Levant'.³¹ Cunliffe-Lister was not the first to tell McDonald that Weizmann was as unrealistic as he was idealistic in his Palestine settlement plans, yet the British Government was nevertheless concerned about the strength of Zionist influences on High Commission and the persistent tittle-tattle that McDonald had allowed Weizmann to 'pocket' him. The latest accusations of Weizmann's influence further antagonized the head of the Jewish Central British Fund and president of the Board of Deputies, Sir Osmond d'Avigdor-Goldsmid. The deep suspicions of British Jews over the influence of American Jewish agencies, which financed the High Commission, and British Zionists who exerted influence over it, jeopardized McDonald's good relations with them all and with the British Government.³²

Only when sailing for New York could he leave Jewish politics behind momentarily, breathe some fresh air and reflect upon this first phase of the High Commission.

Pricking Their Conscience: Winter 1933–34

McDonald could boast of no major initiatives to his colleagues and supporters in the United States when he returned for the holiday season. The national governments represented on the High Commission's Governing Body had shown little more than their inflexibility on the refugee problem, and for all of McDonald's efforts to work with British and European Jewish agencies, no common, cooperative strategies for assisting refugees came of them. The Joint Distribution Committee, however, was committed to McDonald's work because of the new opportunities the High Commission presented for developing its programmes of relief and rehabilitation for European Jews. It alone had put a substantial effort into devising a strategy that, if realized, could provide the necessary funds to finance major relief and resettlement projects, and therefore unify the competing agencies in a common cause.

Felix Warburg and three of his associates from the Joint Distribution Committee called on McDonald at his home in New York on Christmas morning, 1933, to discuss the plans they had devised for a refugee finance corporation. The objective was to raise money to finance resettlement schemes over the long term. With, 'possibly', as much as \$50 million to \$100 million raised by securities bought partly as investment and partly as charity, the corporation would fund philanthropic programmes anywhere in the world. As a corporation, established and operated on a sound financial footing, it was thought possible that large capitalist enterprises, investors and philanthropic foundations could be encouraged to contribute. The scheme appealed to McDonald, as it gave him a strategy for promoting the cooperation of private organizations, governments and the general community on specific schemes for refugee aid and resettlement. It would elevate the refugee problem beyond one requiring charity alone. 'It was vast in conception,' McDonald noted, but it offered such

substantial promise that it would change the 'attitudes of governments towards refugees'.¹

McDonald could not yet point to any programme that the High Commission had itself devised or had negotiated with any of the major aid organizations. But this is not to say that there were no relief activities. Many small-scale programmes were being put into place in Europe and the United States. Jewish organizations were making the greatest efforts. The Joint Distribution Committee continued to provide assistance through its European office in Paris, while the Jewish Colonization Association continued to plan for refugee resettlement in new lands. The Central British Fund had guaranteed the support of German Jewish refugees entering the United Kingdom. Agricultural retraining programmes had been created in France to reorient middle-class professionals for a life on the land and resettlement schemes were being devised to place refugees in underpopulated rural areas. Meanwhile, various national refugee aid committees across Europe, with public funds raised from philanthropists and from public appeals, stepped forward to provide welfare and relief for newly arrived refugees. Despite the hopes held for them, however, retraining programmes failed, mainly because they lacked ongoing finance. Programmes in France also failed because the French government suspected that they would only encourage the entry of more refugees, which, it was feared, could lead to the creation by stealth of permanent Jewish colonies in the French countryside.²

The problem of financing refugee relief services was evident well before the League of Nations contemplated appointing a High Commissioner. The sudden demand from the first wave of refugees from Nazism drained the resources of the charitable agencies and new money had to be raised to continue this work. A conference of Jewish organizations on 3 November 1933 agreed on a funding drive with a view to raising \$10 million and to devise a plan to submit to the High Commissioner for endorsement at the first meeting of the Governing Body. The organizations were confident that they could raise this amount and then use it to implement various resettlement projects. However, they were yet no more than ideas. One of the more realistic plans envisaged the resettlement of some 65,000 refugees on the British Crown Colony of Cyprus.³ The money to finance it would have to come from the general public, and include contributions from non-Jewish philanthropic sources. The success of the funding drive would therefore rely on how it would appeal to non-Jewish interests. It therefore had to promise assistance for both Jewish and non-Jewish refugees forced to leave Germany. Too great an emphasis on non-Jewish refugees, however, could have the unintended consequence of alienating Jewish philanthropists.

Within a month of launching the drive, \$1,226,346 had been raised to aid some 600,000 'victims of the anti-Semitic Hitler regime'.⁴

The corporation plan devised by the Joint Distribution Committee developed this funding scheme further and attempted to put it on a more secure financial basis, thereby making it more attractive to non-Jewish contributors. As presented to McDonald, the corporation scheme sketched out, over four typescript pages, how existing and future refugee settlement schemes could be financed.⁵ It would build upon the work of retraining and re-education and stimulate planning for larger, more capital-intensive schemes. It would provide funds for land acquisition and industrial development in order to create jobs and facilitate settlement. There were already several options for colonization that would demonstrate what was possible. Settlement in Palestine was viable with an investment of as little as £300,000, if it was planned carefully and the refugees were given proper training for working the land. Other possibilities lay in South America. The Jewish Colonization Association had already owned large parcels of land in Argentina that were ripe for development. Opportunities for industrial development existed in less remote locations, even within Europe itself. The corporation would be a conduit between charitable relief and capital investment. Both Jewish and non-Jewish victims of Nazism would benefit. It would have trustees in the United States, Britain and Europe to promote its work and to seek out investors. It could be established in any country, although Britain and the Netherlands had more favourable taxation arrangements. The trustees could be drawn from Jewish and non-Jewish societies or businesses. Funding would be raised by subscriptions or direct contributions. The plan recognized, nevertheless, that as an investment strategy the corporation's returns would be low, or might not be realized at all; it would therefore need to appeal to charitable sensibilities as well as to investors. A large amount was needed indeed, at a time when there were many appeals for charitable relief. But a start had already been made with the conference of Jewish organizations on 3 November 1933 and its funding appeal. The Joint Distribution Committee had already raised about 12 per cent of the appeal's target of \$10 million.⁶

The scheme set out a vision of possibilities. If successfully implemented, it could break open all the barriers to refugee relief and resettlement. It was not opportune, however, to consider whether it was driven more by idealism than a realistic appraisal that the target could be reached, when economic conditions were such that already hard-pressed relief organizations struggled to finance their activities. There was nevertheless an urgent need for a programme that held some promise, which could harness the disparate efforts for refugee relief and assistance

and channel them towards a common purpose. One that held great promise could embolden reluctant investors and philanthropists.

The corporation proposal added substance to McDonald's public engagements in New York over the course of that winter. There was a real need, he warned a group of Jewish leaders, for a programme that would 'turn the refugees into assets' for countries where they could start new lives. But the 'piffling' amount raised thus far by the American and English committees gave a real sense of how ambitious the scheme was. Still, the corporation proposal allowed McDonald to speak of 'possibilities', and therefore highlight some of the emerging development and colonization opportunities in Argentina, South West Africa, Angola, Brazil, Panama and the autonomous Jewish region of Birobidjan in the south-east Soviet Union.

Critical observers of the recent past would have been wary of the proposal for the refugee corporation since its promise and the funding required to realize the promise were far beyond what might have seemed possible. Not only had previous efforts to raise such vast amounts to finance resettlement and colonization been disappointing, large-scale refugee resettlement efforts themselves had enjoyed little success. It was best not to dwell on the prospect of failure, however, when there was so much reason to offer hope.

A successful model for the corporation and uses to which its money could be put could be found in the Greek Refugee Resettlement Scheme of 1923–24, for the repatriation of around one million Greeks expelled from the Turkish Republic. This, however, was a very different scheme to the Joint Distribution Committee's proposed refugee corporation. A Greek Refugee Commission was established by the League of Nations and raised a loan of £10 million to resettle displaced Greeks on the land and in towns across the mainland. It was an investment in human capital and was an outstanding achievement. It was an initiative of the League of Nations, supported and underwritten by member states; it was also a scheme of repatriation rather than of resettlement, as the Greeks of Asia Minor were 'brought home' to the Greek homeland. In comparison, there was no one state in which the refugees from Germany could be resettled. Zionists like Weizmann imagined Palestine as the Jewish homeland, but world politics worked against this vision. The Greek Resettlement Scheme furthermore had the benefit of the same propitious economic climate of the 1920s that had helped in the dispersal and settlement of the refugees from Russia and Armenia.

More instructive of the challenges facing a project so vast in conception was a scheme launched in 1923 for the resettlement of Armenian refugees on virgin lands in Soviet Armenia. Advanced by Fridtjof Nansen, League of Nations

High Commissioner for Refugees, it aimed to settle some 50,000 Armenian refugees then languishing in camps around the eastern Mediterranean in new colonial settlements on undeveloped land north of Yerivan. The Soviet government agreed to set aside the land, so funds were sought for irrigation and other preparations were made for new settlers. The League of Nations was asked to assist through financial guarantees but few governments or enterprises were prepared to contribute enough to make the scheme viable.⁷ The Lord Mayor's Fund in London, the Save the Children's Fund, Friends of Armenia, and the Society of Friends together raised establishment costs, but this was not sufficient for the scale of the plans and their implementation over the longer term. By 1928 the League of Nations had supervised the settlement of only 7,660 Armenian refugees.⁸ Nansen maintained his belief in the scheme and revised it twice to satisfy the demands of prospective contributors, but ultimately he had to concede its failure.⁹

A scheme of the scope of the refugee finance corporation would require wide support and contributions from a large number of organizations even to reach an ambitious minimum target of \$25 million. Even then it would come to nothing if governments were still unwilling to admit refugees in sufficient numbers. So McDonald's first discussions to try to persuade potential contributors to back the enterprise were not encouraging. He approached the Rockefeller Foundation only to be told that it had not been established for the purposes of this kind. Raymond Fosdick, its chair, told McDonald as well that the Jews 'could, if they wanted, meet the needs.'¹⁰ During a series of meetings and luncheons in New York and Chicago with the interested and the curious, McDonald found much support for the corporation's intentions, but a great deal of reluctance when it came to making commitments. He was told on more than one occasion that the low estimates of between \$25 million and \$50 million were too conservative.¹¹ Hard-headed financiers and investors also told him that he would need to provide much more detail than the general proposal he had outlined: only specific plans and a breakdown of where the money would be spent would attract investor interest. He was also warned that non-Jewish contributions would have to be substantial, as he could not expect wealthy Jews, already under considerable financial strain, to continue their support indefinitely.¹²

America's isolation from the affairs of Europe, McDonald was acutely aware, gave its public an unrealistic impression of the refugee crisis and of Europe's ability to solve it on its own. The dangers of anti-Semitism in Europe, he found, were considerably underestimated in the United States. He therefore saw it as his duty, as an American Christian as well as the High Commissioner for the refugees,

to alert the American public to the true extent of refugee problem. British Jews, he explained, were truly fearful for the 'security of their own children'. And the refugee problem was something more than mere charity could solve. It had to be 'viewed in the largest terms', he stressed; it was a challenge to Americans and to all Christians, not simply a problem for Europeans and the Jews.¹³

This was McDonald's message whenever he addressed the American public. In a piece for the *New York Times*, prepared while sailing back from Europe in December 1933, McDonald reminded Americans of how refugees had enriched their own history. 'It is for all of us, Jews and non-Jews alike,' he wrote, 'who believe in the fundament principles of equality before the law and of racial toleration', to assist in the resettlement of the refugees where they would 'have opportunities to build a new life for themselves and to enrich materially and culturally their new homelands'. His first statement to the Governing Body was reprinted below the article in order to stress the need for coordinated responses and funding to match to size of the task at hand.¹⁴

McDonald's audiences were sympathetic to his work but reluctant to contribute. He turned to harder language to prick their conscience.¹⁵ 'I wish I had the power to give the Christian people of this country a realization of their responsibility,' he told one audience. 'The crime against the Jews is committed in the name of Christianity and of "Aryanism" ... The non-Jewish people of America have a real responsibility to show the world that they are not parties to such persecution'. They could take on their responsibility, he urged, over the next few weeks and months when their help and their financial support would be called upon.¹⁶

Broadcast radio took his message to a larger audience. When president of the Foreign Policy Association, McDonald had given weekly broadcasts on current events for the National Broadcasting Corporation (NBC) on a programme called *The World Today*.¹⁷ NBC offered him a spot in its schedule on the afternoon of Saturday 14 January 1934 for a fifteen-minute national broadcast.¹⁸ In a talk he called 'Christian Responsibility towards German Refugees' he again appealed to the Christian sympathies of the general American public. The German refugees, 'Gentile and Jew', he said, shared a common distress. They were professors, writers and students, intellectuals to be sure, but also working people, small shopkeepers, merchants, clerks, artisans and day labourers, people for whom America, 'as a land of refuge', was 'living justification of [its] open door to the oppressed'. All had a shared responsibility, he insisted, 'but those of us who are Christian, believing in the ethical principles of charity and brotherly love ... have a special obligation towards the victims of anti-Semitism'. Christians,

moreover, had a 'special responsibility', he said, for the perpetrators of the anti-Semitic persecutions 'boast that they are Christians while violating the elementary ethical principles taught and practised by the founders of Christianity'.¹⁹

In order to promote its funding campaign for the refugee corporation, the Joint Distribution Committee published an 'Illustrated Handbook on the Needs of the Jews in Germany and Other Lands', an educational resource used to inform the public of the consequences of anti-Semitism and the persecution of the Jews.²⁰ Many of the funding commitments the corporation received, however, were little more than vague promises, but some were quite surprising. While in New York, McDonald was visited by Lord Marley, deputy speaker of the British House of Lords and chairman of the World Committee to Aid Victims of German Fascism. Marley was concluding a speaking tour of the United States, during which he had raised \$25,000 for use in refugee assistance.²¹

McDonald was the corporation's most active advocate outside Jewish circles. He addressed many meetings to promote it and to plead for contributions. He urged the general public to open their hearts and their wallets.²² One major step was taken with the launch of the United Jewish Appeal to raise \$3 million to finance 'reconstructive aid'.²³ A collaborative effort of the Joint Distribution Committee and the American Palestine Campaign of the Jewish Agency for Palestine, the appeal was launched in the ballroom of the Astor Hotel on 22 March 1934, with 'nearly a half an hour of posing and speech-making for the Movietone', McDonald recalled.²⁴ McDonald's address to the launch of the appeal was broadcast live on NBC.²⁵

Some Christian groups responded to his calls, but with poor results. An American Christian Committee was launched in early 1934 with an establishment loan from the Joint Distribution Committee, as part of a campaign to raise \$15,000 for refugee relief from American Christians. By mid-May, it abandoned its efforts, having raised no more than \$200. It then joined the United Jewish Appeal, and in November 1934 it reported that of the \$1.6 million the United Appeal had raised, no more than \$8,000 had come from Christian sources. After expenses, and the repayment of its loan to the Joint Distribution Committee, the Christian appeal had registered a loss of \$870.²⁶ McDonald himself appealed personally to some one hundred Christian philanthropists and past contributors to the Foreign Policy Association. This raised just \$1,240.²⁷ The Christian Committee could put its failure down to economic conditions, which had badly affected people's personal finances and exhausted their spirit of generosity. McDonald was less forgiving, however. 'I am fed up on Christian protestations of interest and the empty holding out of the hand of fellowship', he protested.

'It is high time that Christian leadership took its obligation seriously'.²⁸ Despite McDonald's appeals to Christian conscience, the refugee problem was seen as a Jewish problem. Even then, the United Jewish Appeal itself fell terribly short of its \$3 million target. There was a general malaise when it came to public appeals for funds. The public was being asked repeatedly to give their money when there was no apparent solution.

The responses to fundraising campaigns in Britain were much the same. An appeal of the English churches for refugee relief had raised little more than £750 by early January 1934.²⁹ Furthermore, British Jews were as unenthusiastic about the refugee corporation proposal as were the New York philanthropists. Lionel and Anthony de Rothschild, whose support McDonald could not question, criticized the lack of detail in the proposal presented to them. There were no specific projects set out in the plan and the finer details of finance would need to be worked out before contributors would be willing to come forward. Even then they were not optimistic of raising between \$5 million and \$10 million in Britain alone, as the plan anticipated.³⁰ British Zionists were even less enthusiastic, not only the passionate Weizmann but also the more measured Simon Marks. Both argued their belief that opportunities for Jewish resettlement existed only in Palestine, and feared that the corporation would do no more than drain their agencies of resources for unspecified purposes of little value.³¹

McDonald had returned to London for the first meeting of his Advisory Council Bureau and Permanent Committee of the Governing Body on 29 January 1934. His staff, Herbert May, André Wurfain and Norman Bentwich, had now moved their offices from Lausanne to London in preparation. Now three months into his High Commission, McDonald had little to show except for these general plans for the corporation scheme devised and advanced by the Joint Distribution Committee in New York. Robert Cecil warned McDonald that he had to show some progress on the refugee problem itself, otherwise the Governing Body would start to lose patience with him. He would have to explain, Cecil told him, not so much what had been done, but what would be done.³²

The Jewish Colonization Association, the Jewish Agency, and the Joint Distribution Committee were the largest contributors on the Advisory Council Bureau. Non-Jewish representatives spoke on issues relating to intellectual, academic and professional refugees. No Catholic spokesperson attended its first meeting, while a representative of the Bishop of Chichester spoke on behalf of the Anglican Church.³³ McDonald reported on his recent engagements in the United States and his efforts to stir Christian opinion, and explained again the

proposed corporation and the plans to raise funds to finance refugee resettlement schemes. He could report few examples of progress, however, and what positive outcomes there were to report did not come about from his own activities.

There were some developments to note, all the same. Information from the State Department in Washington pointed to a modest liberalization in American immigration policy from which refugees would benefit. Labour bonds, imposed to prevent immigrants from becoming a public charge, were being relaxed for the refugees from Germany, and American consular staff in Germany had been instructed to interpret entry visa regulations more liberally. It was estimated, McDonald reported, that the number of German refugees admitted to the United States could almost double, possibly to 12,000 in 1934, but he cautioned that there was no reason to think this marked a shift in American opinion: it would be dangerous, he warned, if the European states misunderstood this gesture as the United States' reopening its doors to immigrants.³⁴

There were also some modest successes of various organizations in placing refugees. Four farms in France had received 150 refugees each year for agricultural retraining, and 200 refugee students had been placed in French technical schools. In the Netherlands, land and buildings had been provided in the reclaimed land of Zuyderzee for a combined agricultural and technical school for 300 refugee students. In England, over 100 young refugees had been apprenticed in technical trades.³⁵

These were small results and in no way could be considered breakthroughs. Instead, they demonstrated, if more evidence was needed, how difficult it was to settle refugees in Western Europe. Overseas colonization, Cecil observed, was 'the solution par excellence'. Discussions consequently turned to the question of how overseas colonization could be realized. Weizmann jumped in to promote his plans for Palestine, but Cecil, representing of the British government, refused to discuss Palestine as only the Colonial Office could determine emigration there. 'So,' he continued, 'it was necessary to think about other emigration possibilities.'³⁶ Felix Warburg of the Joint Distribution Committee, who attended as a guest of its European director Bernard Kahn, took the opportunity to promote the refugee corporation. Corporation funding would provide new capital for the development of lands for refugee settlement, Warburg explained to the Permanent Committee of the Governing Body, and the countries that agreed to open their doors would be assured that new immigrants would not become a public charge. It was therefore essential, he said, that the High Commission now 'open the doors of immigration into countries that are still undeveloped.'³⁷ Louis Oungre of the Jewish Colonization Association spoke in more specific

terms. 'Palestine is not the only land of immigration', he started. 'Other outlets could be found', such as in the 'new' lands of Argentina, Brazil and Uruguay, 'where there are already small settlements of Jews'. Returning to the persistent problem, he summed up the dilemma they all faced: 'All emigration programs would be dead letters if there are not enough means to put them into effect'. Sir Osmond d'Avigdor-Goldsmid, president of the British Board of Deputies and the Jewish Colonization Association, and chairman of the Jewish Agency for Palestine in London, made a very brief statement that put the High Commission on notice: 'The English Jewish organizations', he said, 'have placed great hope in Lord Cecil and the High Commissioner, and hope that they can succeed in opening these new doors to immigration.'³⁸ In other words, he demanded, in the best diplomatic language, evidence of progress to ensure that McDonald retained the confidence of British Jews.

These discussions were about remote possibilities, not immediate opportunities. To assist planning, these meetings agreed to establish a Central Information Bureau in the High Commission to collect information on emigration and resettlement possibilities. Its research would determine the feasibility of settlement plans and recommend which ones were more or less ready to proceed. It would provide, in short, the details required by potential contributors to the refugee finance corporation, and show where resources could be best directed. Other technical matters left outstanding from the full Governing Body were resolved. The 1927 Document for Travel and Identity of the League of Nations Organization on Communications in Transit was formally recommended as a travel document for the refugees from Germany.³⁹ The Permanent Committee also approved McDonald's plans of travelling to Berlin to open negotiations with the Reich on the conditions of Jewish emigration.⁴⁰

At the end of these meetings, McDonald again let himself to be distracted by the interests of Jewish organizations. He proposed inviting two more into the Advisory Council Bureau, one American and one British, which increased its membership to ten, more than half the number of organizations on the full Advisory Council. Cecil objected, and an argument ensued between him and McDonald about the authority of the High Commissioner and the Governing Body on appointing representative organizations. McDonald relented, conceding the argument to Cecil, but only after causing further disaffection among Jewish groups, who believed that they had McDonald's assurances of the expanded membership of the bureau.

To be fair to McDonald, he and the effectiveness of the High Commission were utterly dependent on Jewish support, especially their financial support.

Although McDonald had tried to extend his interests beyond the Jewish organizations by appealing to American Christians, the financial backing for the refugee corporation would ultimately be a matter for British and American Jews. Even so, when invited to speak about the corporation to a select audience of fifty prominent British Jews at the London offices of the Rothschilds, he felt that he was 'talking against a blank wall', once he mentioned the size of the contributions that would be required to reach even its minimum target.⁴¹

A Peaceable and Just Solution

When McDonald had previously visited Berlin on behalf of the American Foreign Policy Association, he impressed upon senior civil servants and Nazi Party figures the nature of American opinion regarding the regime's racial policies. During his second visit in August 1933, he became convinced that the Nazis were closed to any criticism about its treatment of the Jews. Now, as the League of Nations appointed High Commissioner for Refugees he planned to return in order to negotiate on the conditions of Jewish emigration from the Reich, and to put the case that a less rigid approach would facilitate the integration of their unwanted Jews in other countries.

McDonald began his preparations during the December 1933 meeting of the Governing Body telegraphing Hjalmar Schacht, president of the Reichsbank and his main contact during his previous visits, to request his assistance. McDonald had enjoyed a good rapport with Schacht, and approached him again to arrange for meetings with the Foreign Ministry and senior officials in the administration and the government. He even went so far as to ask Schacht if he could arrange a meeting for him with Chancellor Hitler. It seems not to have occurred to McDonald that his former friends and contacts might have fallen in behind the Nazi revolution. He learned that since he last met him Schacht had in fact become an 'enthusiastic anti-Semite', who feared damaging his position if he became McDonald's intermediary.¹ Nor did it occur to him that he, a League of Nations appointee, with responsibility for the victims of Germany's racial and political persecution, now represented different interests to those he had previously, and that German civil servants might find particularly unwelcome. Schacht consequently declined to assist him, telling him that it was not appropriate to ask for an interview with the Chancellor.²

Before he returned to London in January 1934, McDonald discussed his planned visit to Berlin with the German Ambassador to Washington, Hans

Luther. He wanted to learn what Luther understood about the German government's position on the departure tax regulations and property rights for refugees, but instead found Luther scrutinizing him about his attitudes towards Germany. Luther criticized McDonald's January radio broadcast on the 'Christian Responsibility towards German Refugees' for stepping beyond the technical aspects of the refugee problem. Luther therefore gave little assistance and offered no insights into how McDonald might approach his negotiations.³

At its London meeting in January, the Permanent Committee of the Governing Body gave McDonald precise instructions for his negotiations in Berlin. He could only discuss matters of a technical nature, such as passports and documents of identity, refugee property rights and even the numbers of refugees who might still be expected to leave Germany. Questions about the German racial programme and other matters of a political nature were to be avoided entirely.⁴

He was a League of Nations appointee, certainly, but without the standing of an international diplomat of the League of Nations. McDonald travelled on his American passport and relied on the assistance of the US State Department and the American embassy in Berlin for his preparations. The German embassy in London arranged, 'with reserve', it advised, an interview for McDonald with Reich Foreign Minister Konstantin von Neurath.⁵

His mandate as High Commissioner required McDonald to enter into negotiations with the Reich on the conditions of emigration. There is no indication in his diaries whether he still believed, as he had at the conclusion of his previous visit to Berlin, that there was no reasoning with the regime on the Jews. Yet McDonald believed that he must make the effort to secure concessions on exit conditions in order to alleviate the conditions of the refugees. The Reich's departure tax (*Reichsfluchtsteuer*) stripped emigrants and refugees of all but a small part of their wealth, and, along with the prohibitions on redeeming their assets from abroad, had a significant impact on the refugees' ability to make a new life for themselves. It prevented, in the first instance, many emigrants from satisfying the no public charge tests applied in many countries. In 1933, German emigrants, including refugees, were allowed to leave Germany with no more than 10,000 Reichsmarks (about \$4,000); over the course of 1934, this was reduced to 2,000 Reichsmarks, which was spent in the first days abroad.⁶ One argument McDonald would put to the regime was that, if the German government granted concessions under the departure tax arrangements, Germany itself would benefit from a more orderly and more sustainable emigration as the emigrant receiving countries would be better able to integrate them into their societies and economies.

McDonald arrived in Berlin on the morning of 7 February 1934 with his Secretary General, André Wurfain. Unfortunately, he had to change his plans immediately. When presenting himself to the American embassy, he was given a telegram informing him that his younger daughter had taken 'suddenly and desperately ill' and that he must return to New York. This gave him only one day for discussions in the Foreign Ministry.

Hans Dieckhoff, a Foreign Ministry specialist on US affairs, welcomed him and informed McDonald that Minister von Neurath was occupied that day and was unable to make time for him. Dieckhoff offered to answer the questions McDonald had for the minister, but stipulated that their discussions could in no way be considered negotiations. The High Commission, Dieckhoff told him flatly, 'is not very popular here', and it would be embarrassing if the Foreign Ministry was thought to be negotiating with him. McDonald nevertheless worked through the list of matters with Dieckhoff that the Permanent Committee had authorized him to raise – consular refusal to renew the passports of refugees, and the provision of police records to aid in visa applications. Dieckhoff could not help him, because, he explained, he was not authorized to speak of these matters, and because he simply did not know about them. McDonald's question about German policy on repatriation was more sensitive and Dieckhoff made it clear that no change could be expected: the German government would not want to encourage the return of German emigrants, and only a few 'of no consequence' would be allowed to return.⁷ The response to questions about refugee property rights left McDonald with little hope as well. McDonald was conciliatory, even indicating his willingness to cooperate with the German government by proposing, for example, a committee with which refugees might register their property claims; funds from outside Germany, drawn from the refugee finance corporation, could then be used to offset money that the refugees transferred.⁸ Dieckhoff was again unhelpful. The transfer of money was a matter for the Treasury and the Reichsbank, and he could not comment. The view in the Foreign Ministry, he insisted, was that Germany had been 'liberal' in releasing refugee funds as foreign exchange, up to as much as 80 million Reichsmarks for 8,000 families: a fraction of the total available, McDonald later noted.⁹

After speaking with Dieckhoff for more than one hour, McDonald grew impatient and insisted that he see Neurath before he returned to New York the next morning. He would not accept Dieckhoff's answers, he said, until he had the opportunity to speak with the minister himself. When told of McDonald's need to return without delay, Neurath made himself available for a short interview that afternoon, but there was little for McDonald to discuss now, as

Dieckhoff had answered his questions. Neurath explained that he could give McDonald no indication of the future policy towards the Jews because he did not know what his government intended. But he was surprised by one question that McDonald posed. If, McDonald asked, there were a planned emigration over the years of some 10,000 to 15,000 young Jews annually, would the government give assurances of the security of those Jews who remained? The question caught Neurath's attention; it was something that could lead to a 'truce' between the remaining Jews and the German government, he muttered. Struck by this response, McDonald backed off, having no authority to speak further on a matter of German policy. There was as yet no arrangements to put something of the sort in place, he told Neurath, and added that, anyway, the task of placing even a planned emigration in countries of resettlement was enormous.¹⁰

This was as much as he could achieve at this time. The Foreign Ministry was obstructive even on technical matters of the renewal of passports and other consular services for refugees. McDonald had at least learned that, while the Reich government would not be moved on its policy towards the Jews, there was nevertheless a hint in Neurath's response of something to work on

McDonald's daughter Barbara had contracted pneumonia, which had developed into pleurisy; she was hospitalized during February and March. His unexpected return to New York gave him the opportunity to resume official engagements to promote the work for the refugees and continue to seek contributions for the refugee finance corporation. His daughter's condition improved by late March and he could think about returning to Europe. But his brief return to public advocacy in New York left him vulnerable to the kinds of criticisms that had greeted him in London in January. His pleas to the American conscience and appeals for funds – constant demands for money, in fact, when he had little to show for his work – drew some hurtful criticism. On 24 March 1934, for example, the *New York Times* published a 'letter to the editor' shortly after McDonald's national radio broadcast from the launch of the United Jewish Appeal. It was from a man named Karl Brandt, someone whom McDonald did not know and who had no direct interest or investment in the plight of the refugees. The letter took him to task for having nothing to show for his work. 'The past three months since McDonald's appointment as High Commissioner', it read, 'have been months of suffering for these many thousands of men, women and even children ... [I]t is surely long enough to admit of some actual performance on the part of the commissioner.' It continued: '50,000 refugees and millions of sympathizers the world over are awaiting the announcement of a clear, detailed and concrete programme, to be effected at once and with a maximum

of speed and vigor. We should like to ask Mr. McDonald just what he has done, what he intends to do, and when?¹¹

McDonald was indeed sensitive to complaints of this kind since they were about the key difficulties of his position. If left unanswered they would tarnish his image, dissuade potential contributors, or reinforce the view that the refugee problem was a matter for the Jews alone. He believed that he had addressed such criticism in his address to the United Jewish Appeal launch, but the *New York Times* had only published a short, three paragraph summary that omitted much detail. He did not want leave New York without responding, and so asked the newspaper to publish a revised version of his address as a feature article for the following Sunday's edition.¹² The *New York Times* welcomed his suggestion, but later decided against publishing the piece, considering it 'too much of a plea' than an account of his work.¹³

His lack of achievements was also reason for a subtle shift in opinion about the High Commission in Europe. Its purpose and effectiveness were openly questioned. New funds had not been found for the refugee aid organizations, and governments troubled by refugees were still awaiting a plan for their resettlement abroad. McDonald had made no headway, and he had yet to start negotiations with governments who had refused to take any of the refugee burden. For the Europeans, the United States government, McDonald's own, was the most negligent. McDonald could report no more than general discussions with the US State Department, the Canadian government and the embassies of some of the Latin American republics, all of which refused to tamper with their countries' restrictive immigration barriers. The fate of the refugees was all but lost in the jostling around the edges of the crisis. Louis Oungre of the Jewish Colonization Association, who had McDonald's ear on many issues of refugee assistance, politely and with deference questioned his achievements, asking him shortly after his return from New York, whether the High Commission could be justified. Fundraising and the coordination of efforts were what the private organizations such as his already did; they could also take upon themselves the negotiations with governments on passports, visas and resettlement opportunities. 'The High Commission', Oungre concluded, 'is for the immediate purpose a luxury.'¹⁴

Shortly afterwards, when passing through Geneva, McDonald was confronted with more personal criticism. Having been told when he took up his appointment that his presence there was unwelcome, he now faced a reaction against his absence and the lack of reports on his activities. Indeed, the League Secretariat was critical of his silence, as it let rumours about him and his work

fester. The rumours were especially personal. Stories of him exploiting his office for profit, and even charges of crookedness, were doing the rounds.¹⁵

McDonald could ignore the personal slights, but without successes to report he could not change the perceptions of his accusers. He took some comfort from the support of Witold Chodzko, the Polish representative on the Governing Body, who assured him that his post was of such importance that it should be enlarged and made a permanent agency of the League of Nations. The League itself had failed to 'meet the Jewish question fairly', Chodzko sympathized; the High Commission had shown the need for a truly 'international body, governmental in character', to stem the tide of anti-Semitism in Central and Eastern Europe.¹⁶ It therefore had a purpose that was yet unrecognized, Chodzko assured McDonald: it was attempting to deal with one aspect of a much greater problem and was bringing to light matters that had never before been discussed in international assemblies, the Jews of Europe. Without a hint of the growth of anti-Semitism and attacks on the Jews in his own country, Chodzko went on to say that the High Commission constituted the implicit idea of 'international governmental responsibility for the peaceful and just solution of the Jewish problems.'¹⁷

With this in mind, McDonald also found renewed purpose when he witnessed for himself the conditions of the Jews in Europe during a tour that took him and Norman Bentwich, to Vienna, Prague and Warsaw. A tour like this, Chodzko assured him, would reveal more about the purpose of his mission than he had learned over the previous months from the Jewish agencies and governments in the United States, Britain and France.¹⁸ These were indeed six intense days that left a lasting impression on McDonald's sense of mission and reinforced his forebodings for the future. He noted his observations and experiences extensively in his diaries, with a passion that rarely broke through in other contexts.

The conditions of the Jews in these cities were very different in each case. Austria, Czechoslovakia and Poland experienced the refugees from Germany in different ways, with particular ramifications for their own local Jewish communities. The Jews in Vienna were timid and fearful, not daring to do anything that would antagonize the Austro-Fascist regime of Engelbert Dollfuss and make things worse for themselves. The Viennese Jews were consequently hostile to McDonald for raising the subject of the refugees from Germany with their government and were reluctant to discuss the concerns of Austrian Jews with him. In Prague, on the other hand, he found a highly active Jewish refugee aid society, the Czechoslovakian National Committee, deeply engaged with social democrat, trade union and other non-Jewish organizations. Together they raised and shared funds from local communities, and could demonstrate how much could

be done with so little. He was taken to a refugee commune outside Prague, an old 'hunting palace' that had been converted into accommodation for sixty refugees. As with refugee aid committees elsewhere, the Czechoslovakian National Committee struggled to find sufficient funds to support its work, and was looking for contributions from abroad in order to continue its work. Refugees were not granted work permits, and emigration opportunities were essential. Stateless refugees moreover ran the risk of criminality if the technical questions of their legal status and documents of identity were not addressed.

Warsaw showed yet another side of the European Jews. The Polish Jewish committee with which McDonald and Bentwich met represented 'every factional shade of Jewish opinion'. Hopes for the future of Poland's Jews rested in Palestine and the committee had no patience with the matters that McDonald raised with them. Instead, they attacked the United States, Britain and the British Administration in Palestine for their lack of action in coming to the aid of Europe's Jews and for not letting them emigrate to safe havens. Nor was there any point in planning for the repatriation of German Jewish refugees of Polish origin to Poland. They had never lived there and did not speak the language. Neither Polish Jews, nor, more importantly the Polish government, would recognize them as Polish.¹⁹ The solution, in short, lay in Palestine, and the British government was obliged, they felt, to aid Jewish settlement regardless of Arab opposition. A small group of Jewish refugees from Germany who had settled in Poland expressed their dissatisfaction with the committees that represented them, and appealed directly to McDonald for help. They put a face on the victims of Nazism that, despite his role, he rarely saw. Their needs were great, he noted, and much more had to be done in Poland than anywhere else.

He also learned enough about the internal politics of these countries to worry about the future of the Jews. Austrian Nazis were a growing force; public institutions, including the Catholic Church, were seriously fractured between anti-Semitic extremists and holdout moderates. The mood in Prague was more reassuring. Proud of its parliamentarianism in a 'sea of dictatorships', the Czech government was conciliatory and prepared to work with the High Commission. Foreign Minister Edvard Beneš made himself available for a long interview to discuss the problems of passports, work permits and the status of stateless refugees. But he warned McDonald that Czechoslovakia's unique position as a democracy in this troubled part of Europe made the refugee problem more serious than elsewhere. The presence of German Jewish, communist and socialist refugees was seen as provocation by the neighbouring dictators.²⁰

In marked contrast to Beneš in Prague, the Polish Foreign Ministry had little to discuss with McDonald, although they did welcome him with a lavish dinner. This gave McDonald and Bentwich one view of life in Poland; the next day they had another, with a glimpse of Jewish life scarcely known in the West. They were taken to the Jewish quarter of Warsaw to see how the Jews lived. They were then taken to two Jewish villages on the outskirts of the city. The overwhelming poverty shocked them both. The deeper the poverty, the more these communities clung to their old traditions. McDonald also learned that Palestine was a deeply rooted cultural and religious idea. He was shown the 'chief art treasure' of one of these villages, 'a coloured crayon sketch of Palestine with pictures of [the Zionists] Weizmann and Sokolow'. They clung 'piteously to Palestine', McDonald noted, as solace and hope for the future. He could now 'understand the powerful popular appeal' of Weizmann and other Zionists.²¹

Before he left Warsaw McDonald expressed his foreboding about the prospects before the Jews of Central Europe in a cable to the Foreign Policy Association. Here, he wrote, was compelling proof of the need for a generously funded refugee finance corporation. The present tragedy carried a sense of danger and catastrophe; they would all be negligent if they failed to respond.²²

From Warsaw, McDonald and Bentwich flew to Berlin to resume their negotiations on Jewish emigration. If McDonald had been left in any doubt, it was now all too clear that the German government would not cooperate. Dieckhoff in the Foreign Ministry refused to see him, claiming that he did not have the time to spare and had no more to add since their meeting in March. Since only the technical matter of the renewal of passports remained to be dealt with, he referred him to the Foreign Ministry's legal office. Bentwich took up the issue with Paul Barandon, a junior official. Their correspondence on passports continued over the following months, with no real progress.²³

Opinion in the American embassy in Berlin was that the poor economic state of Germany was destabilizing the regime and could lead to its collapse.²⁴ This, McDonald felt, misread the strength of the Nazis. He believed instead that the economic conditions could only intensify anti-Semitism and the persecution of the Jews and there seemed a real chance that a second wave of refugees would flee in panic into France, Belgium, Holland, Denmark and Czechoslovakia, where the borders were all but closed. He could do no more in Berlin, other than to advise the Foreign Ministry that he would report on Germany's refusal to cooperate to his Governing Body, to the governments it represented and to the American president.

This tour of European capitals ended back in London for the next scheduled meetings of the Advisory Council and the Governing Body. McDonald also returned to the criticisms of his office and to more accusations that he was using his post for personal gain. His frequent appeals for funds might have explained these rumours but he could not leave them unchallenged. They were 'wild charges', he told the Advisory Council, which did no more than reflect what he called the dysfunctional relations between the private aid organizations and the High Commission; they expected more of it than it could deliver.²⁵ The financial report for 1934 showed that no Americans paid his salary directly, that he was under no obligation to anyone, and that his staff were paid proportionally to their functions. The minutes of the meeting continued, taking all the drama from this confrontation: 'The expenditure of the High Commission has been exaggerated by others. It is equally assumed that the High Commission contributes funds to private organizations. Mr. McDonald reminded those present that this was not the function of the High Commission.'²⁶ In other words, all revenue from private donations paid for the operations of the High Commission; his and his staff's salaries were drawn from its budget, and it had neither the funds nor the authority to contribute to the finances of other organizations. McDonald had already agreed to forgo part of his salary as a personal contribution to the High Commission's operational budget, enough to cover the salary of his personal assistant Olive Sawyer.²⁷

His failure to implement any measures for the direct and immediate benefit for the refugees was much more difficult to defend himself against. He therefore spoke positively about 'substantial progress' in the various 'fields of the High Commission's activities' in his report. The legal status of refugees was more clearly defined in countries where they were temporary residents. Some countries of potential permanent residence had been persuaded to loosen immigration restrictions, but he refused to elaborate on the details in order to avoid exaggerated impressions and unrealistic expectations by advertising successes. He was also positive about the alleviation of the 'dreadful congestion' refugees faced in some parts of Europe. In total, however, the number of refugees from Germany was much the same as it had been the previous December. This was proof of some stabilization in the crisis, with new refugees replacing those who had found a place of settlement. It was also proof of a more orderly migration from Germany, not the panicked flight of 1933. McDonald summed up the position in his concluding comments. 'Until emigration plans can be worked out, the residue of the refugees ... must be allowed to stay where they are, and not be cruelly

harried. My plea to the Governments, both of countries of present asylum and those of potential immigration is: do not let the springs of liberality dry up. That would be a surrender to the dark forces of reaction.²⁸

Results thus far were limited but there had been some steady progress. McDonald, however, could not claim to have had a hand in this progress. National initiatives and the work of relief organizations had played an important part; the initiative of the refugees themselves in finding emigration opportunities or the sponsorship of families and communities, or, in some instances, their return to Germany in despair at the conditions they faced abroad, were also responsible for this slight improvement in the refugee numbers. But this can also be explained by the flight from Germany having steadied at a lower rate than what it was previously.

Some 12,000 refugees remained registered with the French National Committee, but only 595 had been placed in employment and another 1,189 had emigrated (of whom 248 had gone to Palestine and 216 had returned to Germany). In Britain, 3,495 refugees were registered at the end of March 1934. Another 1,041 had left for unknown destinations abroad and some 500 were believed to have returned to Germany and could no longer be traced. German immigration into the United States continued at the same low level as before, with some 2,500 individuals admitted to permanent residence between July 1933 and March 1934; another 4,000 were admitted as temporary residents.²⁹ Much was expected of resettlement in South America, but by March 1934, Brazil had issued no more than eighty-five entry permits for immigrants with specific technical skills. Chile had authorized the immigration of fifty families on condition they had a small amount of capital. Uruguay had authorized the settlement of fifty families as agriculturalists.

Palestine held the most promise. The Jewish Agency had supervised the settlement of 10,000 German Jews, while half of the £200,000 raised by the Central British Fund for refugee resettlement was allotted to Palestine. The Joint Distribution Committee had spent over \$1 million on assistance to German refugees since 1933, half of that in Germany itself, and it had also overseen the emigration of 7,659 refugees, the majority of whom went to Palestine.³⁰ Despite the successful resettlements since the advent of the Nazi regime, British control of emigration to Palestine allowed few future opportunities for Jewish refugees. While 6,000 entry permits were issued over the next twelve months, only 20 per cent of them would be issued to Jews outside Germany.³¹

No solution would be found in Europe. That was apparent. In the economic conditions of the time, and the noticeable escalation of anti-Semitic sentiments,

no country was prepared to absorb the refugees they bore on sufferance. The Governing Body therefore resolved in its final May session that a 'realistic solution lies in colonization'. The task of the High Commission, the Governing Body now determined, was to work on a plan for suitable colonization schemes and to persuade countries of potential immigration to open their doors.³²

McDonald could provide no reassurance to Jacques Helbronner and Robert de Rothschild, directors of the French National Refugee Aid Committee, about relieving France of its refugee burden, or of financial contributions from America to assist in the Committee's relief work. He and Bentwich travelled to Paris soon after the Governing Body to bring together the Joint Distribution Committee, the Jewish Colonization Association and the French National Committee to work on a common approach to the refugee problem in France. There was little hope, McDonald acknowledged, of France's refugees finding somewhere else to settle until resettlement plans could be developed. In the meantime, the French had to deal with their refugees on their own. And France might have to deal with them for some time, as all the resettlement proposals that had been canvassed thus far were sketchy and potentially costly. Opportunities in South America were the most alluring. Europeans looked upon Brazil and Argentina especially as countries ripe for development. But there were no detailed plans for preparing the lands owned by the Jewish Colonization Association to ready them for refugee resettlement. The one ray of hope was that McDonald had secured the agreement of the diplomatic representatives of Brazil, Argentina and Uruguay in the United States to open discussions with their governments on increasing refugee admissions.

Possibilities for alleviating the refugee problem again lay at an undetermined point in the future. There was still no plan ready to proceed, and discussions with governments had yet to find any concessions. This reflected badly on McDonald and the effectiveness of the High Commission, and Robert de Rothschild was the latest to turn on McDonald for his lack of achievements. 'It is the general talk that the High Commissioner is a charming person, nice to have at dinner', McDonald recorded Rothschild's words, 'but that his accomplishments have been absolutely nil'.³³ He responded with similar frankness, showing his growing frustrations. The first few months in his office were spent dealing with the Jewish leaders more concerned with denouncing other Jewish leaders, he retorted; all he could do was to try to 'establish some measure of peace, not to speak of confidence'. Moreover, he had taken on the post to help the Jews who were 'at the moment unpopular everywhere'. He did not 'give a damn' what

the Europeans thought of him; his only concern was his own conscience and the views of his friends.³⁴ This vexed moment was calmed by Helbronner, who spoke 'warmly' of the good impression he had of McDonald at the Governing Body.³⁵ But tensions remained and were themselves becoming a barrier to effective cooperation. Rumour spread through American sources that the French thought McDonald was too pro-German.³⁶ Not only was he open to the charges of his lack of achievements so long as there were no demonstrable outcomes, but the French were losing confidence in him now that he was openly voicing the need for France to hold on to the refugees it would rather be rid of.

The final stage of this intensive two months of activity during April and May 1934 took McDonald to Rome for appointments with Vatican Secretary of State, Cardinal Pacelli, and Italian dictator Benito Mussolini. He wanted to explain the work of the High Commission to them and to report on his unsuccessful negotiations with the German government. It was essential, he stressed to both, that outside pressure be brought to bear upon Germany to indicate the world's displeasure with its policy on race. Pacelli had little to advise as the Vatican's interests were in upholding its Concordat with Germany, and it would therefore refrain from criticizing the German government. Mussolini was more responsive but gave nothing away. With astute diplomatic flattery, McDonald commended Mussolini for the world's good opinion of the treatment of the Jews in Italy.³⁷

While waiting to be admitted to Mussolini's office, McDonald discussed his talks in Berlin and the attitude of the German government with the Italian deputy secretary of state, Fulvio Suvich. Suvich suggested that if he could no longer work with the Reich then he should have to resign his commission. McDonald dismissed the suggestion, saying that the Germans would be pleased to see the last of him.³⁸ These were a few innocuous words during a casual conversation, but the idea of resignation if he could not make an effective contribution had been brought into the open. McDonald himself would raise it again shortly after he returned to London on 1 July 1934. The conclusions were simple enough to draw: there was no new money for the care of refugees to be raised in Britain and no reserve had been set aside from existing funds for use in 1935 and 1936. Most of the reserve funds had gone instead into financing Jewish emigration to Palestine. In this case, there seemed no option but to plan to wind up the High Commission's affairs by the end of the year, as it could not continue to function beyond then.

Plans and Illusions

Funding appeals were falling on deaf ears. When McDonald spoke in support of new appeals in New York, Pittsburgh and Philadelphia during the spring of 1934, fatigue was evident. He could not stir the public and his appeals to humanitarian conscience had little impact. His allusions to even worse things to come should the public not rise to the current challenge had the opposite effect to what he had intended; he left his audiences feeling that there was no end in sight and that demands for their money would only continue. Christian opinion remained unmoved and the general public had no more offer. A woman told McDonald after one meeting that she had no more obligations to Jews than she had to 'negroes or any other unfortunate people in distress'.¹ A contributor to the Joint Distribution Committee gave McDonald his reason why the calls upon their generosity were unanswered: he was happy to make small donations but hesitated to make large ones, as other organizations would then approach him for contributions to their own campaigns.² The funding appeals therefore had little success. While one had secured subscriptions of \$230,000, it was largely due to a personal contribution of \$50,000 from Felix Warburg. Contributions from other philanthropists were disappointingly few.

There were now doubts in the United States about McDonald's capacity to carry out his responsibilities. There were encouraging signs that John D. Rockefeller III would authorize the Rockefeller Foundation to make a contribution to the refugee corporation, but only if there were definite refugee aid and resettlement plans, with specific ends and a finite budgets to see them through. There were no definite plans, however. McDonald was utterly dependent on the work of the large Jewish relief agencies to devise them and work out their financial arrangements. His efforts were therefore channelled into funding drives to back the work of these agencies.

It was becoming clear, then, that McDonald's fundraising efforts were actually dissuading potential sources of capital. Felix Warburg therefore stepped in to negotiate with Rockefeller over contributions from his foundation in order that the High Commission's profile not muddy their financial arrangements. McDonald also had little impact in Washington. His report to the State Department on the High Commission's relations with the German government and the German Foreign Ministry's refusal to cooperate was simply noted, with the hope that there was no longer a Jewish refugee problem for the United States to deal with.³ Joseph Chamberlain, the American representative on the Government Body, had more influence with the State Department, however. He asked it to instruct the American Ambassador in Berlin to cooperate with the British embassy in entreating the German government 'to listen to James G. McDonald's plea on behalf of German Jewish refugees.'⁴ This it duly did on 9 June 1934, with the British embassy taking up matters in Berlin on the High Commissioner's behalf.

The outlook for funding in Britain was no better than it was in the United States. The most optimistic estimates were that £25,000 could be raised from public appeals over the remainder of 1934. In reality, this was a figure given more in hope than a realistic expectation of it being raised. The British organizations expected much from American sources, but the American Jewish organizations made it clear that they could not be expected to do more if British Jews was unwilling to share the responsibility. This was hardly reassuring for the British Jewish organizations, and did little to improve their feelings about the worth of the High Commissioner, whose appointment was originally based on the assumption that he could help unlock American capital resources.

A question was consequently asked privately whether the High Commission could play a more effective role in a different form. Louis Oungre had called the High Commission a luxury since private organizations such as his Jewish Colonization Association could do this work just as effectively. A permanent body of the League of Nations, with a definite budget and the backing of governments, would be able to achieve more, Oungre believed. It would have more authority in its intergovernmental negotiations, and could give a clearer direction. The fact that suggestions like these were being discussed strongly indicated that many were now contemplating whether the High Commission was worth the trouble, or indeed whether McDonald was in fact the best person for the job.

In the meantime, funding was still critical and dominated refugee efforts. No plans could proceed without money behind them, and in all likelihood the money would not be found. McDonald was therefore less active in the funding

efforts during the second half of 1934. Direct appeals for public donations were tried and trusted methods, but with diminishing returns. A new approach was taken, with direct discussions between leaders of the aid organizations and financiers and philanthropists to consider the ways in which contributions could be made as investments to realize a return. A loan scheme was one strategy, as was a system of long-term interest bearing debentures, although they would not accrue for possibly a couple of generations: 'Though [the investor] could not himself get his money back, so the plans went, 'his grandson might have something'.⁵ For each supporter of these schemes, there was also a naysayer decrying the possibility of putting them into effect. They reached stasis as a result.

New appeals exposed a serious lack of confidence in the High Commission and its work. McDonald proposed making a broadcast to the British public on the British Broadcasting Corporation (BBC) to promote new appeals, but Cecil warned against it unless McDonald had a definite plan to present in order to demonstrate how public contributions would be used.⁶ The spending of hard-won funds also exposed the divisions between Jewish and Christian groups. Jewish groups were quite prepared to ignore the non-Jewish refugees when it came to spending money raised from Jewish sources. In turn, non-Jewish groups insisted that any money they raised should be used only for the relief of non-Jewish refugees.

The refugee finance corporation had stagnated in the United States for want of sufficient contributions. In Britain, it had simply ceased to be a part of the plans. There had not been a meeting of the European trustees since they were selected and no efforts had been made to encourage investors.⁷ By the end of June 1934, the American supporters of the corporation had decided to continue independently of the British, in the belief that they would be able to push ahead more vigorously without them. They anticipated as a consequence that the corporation would soon raise an initial sum of \$2.5 million from American sources alone.⁸ But this caused some misapprehension in Europe about the finances available in the United States, and mischievous rumours that American funds were not finding their way to needy European aid organizations started to do the rounds. The rumours turned eventually on McDonald. He was accused of raising more than he and the Americans would admit, shaking the confidence of his European partners in him even more. Louis Oungre, now proving to be quite troublesome, spread the word that McDonald was 'sitting on the money of the corporation' when he should be putting it to practical use.⁹

McDonald returned to Europe for the summer of 1934 with a changed attitude towards these kinds of attacks. He was more assertive in his relations with

Jewish leaders, even combative at times; he was prepared to counterpunch when the situation required. He answered Oungre with an accusation of his own: that he had heard other rumours, one of which claimed that, in 'eight or ten countries', Oungre was also sitting on a pile of money raised by his organization that was not being put to productive use.¹⁰

McDonald took a similar attitude into discussions about the work of the High Commission. At his very first meetings in London upon his return, McDonald made known his intention to reconsider the future of the High Commission, if he could not work effectively with his partners and with governments. This seemed to free him from the earlier binds he had found himself in when trying to manage Jewish demands. He also let his frustrations show more openly. There was still no progress in his key task of assisting refugees, nor was there anything to show from his negotiations with governments. His relations with the agencies upon whose assistance he depended were fraying. McDonald was more suspect in Britain and Europe now than any time since assuming his post. Mistrust had also grown between the large British, European and American Jewish organizations. Although well aware that new money for their work was hard to come by, the British and Europeans had always expected much more of the Americans, and so were quite prepared to believe that the Americans were not letting on about the true size of their financial reserves. Moreover, McDonald had fallen well short of the main hopes they had placed in him, that as an American he could persuade his government to do its share of carrying the refugee burden by lifting its immigration quotas. This, above all, was why the French government had placed its confidence in the High Commissioner. But in the summer of 1934, some nine to ten months after he had assumed his post, McDonald could only tell the British and Europeans that little progress could be expected over the short term.

The High Commission's lack of achievements also caused hurtful accusations from British Jews against McDonald's deputy, Norman Bentwich. Bentwich had grown depressed about the difficulties of their work and at the dim prospects ahead. McDonald also grew depressed about the lack of progress.¹¹ He confessed his concerns to Cecil, telling him that he would have to decide the future of the High Commission in the forthcoming months.¹² He made the same admission to Bernard Kahn, the European director of the Joint Distribution Committee, in Paris a little later. The only option for him now, he told Kahn, was to recommend the 'liquidation of the High Commission' unless promising resettlement schemes were formulated with sufficient funds to back them.¹³ He confided to Kahn the reasons why he had so little to show: 'My efforts had not been directly

concerned with the refugees but rather the somewhat extraneous Jewish matters ... there were no groups, nor for that matter individuals, to which I could turn who were wholly interested in the refugees'. His job, he admitted, had been settling Jewish problems rather than the care of the refugees.¹⁴

By the end of August 1934, the question about the High Commission's future was more or less resolved. The lack of funds made it unlikely that it could continue beyond the 'summer or fall' of 1935, McDonald acknowledged. He was now looking to his own future, inquiring with his American friends and colleagues about suitable appointments in the United States, if he decided to relinquish his commission.¹⁵

Political developments in Europe added to the general gloom. The Nazi purge from 30 June to 2 July 1934, the 'Night of the Long Knives', that broke the back of the SA militia and destroyed the influence of SA leader Ernest Röhm, gave the impression that the Nazi regime was crumbling, that the Bolsheviks would soon take control or that Germany itself was on the verge of disintegration.¹⁶ Whichever way the events played out, McDonald foresaw, nothing good could be expected and the refugee situation could only get worse. Then came the reports of the attempted Nazi coup against Austrian dictator Dollfuss. Although Dollfuss was assassinated, the coup failed and the Nazis withdrew. It was nonetheless further evidence of the volatile and unpredictable political conditions across Europe, and the spreading threat of Nazism.

Overseas colonization now seemed the only option for permanently resettling refugees in sufficient numbers to satisfy the Europeans. Unwanted in Europe, and locked out of North America, the historic destination for Europe's unwanted, the potential of South America was a major factor shaping a belief in the viability of the colonization schemes. But schemes elsewhere were also put forward as real possibilities for giving the German Jews a new start in life. The proposals seldom went beyond general concepts, however – for example, placing refugees on undeveloped agricultural lands – and they did not yet have sufficient resources behind them. They were all plans for the long term, with no guarantees of success, and therefore offered no immediate solutions. Adjustment and retraining for the refugees was vital to make the schemes viable. Largely from the German middle class, the Jewish refugees were poorly prepared for a new life on the land, and while some retraining efforts were being made in Europe, much more had to be done.

Most of these resettlement schemes were also overly idealistic and displayed little sense of the difficulties that they would need to overcome in their implementation. A report into the various schemes prepared for the High Commission

by the Jewish refugee resettlement organization HICEM, and its British arm, Anglo-HICEM – organizations that brought together the emigration and colonization experience and expertise of a number of Jewish agencies – described their sponsors as ‘usually land agents or idealists who are in no way familiar with the economic laws and hardships of farming’.¹⁷ There was little optimism that any of these schemes could be realized. Most promising were the plans for refugee settlement on agricultural lands in Cyprus, southern France, Kenya, Syria and other ‘countries surrounding Palestine’. Proposals had also been made for refugee resettlement in Angola, Colombia, Russia and Tanganyika. In nearly every case, HICEM found that the cost of settlement was very high, approximately £500 per family, or at least £5 million (\$25 million) to settle 10,000 people. Indirect costs, for schools, places of worship, hospitals and the like, had not been factored in to the financial arrangements for any of the schemes and would add substantially to the overall costs. Funding on such a scale could only be found if the resettlement schemes were organized as business ventures, but the conditions of agriculture in the depressed international economy, which adversely affected even experienced farmers in productive regions all over the world, made it improbable that investors would be found.

The scheme proposed for southern France was the most practical. Land was cheap, the climate good and social institutions were more established than in far-off countries. However, the establishment costs were higher. The establishment of mixed farming on 20–25-acre lots for one family was estimated at £600 to £700, and would be much greater if a house had to be built. The HICEM report concluded on one factor commonly overlooked in these resettlement schemes: ‘It is questionable whether there are at the moment a large number of immigrants willing and able to become farmers. It must not be forgotten that those whom we should help are brought up as businessmen or professionals with brains above but bodies below average’.¹⁸

Recent experience had demonstrated the genuine difficulties and the prohibitive costs of agricultural resettlement schemes. Bernard Kahn recalled that Fridtjof Nansen, against Kahn’s advice, had insisted on pursuing refugee land settlement in Soviet Armenia. The lesson drawn from this was that failure was certain without ‘elaborate organization’ to follow up and support these schemes over the long term. The Jewish Colonization Association itself was conscious of the expense and difficulty of large colonization ambitions. It had successfully settled 4,000 families with outlays of around \$40 million, but that was over a period of forty years.¹⁹ The refugee resettlement schemes would need to place many more families, over a much shorter time frame, in new colonies developed

expressly for them. The risks would be so much greater, and the expenses so much higher. Moreover, the proposed schemes also overlooked the barriers of local immigration policies. As promising as the scheme in southern France appeared, the French government refused to contemplate anything that might lead to the formation of communities of foreigners. Successful education and retraining centres were closed down because they were seen as underhand ways of creating permanent Jewish communities.²⁰ An agricultural resettlement scheme in Brazil was one of a number of proposals for Jewish colonization in South America. In May 1934, however, the Brazilian government introduced new laws that further restricted immigration.²¹ Other South American countries insisted on tightly controlled immigration that would hamper any resettlement plans, no matter how well financed they were.

It was evident by the summer of 1934 that few colonization schemes had any prospect of success. Practical matters aside, they offered no immediate solution to the refugee problem in Europe. Yet their advocates believed in their potential. McDonald realized himself that they were unviable after he met with the Vice-Governor of Tanganyika at the British Colonial Office. There were a few openings for doctors and dentists in the colony, the Vice-Governor advised, but 'no opportunities whatsoever for refugee settlers'. A community of 'poor whites' could not be countenanced; they would be shut out of the workforce, the land and trades, by the competition of local and imported Indian workers. This also ruled out other European colonies in East and West Africa. The South African High Commissioner to Britain also made it clear that his country had to be ruled out. Jews already numbered more than 4 per cent of South Africa's white population, the largest percentage of any country after Poland and Hungary. It followed that South Africa could not accept McDonald's belated invitation to join the Governing Body.²²

Colonization possibilities evaporated even before plans for them could be thoroughly devised. The opportunities for assisting refugees to re-establish their lives in new countries were extremely limited therefore. This was a stark realization for those who had put their faith and efforts into overseas colonization as a solution to Europe's refugee woes. A common feature of these schemes was their remoteness. They were usually far from Europe, in undeveloped regions; even plans within Europe centred on settlement in remote localities and areas in need of development. The refugees were best dealt with it seemed by getting them out of sight. Moreover, the colonization schemes were a distraction from the unavoidable truth that the only solution was the permanent settlement of the refugees in the European countries they had already settled in.²³

By the time a special committee on emigration opportunities met in London on 19 July 1934, McDonald found himself in the embarrassing position of having to remove from the agenda all discussion on group and agricultural settlement in France, Angola, Portuguese East Africa, Kenya, Tanganyika, South West Africa, the Belgian Congo, Mexico, Russia and Palestine. This left the agenda bare. The development of new industries in derelict areas of England and Czechoslovakia for the purpose of placing German refugees was one suggestion that filled the void. There was also some discussion on agricultural and industrial possibilities in Yugoslavia.

South America was still considered the most viable place for large-scale resettlement. It was therefore resolved that McDonald should now open negotiations on settlement opportunities in Brazil and Argentina, and other countries in Latin America.²⁴ McDonald noted in his diary afterwards what a discouraging meeting this was, but concluded, with as much optimism as he could muster, that 'at the end ... something tangible did emerge.'²⁵

With so much attention on the Jewish refugees, non-Jewish refugees were left to languish with no aid at all. Norman Bentwich quietly raised their plight with Jewish leaders in London, when discussing the poor progress of the refugee finance corporation. The view among the British agencies was that they would be helped only if non-Jews put up their money. Organizations such as the Save the Children Fund, the International Migration Service and the International Federation of Trades Union, participated in the Advisory Council but were marginalized by the dominant Jewish organizations. With the exception of Walter Schevenels of the International Federation of Trades Union, they rarely feature in the minutes of the Advisory Council or Permanent Committee of the Governing Body. The non-Jewish refugees – democrats, socialists, pacifists, liberal professors, journalists, Catholic priests and Protestant pastors, all political refugees in flight from Nazi oppression – were in an even more precarious situation than the Jewish refugees. Most had fled Germany without an entry permit for their country of refuge, and sometimes without a German passport. Many were forced to live and work illegally and spent their exile hiding from the police. They faced being forced to return to Germany if they were apprehended. For McDonald, they had a special claim to asylum. It was contrary to the principle of asylum, he insisted, that they should be driven from refuge simply because their papers were not in order. 'Hundreds of them', he reported to the Governing Body at its November 1934 meeting, 'are now reduced to penury in France, Czechoslovakia, the Saar, Switzerland and elsewhere'. The only solution was for their countries of refuge to relax restrictions on their right of residence

and work. 'Otherwise, thousands of the refugees must become utterly hopeless through perpetual insecurity'.²⁶

As more people became aware of McDonald's quiet musings to Cecil and Bernard Kahn about winding up the High Commission, McDonald received welcome encouragement. It was not so much personal support for his work, however, as much as regret that the one international organization closely engaged in Jewish affairs might be lost.

Ever supportive, Felix Warburg commended his achievements in the face of overwhelming obstacles. 'You have unselfishly thrown yourself into the situation at a most difficult time and under the most impossible circumstances', Warburg wrote. 'The very fact that for the first time in history the attitude of governments has changed sufficiently so that they have taken an interest and part in the well-being of refugees ... is an innovation for which we have to be grateful ... You have done remarkably well and have been an outstanding figure in illustrating that Christian idealism is not dead'.²⁷ Bernard Kahn, however, focused on the ramifications should the High Commission fold. It would be a grave mistake to liquidate it, he told McDonald; it would be misunderstood and would discourage contributors. Kahn therefore offered to extend the Joint Distribution Committee's contributions to the High Commission, and he to assist in rearranging McDonald's office in such a way that he could spend more time in the United States.²⁸

Opinion among British Jews, who had never truly accepted McDonald as High Commissioner, was divided. For some, potential liquidation restored a sense of purpose. When McDonald turned to the British Board of Deputies for a show of firm support, its president, Sir Osmond d'Avigdor-Goldsmid, expressed his great interest in McDonald and his work and assured him that funds would be available to him through 1935.²⁹ On the other hand, Chaim Weizmann cynically dismissed McDonald's suggestion of a 'joint effort' to raise funds for immigration to Palestine because 'he didn't believe in being married to a corpse'.³⁰

In August 1934, McDonald and Bentwich returned to the High Commission's Lausanne office to work with their staff, Wurfbain and May, on a report of its activities over the previous year for the forthcoming League of Nations Assembly. McDonald's first duty in Geneva was to advise Secretary General Avenol of his progress and to confirm his draft report. Avenol's stance on the autonomy of the High Commission was unchanged; the League and the Secretariat, would therefore resist any moves to strengthen the High Commission politically. Moreover, Avenol told McDonald, the League could not possibly contribute financially or otherwise to the High Commission's work. This affirmed what McDonald

already knew, but he was pleased to hear it again. One criticism of his work among Americans, for whom the workings of the League of Nations were quite a mystery, was that he had not sufficiently developed the High Commission's relationship with it. Here was Avenol's confirmation that the League would still leave it to fend for itself and would be prepared to let it sink if it could not make its own way.

Yet, Avenol continued to set the bounds of what the High Commission could do. He had no concerns over some issues: on the relocation of the High Commission's office from Lausanne to London; on the High Commission's relations with Germany or on a statement of the League Assembly about the work of the High Commission. But he was adamant about issues that were at the heart of the High Commission's problems. It was futile for McDonald to seek funds from individual governments, Avenol told him, and it would create bad feelings if he used the Assembly to try to secure funds from the League or to seek a resolution on German policies towards the Jews. As far as Avenol was concerned, the worst of the crisis was over; attitudes towards the Jews in Germany, he believed, were calming down and anti-Semitism was dying down in other countries. Still, Avenol admitted, with no hint of his self-contradiction, that anti-Semitism was now so general that it was best for the League to continue keep the High Commission at arm's length in order to avoid a backlash.³¹

The press in Geneva was keen to hear McDonald's thoughts on Germany and the situation of the refugees. He faced a surprisingly large contingent of some forty-five journalists, who put awkward questions to him that he could not yet directly answer, about such matters as refugee passports, the High Commission's relations with Germany, where the refugees might go and whether the Jews had contributed as much as they ought to refugee relief. To this question, he replied that it was not appropriate for him to comment, but added sardonically that they 'had done infinitely more than the Christians.'³²

With so many representatives of the world's governments in Geneva at one time, it was imperative that McDonald use the time to consult with the foreign ministers of the governments represented on his Governing Body. McDonald wanted to find one government that might be prepared to take a lead and offer funding to the High Commission or make a commitment to admit more refugees. This required sensitivity as well as daring. He suggested that small changes to their restrictive policies would make a big difference to the conditions of the refugees. He requested small contributions to the High Commission's budget, against Avenol's advice, as even small contributions would ensure it could continue its work. He also appealed to national chauvinism by suggesting that other

countries would quickly follow the leadership of one, if one were bold enough to take the lead.

This then was another change in McDonald's approach. He no longer appealed simply to humanitarian concern for the refugees; this had never been truly effective. He now appealed more overtly to national interests. He explained to French Foreign Ministry officials that France was diminished in the eyes of people abroad for the way it regarded its refugees: democrats, liberal and labour groups looked upon France with dismay because its policies were so inimical to their well-being. France's interests, he added, were not served by succumbing to anti-Semitism. It must instead show leadership, by seeing the refugees as an asset and not a burden. Others would follow when France had shown the way.³³

There was no moving entrenched positions, however. Although they gave their support to a statement of the Assembly acknowledging the work of the High Commission, governments were nevertheless not prepared to amend their immigration policies. Dutch foreign minister, Joncker de Graeff, who had initiated the resolution of the 1933 Assembly to establish the High Commission, moved the statement of support in the 1934 Assembly while representing a government that had effectively closed its borders and had begun expelling foreign workers. He had already told McDonald, furthermore, that it was impossible for the Dutch government to make a financial contribution to the High Commission; its support would be expressed in the Assembly instead. Other governments held similar positions. McDonald confessed his anxiety for the future of the High Commission to British undersecretary for foreign affairs, Anthony Eden, and expressed his desire to 'have some indication of continued government support and some direct governmental contributions' from Britain. Eden assured him that he would gladly support the Dutch initiative in requesting a statement from the Assembly, but he would need to check with the British Treasury whether a contribution was possible. He shortly advised McDonald that it would not be possible, as the parliament would need to pass a bill to authorize it.³⁴ The Canadian prime minister, Richard Bennett, and Czechoslovakian foreign minister, Edvard Beneš, also backed the statement. But they were also reluctant to go further. Both were altogether disillusioned at the standing of the League of Nations in international affairs. Bennett criticized the 'low state to which the Assembly had fallen', with political bickering more evident than at any other time, but amused McDonald on parting by telling him that it was a 'a relief to see your fine sensitive face in these surroundings'.³⁵ Beneš was of the view that the League had entered a second era, when it was no longer trying to build a new world but 'attempting to save this one' by erecting 'barriers against catastrophe'.³⁶

The statement in support of the High Commission was heard and passed in the Second Committee of the Assembly. It was made in the context of a review of the Second Committee's resolution of the previous year to create the High Commission, having received McDonald's report into its work over the past twelve months. The statement was made as an affirmation of the Committee's original decision; it expressed the Committee's appreciation of McDonald's work and gave him its continued support. Canadian Prime Minister Bennett closed the discussion with a further statement of the value the Assembly placed in the High Commission and 'the great importance it attached to [the refugee] problem'.³⁷

The expression of support, however, could not make up for the lack of practical assistance from these same governments. Shortly after it was voted, McDonald received a long letter from Orme Sargent of the British Foreign Office refusing McDonald's request for a contribution of £2,000 towards the High Commission's budget of £12,000 for 1935. Sargent's explanation gave the reasons why all governments, and not just his, preferred to keep the High Commission at arm's length. The British government could not be associated with the administration of the High Commission in any form, as it had been created as an entity funded by private sources and separate from the government. 'We have consistently held the view,' Sargent wrote of the British government's position, 'that the cost of relief and settlement ... should be met entirely from voluntary sources and that no expenses should fall on public funds.' Sargent concluded in a manner that had become routine for all governments. 'The recent words of the British Delegate on the Second Committee ... will I hope have shown we are fully alive both to the important results that you have achieved and the difficulties which are still ahead of you'.³⁸

The statement approved by the Second Committee constituted international recognition of the importance of the High Commission, all the same, and McDonald could capitalize on it. He immediately used the publicity it brought to reinvigorate his mission by granting a long interview to the *New York Times* about the progress of his work. It was an opportunity to impress upon the newspaper's American readers the significance of the refugee problem, and by referring to the plight of the Christian refugees, he again appealed to American Christian sensitivities. The Christian refugees were most difficult aspect of the problem, he told his interviewer; there was 'nothing like the organized Jewish charities' for them, and there was no part of the world that was open to them. Their personal tragedies were too easily forgotten.³⁹

McDonald's efforts on behalf of refugees were recognized twice more during 1934. On 7 September, as he was engaged in Geneva, the American newspaper

The Jewish Advocate published the results of a survey conducted by the Anglo-Jewish press that unanimously voted McDonald the 'greatest Christian friend of Jewry'. It cited his 'heroic efforts to prevail on the nations of the world to open their doors to the victims of the Nazi terror', his efforts to remind the 'Christian world' of its 'responsibility to the Jewish refugees from Naziland' and his efforts to impress upon 'the world ... the fact that Palestine offered the major hope to the reorientation of the Jewish exiles'.⁴⁰ Then, in November, he was awarded the 1934 American Hebrew Medal. The citation noted that 'with splendid devotion', he had 'fulfilled the large task' assigned to him, and that his 'vigilant and steadfast activity' had given a 'new lease on life' to tens of thousands of Christian and Jewish refugees. 'Humanitarian in the best sense', he has improved 'Christian-Jewish relations wherever his voice has been heard'.⁴¹

In October 1934, the High Commission relocated its office from Lausanne to London. It established itself at Sentinel House, 61 Southampton Row, a brisk walk from the Central British Fund and other Jewish agencies in Woburn House. McDonald took up rooms in the Russell Hotel, a block or two from Woburn House.

It was a sensible and logical move, but only possible once Avenol had told McDonald that the location of his office was no longer of concern to him. McDonald and Bentwich both spent most of their time and energies in London and Paris, and Robert Cecil continued as permanent chair of the Governing Body on condition that he did not have to travel regularly to the Continent. Here preparations began for the next sessions of the Advisory Council and Governing Body, due in late October and early November.⁴² In all, thirty private organizations had now been invited to attend the Advisory Council. It had grown with the addition, among other groups and societies, of a service for academic refugees attached to the High Commission, and national refugee committees of Czechoslovakia and the Netherlands. Some delegates represented more than one organization. Jacques Helbronner, vice president of the Central Jewish Consistory of France and the new French representative on the Governing Body, also represented the Alliance Israélite Universelle, the French National Committee of which he was an executive member as well as the Central Consistory. He could assert tremendous influence over discussions, advocating fiercely his hostility to the Jewish refugees in France because of the disquiet they brought to the good relations between the French and French Jews and the anti-Semitism that their presence nurtured.⁴³

McDonald had little to report beyond the hardening of governmental attitudes. One positive detail he could give, however, was that about half of the

refugees who had left Germany since 1933 had settled abroad. Emigration overseas had increased slowly and the movement of refugees within Europe was slowly decreasing.⁴⁴ This proved nothing other than the fact that refugees remained in limbo wherever they found themselves.

Coming into the Advisory Council, McDonald was keenly aware that some of those present – not only the Frenchmen Helbronner and Oungre, but also others he had less to do with during the regular course of his work such as Mme Schmolikova from Poland and Walter Schevenels of the Trades Union International – had openly criticized his failure to make an impact on the number and circumstances of the refugees. With this in mind, he concluded his report with the declaration that it would be impossible for him to continue as High Commissioner if he remained the figure of criticism for what, after all, was a larger, national and international failure to come to the aid of refugees.⁴⁵ He therefore announced that in the next few days he would make a recommendation to the Governing Body that the High Commission be wound up by 1 November 1935, or ‘a little later’, and that he would stand down. He also revealed that he had already made his intentions known to the heads of the principle Jewish organizations, and at their insistence he would seek at the next session of the League of Nations Assembly in September 1935 to put forward the question of the future arrangements of the High Commission with a view to the League taking over its functions.⁴⁶

The sudden announcement surprised those present and a number of them rose to express their support. Schevenels stood first. The League had created the High Commission under the pressure of German opposition, he said; this was why it could not itself assume the role of organizing direct refugee assistance, as the International Labour Conference had called for in its 1933 resolution. Schevenels, could only deplore the shortcomings of governments while the private organizations and the High Commission had made every effort they could. Helbronner followed, acknowledging McDonald’s efforts and his ‘generosity of heart’. The High Commission’s failures were not because of the man or the institution, he insisted.

This good will did not last long, however. The question of work permits for refugees brought both the Advisory Council and the Governing Body to a stalemate. Helbronner resisted any attempts to force concessions from France, and restated the French view, which had been put many times over, that it had done more for refugees than any other country. He now went further, defending France from criticisms he felt were implied in McDonald’s reports. The French government continued to issue work and residence permits despite the

economic crisis, he declared. The 'Catholic Church in France held the hand of the persecuted Jews from Germany, and for the first time in the Church's history, the Archbishop of Paris, Jean Verdier, ordered public prayers in every church for the persecuted Jews.'⁴⁷

Helbronner's persistent defence of France's record alone rendered both the Advisory Council and the Governing Body ineffective. He interjected whenever the discussion turned to ways in which refugees could be absorbed into the economic life of the countries where they were now found. One motion, moved by Edith Pye of the Society of Friends and approved by the Advisory Council, and then put to the Governing Body, called for an organized system of retraining and 'readaptation' to make refugees employable in their countries of settlement. Helbronner jumped in to proclaim that 'the High Commission was specifically created to resettle the refugees in other countries,' so that those bordering Germany were not left to bear the burden alone. 'France has done more than its duty,' he repeated again, 'and more than any other country. It is impossible for it to absorb any more of the refugees who remain in its territory.' He further insisted that any initiative for 'professional readaptation' could only delay their emigration, and should therefore only serve to improve the refugees' suitability for emigration to another country.⁴⁸ Helbronner was not alone in stifling the debate on the question of work permits for refugees; he was merely the most vocal.

The Governing Body, in truth, had ceased to have any real purpose. National representatives were seldom inclined to take its resolutions back to their governments to try to influence policy. Their role was in fact the opposite, to bend the High Commission to the will of their governments. It was noted again in the November 1934 Governing Body that the recommendation of a passport for refugees under the 1927 League of Nations Convention on Transit and Communications, accepted at the first meeting of the Governing Body, had not been adopted. To the contrary, the return of refugees without passports to Germany was becoming common practice as governments made greater efforts to rid themselves of unwanted and clandestine foreigners.⁴⁹

Reflecting privately, McDonald recalled the 'depressing debate' of the opening session of 1 November 1934. Helbronner proved a most disruptive force, objecting even to procedural matters, insisting at one stage that a resolution be written in French rather than in English, as McDonald had drafted it.⁵⁰ Cecil had had enough, and told McDonald in confidence that he was wasting his time and that he would advise the British government to name someone to replace him.⁵¹ Voicing his frustrations, Cecil jumped in at one point during proceedings to say

that the debate was going nowhere, that the meetings were 'perfectly useless', and their governments could share their views just as well by other diplomatic means.⁵²

Moreover, each representative felt slighted by even general motions if they believed that they implied any criticism of their government's policies. Helbronner believed that France was the target of a motion of the Advisory Council that called for governments to lift restrictions on work permits and to absorb refugees into the economic life of their countries. Cecil noted pithily that no country was mentioned and that he could just as well feel aggrieved at an implied criticism of British policy. Nevertheless, an alternative wording was agreed upon to satisfy Helbronner, with the phrase 'without expressing any opinion' included.⁵³ The Swiss delegate, Rothmund, was then dissatisfied, and interjected to ask McDonald directly what countries he had in mind when the resolution plainly stated that some were not doing their duty.⁵⁴ Was the resolution aimed at the Swiss practice of return? he asked.⁵⁵ McDonald answered meekly that he was in no position to criticize any government's policies.⁵⁶

Despite fraying tempers, McDonald could note later that, at the end of the day, the Governing Body 'adjourned in an atmosphere of good will', helped by a timely break for tea.⁵⁷ Cecil said no more about asking the British government to replace him. The strains, however, were real. Norman Bentwich, who worked with governments and private organizations throughout on technical and procedural matters, had taken a leave of absence to return temporarily to his academic post at the Hebrew University in Jerusalem. McDonald's own immediate future was in doubt.⁵⁸ He had declared his intention to wind up the High Commission during 1935, but the ineffectiveness of the Governing Body, and failures to persuade governments to support his work financially, could only make him doubt the feasibility of continuing for another year.

Reckoning: Winter 1934–35

McDonald pressed on because he felt he must; there was so much yet to be done. Yet things had changed. McDonald was much less visible in fundraising; sometimes he was pushed into the background and asked not to speak, or he was simply overlooked. At a fundraising luncheon at the Savoy Hotel in London, speakers on the needs of the refugees included Jan Smutts of South Africa and the hostess, Lady Nancy Astor. Although McDonald was seated at the head table, neither he nor the work of the High Commission was acknowledged. On another occasion, Robert Cecil recommended that he not participate in a Church of England appeal that McDonald had organized with the Archbishop of Canterbury, suggesting that he would serve the efforts in England better through advice and help, and not by assuming a leading or coordinating role.¹

By late 1934, another issue was emerging that would have significant ramifications for the High Commission and the refugees. The German Saarland, a small industrial region on the frontier between France and Germany, had been under the authority of a League of Nations Commission since the Treaty of Versailles, pending a plebiscite on its future arrangements – restitution to Germany or incorporation into France – scheduled for 15 January 1935. As the date approached, a large majority vote for restitution to Germany seemed likely. The fate of anti-Nazi political refugees who had gone to the Saarland was in the balance. McDonald believed that they would fall under his High Commission's mandate as refugees from Germany. The League of Nations expressed no opinion on the arrangements it intended to make for these new refugees, in order not to complicate negotiations between the Saar Commission and the German government on guarantees of security after the plebiscite.

McDonald factored the new refugees from the Saarland into the High Commission's plans all the same. At the start of 1934, it was estimated that there were around 1,500 German refugees in the Saar, the majority of them non-Jewish

political refugees.² Their numbers grew as the Saar became a haven for German communists and others persecuted by the Nazis for political reasons, who could not obtain visas to go to another country. It had also become a place to which illegal refugees expelled from France could go. Should the vote return the Saar to Germany as expected, they would no doubt flee again rather than choose to live under Nazism. The French Foreign Ministry anticipated receiving about 40,000 of them, and declared that they would be treated as French men and women since they would have voted for incorporation into France. They would be exempted from the restrictions on refugees and be allowed to settle permanently. There was the question, however, of those who were not among the ones France intended to accept.³

For the moment the High Commission could only observe the situation. In the meantime, McDonald returned once more to his unresolved negotiations with the German government on the question of remittances of refugee assets abroad. The German Foreign Ministry might well have thought that they had resolved all the issues McDonald had raised. However, on the insistence of the British and American embassies in Berlin that the German government 'listen' to McDonald's 'plea on behalf of German Jewish refugees', a new opening for negotiations had been made.⁴

One agreement had been reached with German Foreign Ministry. German consuls would provide written advice when a passport would not be reissued. This, at least, would provide evidence to a foreign government that a refugee was without the diplomatic protection of the German government. The transfer of capital from Germany, on the other hand, was a matter on which the regime was unwilling to compromise. The remittances of all income from Germany to Germans abroad had stopped altogether during 1934. Nevertheless, McDonald insisted throughout that the impact this had on the refugees and the economies of states to which they had fled was a matter of international concern, and that negotiations on remittances must continue.⁵

Since McDonald's brief visit to Berlin in August 1934, Norman Bentwich had pursued fruitlessly the question of passports and documents of identity through correspondence with Paul Barandon of the legal section of the German Foreign Ministry. McDonald reported after his return, to his Governing Body and later to President Roosevelt, that he expected no compromise from the Germans. So what then did he hope to achieve by returning to Berlin? One reason was procedural. The Foreign Ministry had insisted that the transfer of German capital was a matter for the Reichsbank and the Treasury. Since the Reichsbank president, Haljmar Schacht, was unwilling to meet with him, in McDonald's mind

these negotiations were still incomplete. Another reason was to ascertain who was now prepared to meet with him. He could then resolve this outstanding part of his mandate before winding up the High Commission.

The American embassy in Berlin made the arrangements for McDonald's interviews, but on his arrival no German official was prepared to see him. The vice president of the Reichsbank, Friedrich Dreyse, told the embassy that he was unavailable for three days, and Barandon advised that there was no point in his meeting McDonald since all the issues previously raised between the High Commission and the Foreign Ministry had been resolved. Only on the insistence of the American embassy, with a touch of added pressure, did Barandon make time to see McDonald, and Dreyse changed his schedule to meet him.⁶

Both the Reichsbank and the Foreign Ministry maintained that economic necessity was the reason for prohibiting foreign remittances, and no concessions would be considered. The position of its president, Schacht, was straightforward enough. No more money should leave Germany than entered it.⁷ What was for the Reichsbank a question of foreign exchange, was for McDonald a matter for the well-being of the refugees. British Jews were increasingly uneasy at the arrival of German Jewish businessmen and others with barely ten Reichsmarks in their pockets. By their estimates, the British agencies would have to make up an extra £9,000 each month for the welfare and upkeep of the Jewish refugees whom they sponsored.⁸ McDonald therefore not only appealed to German national interests, as he had done in his previous discussions. That was a familiar argument in Berlin. He now added that exceptions to the regulations on foreign remittances would not only improve the conditions of the refugees, but Germany would benefit from the broader perspective of its national policy. But since he was making no progress on his own terms, he raised a financial proposal prepared by Jewish organizations in Britain and Germany and submitted already to the German Foreign Ministry through German Jewish representatives. The plan envisaged offsetting foreign remittances with refugee aid funds. The money in blocked accounts could go towards a special assistance fund for Jews in Germany. Jewish agencies abroad, meanwhile, such as the Central British Fund, could then pay out as much as the value of this special assistance fund to refugees in lieu of their remittances from Germany. Their remittances, in other words, would be paid abroad from relief funds that would have been expended otherwise in Germany. The special assistance fund would in turn finance their relief efforts within Germany. No money would leave Germany; it was a simple matter of rearranging the direction of funds, for the benefit of Jews inside Germany, refugees abroad and the German economy. His

hosts acknowledged that the brief outline of the idea seemed practical enough, but Dreyse, a foreign exchange specialist himself, Barandon and others in the Foreign Ministry were unaware of this proposal and to whom it had been made. They would therefore not comment.⁹

This seemed to suggest some room to negotiate, McDonald believed, if the German regime was interested in a more organized Jewish emigration. But he could not even guess how the regime would respond to a Jewish proposal on German financial arrangements. The commercial arrangements entered into in the Ha'avara agreement in 1933, to facilitate the emigration of German Jews directly to Palestine, legitimized direct negotiations between Jews and the German authorities for their mutual benefit. The objective of the Ha'avara was to resettle Jews without a future in Germany; the new financial proposal McDonald outlined, on the other hand, was a desperate effort to do something for the well-being of Jewish refugees elsewhere. The very fact that Jewish organizations were prepared to agree to terms and to cooperate, however indirectly, with the Nazi regime on its anti-Semitic policies, illustrates the dearth of options and the desperate conditions of the refugees outside Germany. Nothing came of the proposal, however.

By the end of these discussions, McDonald had no doubts that nothing could be achieved by talking to the Germans. The officials he met all wanted to avoid responsibilities, and they would prefer not be talking to him. McDonald therefore left Berlin knowing that there was nothing to look forward to from the Reichsbank, and that very little if anything would come from the Foreign Ministry.¹⁰

Meanwhile, both France and the United States were moving to tighten even further their already restrictive immigration policies. The French government proposed a new law to further restrict work permits for new immigrants; they would also not renew work permits for immigrants who had arrived in the previous two years.¹¹ The numbers of new immigrants to the United States was also likely to be cut back further, with proposals for quotas to be reduced by 40 per cent. Although the German quota was for some 15,000 immigrants per year, the Immigration Commissioner believed this number was more than the United States could 'safely' admit. The reasons were depressingly similar to those in Europe when the refusal to allow refugees permanent settlement was justified: the problems of absorbing new immigrants and refugees in the current economic conditions, their tendency to congregate in the cities together with the difficulty of dispersing them in the countryside and the increase of anti-Semitism that accompanied Jewish immigration. Indeed, when McDonald visited Washington in December 1934 he found many Jewish intellectuals were complaining about the rise of anti-Semitism in America.¹²

The other depressing problem for McDonald, that of money to finance the High Commission, soon involved President Roosevelt and the senior levels of the State Department. Invited to dine at the White House on the evening of 17 December 1934 to report on events in Europe and his recent visit to Germany, McDonald described the problems his High Commission faced and expressed his wish that the United States make a contribution to its budget for 1935.¹³ A contribution from the United States government, even a symbolic one, McDonald assured Roosevelt, would encourage other governments to contribute; they had made promises but no contributions, and would not do so until one or other of the great powers took the lead. Great Britain, France and Italy would readily follow the American lead, he was sure, and then more would follow. Persuaded, Roosevelt agreed to an American contribution of \$10,000.¹⁴ Afterwards, however, the State Department told McDonald that a contribution would not be as 'easy as the President seems to think'.¹⁵ Roosevelt's promise was quickly mired in the State Department's budget process. On 3 January 1935, after more than one inquiry about the contribution's progress, McDonald learned that no special appropriation could be made and that the State Department would need to draft a special bill for Congress. Even if that were done, it would be of no help. The preparation of the bill and the lengthy budget process would go well into 1935, while the High Commission approached liquidation.¹⁶

The announcement that McDonald was intending to wind up the High Commission's affairs by the end of 1935 raised the question of what could be done for the refugees afterwards. It was a question that troubled McDonald as he planned to leave his post; he could move on but the refugees would remain. He asked the Governing Body in November for its opinions on the High Commission forging closer ties with the League of Nations and the continuation of its refugee services in another form. The High Commission's future was not a matter that they were prepared to discuss at the time, however, as they had no instructions from their governments.

McDonald was sure that he could expect no support from the League of Nations. Politics and diplomacy, he was well aware, would see that the welfare of the refugees was put to one side. Still, he canvased opinions, as much to confirm his views as to gain reassurance at the rightness of his own decision to stand down. When visiting Rome, he sought the advice of the British Ambassador, Sir Eric Drummond, former Secretary General of the League. Drummond agreed that there was little chance of the High Commission being brought into the League, since the League's intention was to 'slough off as rapidly as possible' its extraneous activities.¹⁷ In Geneva, the American observer of the League of

Nations, Arthur Sweetser, was no more reassuring. He was definite that the High Commission could not 'return' to the League because of the League's hope that Germany would return to its folds.¹⁸

By its actions, the League demonstrated its lack of faith in the High Commission. The Saar plebiscite of 15 January 1935 saw a massive majority of 91 per cent vote for restitution to Germany. The League had yet to announce arrangements for the refugees from the Saar, and McDonald, who was in Geneva to discuss these arrangements, had not yet been able to agree on a policy with his Governing Body should the High Commission be called upon to assist. He did, however, plead with the Secretariat for adequate resources if the High Commission was called upon to assist the Saar refugees, and suggested a quota to disperse the refugees across a number of countries. The League Council, McDonald learned, was only 'casually' interested in the humanitarian problem that would arise from the Saar and wanted the issue out of way. There would be between 5,000 and 10,000 refugees from the Saar who would in a short time overwhelm refugee committees, McDonald wrote to Cecil; the Council could not dodge its responsibility.¹⁹

The High Commission would have no role to play, however. The Saar refugees would not fall under its mandate, since, in the view of the League, its intervention might unnecessarily complicate the work of the Saar Commission in securing guarantees for those Saarlanders who had voted against return to Germany.²⁰ The League's position, finally, was that the Council would study the Saar problem in its May 1935 sessions, but no new funding would be voted on before the September Assembly. In the meantime France would assume responsibility for the Saar refugees, with the expectation that the League would reimburse its costs.²¹ A French memorandum noted specifically that it would not be 'efficient' for the High Commission to assume responsibility for the Saar refugees as it was detached from the League.²² McDonald set out another explanation in a memorandum to his Advisory Council: 'Germany had never liked the setting up of an institution specifically for the purpose of dealing with German refugees and my activities had not endeared me to the Reich and [Nazi] Party authorities.'²³

The worst expectations of a surge in the numbers of German refugees were not realized, however. France had anticipated about 40,000 refugees from the Saar, but the actual number was less than 15,000.²⁴ Despite earlier assurances, France did not open its border to them. By 25 January 1935, French officials in Forbach, on the Lorraine frontier with the German Saarland, reported that only about 3,000 refugees had crossed the border despite the French consulate in Saarbrücken having issued some 8,000 visas.²⁵ Just over 4,000 were admitted

by early February. By late February, the number of Saar refugees admitted into France was just under 5,000, although over 11,000 had sought entry. In other words, more than half were turned back.²⁶

The League's tardy response to the Saar plebiscite was not only final evidence that the League had no confidence in the High Commission for the Refugees from Germany. Its response to the Saar plebiscite also demonstrated a profound failure of the League itself, since it could not acknowledge its international responsibility for these new refugees, nor express confidence in its own institutions. The High Commission was not asked to take on the responsibility for the refugees from the Saar, and the League's own agency, the Nansen International Office, was also overlooked. Instead, the League accepted the assistance of the French government, on credit, rather than intervene itself. Secretary General Avenol would still do nothing that might enflame Germany and distanced the League Secretariat from the Saar Plebiscite and its consequences.²⁷

These circumstances pointed directly to problems that would follow the liquidation of the High Commission. It functioned badly and would not be missed, but the refugee problem would remain, and greater problems in the future seemed very real. There was no one body that could assume responsibility and display an international humanitarian commitment. Humanitarian action of any kind depended on the League deciding, under the pressures of the moment, how to respond; this would mean making compromises for political reasons. The Nansen Office, created in 1930, had a mandate for a distinct class of refugee and was itself scheduled for liquidation by the end of 1938. The mandate and structure of McDonald's High Commission quite simply prevented it from carrying out the important responsibilities that the Assembly recognized when it voted to create it. The Nansen Office and the High Commission for the Refugees from Germany shared fundamental flaws in their structures and operations, and both were unloved by the League, governments and non-governmental organizations concerned with the welfare of all refugees.

For Robert Cecil, regarded as father of the League of Nations for his work on its Covenant at the Paris Peace Conference, the timidity the Council had shown in hesitating to make a definite decision on the administration of the Saar refugees undermined the authority of the League. He was convinced from this point forward that the High Commission for the refugees could 'do some good' only if it became a 'regular League Commission', with the diplomatic authority and the resources that the League could provide. But in order to do this, the League had to recapture its former strength.

Cecil had grown noticeably depressed about the High Commission during January 1935. He was particularly scathing about the members of its Governing Body, who had so little influence on their governments.²⁸ His sombre mood came through in his correspondence with Sir John Simon, the British foreign secretary. The autonomy of the Governing Body and its personnel rendered it 'useless,' he wrote to Simon in one of his reports as the British representative. He recommended that the British government support closer ties between the League of Nations and the High Commission since only that could improve the High Commission's ability to address the refugee problem. Till now, however, talk of the League assuming greater responsibility for a problem of Germany's making was highly sensitive and best avoided. Simon replied that the British government could not support closer ties between the High Commission and the League because it 'would irritate Germany' and 'might seem to imply that the government was prepared to assume a financial obligation' towards the refugees. To this Cecil replied that there was no longer anything to gain from 'courting Germany' or waiting for its cooperation; the refugees were not a problem of charity but were above all a political problem, something that had been quietly ignored since the High Commission's creation. He declared his intention of making a statement to the House of Lords along these lines.²⁹

McDonald found Cecil invaluable as chair of the Governing Body because of his experience in international politics and skill in diplomacy. The Governing Body might easily have broken down into petty bickering without him. McDonald frequently turned to Cecil for advice on how he should deal with issues and sought his opinion on the wording of sensitive matters in his formal statements. Cecil, however, was not active in the promotion of the High Commission to the public and took no part in funding appeals. He also had little to do with the British government on matters that came out of the Governing Body meetings. However, his passion for the role of the League of Nations in international affairs was undiminished. He was there at its birth in 1919, and remained fiercely supportive of it as a means of preserving peace. It was this idea that he promoted publicly during 1934. He took up the question of the future status of the High Commission because it provided an opportunity for the League to rekindle its purpose and salvage its past strengths.

His concern for the state of international affairs and the weakening of the League of Nations within a difficult world scene also spurred his advocacy for the cause of disarmament. His speeches and broadcasts stressed the need for the League to stand up for peace in the face of the many threats the world encountered. The League of Nations, he argued, must be strengthened, as it was the only

mechanism Europe had for preserving peace. The economic depression had demonstrated that each nation could no longer remain independent of others. Interdependence in commerce and trade and in political relations demanded a new way of conducting politics and diplomacy. The system of international law established at the peace conference, he maintained, was the one mechanism through which a new approach to politics and diplomacy could be fostered.³⁰

Lord Marley opened the debate on the problem of refugees in the House of Lords on 6 February 1935. He put these questions to the government: Whether the refugees from the Saar were considered to come under the mandate of the High Commissioner for the German refugees? What action was the British government taking to aid the High Commissioner in the resettlement of the refugees? Marley, an active refugee advocate, had formed his own committee for refugee assistance. He completed a speaking tour of the United States in 1934 to raise money for refugee relief, and through his work with the Russian association for the advance of the Jewish people (known by its Russian acronym, ORT), he had promoted Jewish refugee resettlement in the autonomous Soviet Jewish enclave of Birobidjan. Marley's communist sympathies made him suspect among refugee support groups, and he was consequently marginal to their work and their concerns.³¹ Yet he was nevertheless one of the more forthright advocates for the Jewish and other refugees from Germany. Before raising these question in the House of Lords, he clarified particular issues on the Saar situation with McDonald. McDonald also briefed Cecil on the details of the statement that he, Cecil, would make to the Lords.³²

Cecil spoke after Marley, questioning the efficacy of the League of Nations' stance on refugees while also questioning British policy. The Saar introduced a third category of refugees of concern to the League. Each of the three had been approached separately, Cecil explained: The Nansen refugees under the Nansen Office, the German refugees under the High Commission and the Saar refugees under a mechanism that was not yet determined. The need for a single organization responsible for all refugees was evident. He continued to state that Britain was wrong to approach the refugees in terms of British national interests. 'Anything that affects the tranquillity of the world', Cecil said, 'anything that threatens the friendship of one nation for another, is a matter of the most intense and direct British interest'. He concluded by asking the Lords and the government to 'realize the truth', that 'our great interest is the preservation of peace'. That required conviction and action, otherwise, 'we shall never succeed in restoring tranquillity and peace to the world and restoring prosperity to this

country'. In short, Cecil called upon the British government to recognize that the incorporation of the High Commission for refugees into the League of Nations would strengthen both.³³

When Undersecretary of State for War, Lord Strathcona, replied to Marley's questions and Cecil's statement, he gave a slight hint that the government might be willing to reconsider the British position. Strathcona began by stating that the procedural mechanisms of the League prevented the British government from moving in the direction that Cecil had suggested; the High Commission was created by a resolution of the League Assembly, and only another resolution of the Assembly could alter it. However, he conceded, the British government had already received the suggestion from Cecil through his capacity as the British representative on the Governing Body that the High Commission should become a part of the League. The suggestion would be considered sympathetically if the High Commission put a fully developed proposal to the League itself.³⁴ This gave a nod to Cecil that he and the High Commission should proceed to draw up a plan to put to the Foreign Office.

The next day McDonald met with the British Foreign Office to discuss further the integration of the High Commission with the League. He met with officials again on 11 February 1935 to ask for British leadership on the issue.³⁵ The early indications were that the government was still unmoved by the suggestion, and the formal advice McDonald received was that the government had not yet considered the question of the League assuming permanent responsibility for the refugees. McDonald and Cecil both decided that if governments would not press the issue, they would have to 'take the initiative' themselves.³⁶

Mission to South America

In the European and American imagination at this time, the countries of South America were lands of great, unsettled spaces, in need of new people and development. They were ripe for refugee resettlement. The opportunities this presented to the refugees from Nazi Germany had not yet been fully explored but there was nevertheless much hope invested in the idea of Jewish colonization there. Indeed, the Jewish Colonization Association had already purchased swathes of land in Brazil and Argentina for future settlement, and it advocated its colonization plans as part of the solution to the refugee problem in Europe. It was especially convinced that Argentina, which had an established Jewish community of about 500,000, would welcome more Jews. It also undertook to put up the funds for their resettlement once the migration formalities were agreed. There were many reasons for caution, however. Both Brazil and Argentina had declined invitations to join the High Commission's Governing Body, and they remained aloof from European politics. Even though Jacques Helbronner insisted that the High Commission must continue to seek out overseas emigration opportunities, he acknowledged reports from the French embassies in South America that were not at all optimistic about the proposed plans. Argentina, he was informed, for example, offered no immigration possibilities because of its economic problems and its own national socialist and anti-Semitic propaganda. Reports from Uruguay and Brazil were also unfavourable, but the advice from the French embassies in Venezuela, Colombia, Nicaragua, Ecuador and Paraguay were more encouraging.¹

Over the winter of 1934 and 1935, McDonald began planning a tour of South and Central American countries to investigate what actual opportunities for refugee placement there were. His initial inquiries were not altogether promising, but there was sufficient encouragement to make a genuine effort to open negotiations, particularly with the governments of the larger South American countries.

While in Washington in December 1934, he sought the advice of the ambassadors of Chile, Peru, Argentina, Uruguay, Honduras, Ecuador and Brazil on conditions in their countries, the attitudes of their governments to the idea of refugee settlement and the responses that he might receive to his approaches for concessions to their immigration restrictions. The Uruguayan Ambassador was 'almost hostile' to the plans for refugee settlement, McDonald noted, surprisingly so as the Uruguayan Alberto Guani had served as the deputy chair of the High Commission's Governing Body from its first session, and he had been present, but silent, during its most recent discussions on refugee resettlement in South America. The Uruguayan Ambassador was also critical of the work of the Jewish Colonization Association in Argentina and Brazil, and he promised no cooperation from his government. The Honduran Ambassador was not hostile but he was nevertheless 'completely discouraging' about the settlement of academic and intellectual refugees. Indications from the ambassadors of Brazil and Argentina were more positive, however, despite suggestions to the contrary. Brazil was particularly keen to learn of settlement plans, citing a need for some '20,000 to 30,000 workers in the coffee area alone'. More surprisingly, McDonald found no hint of what he had been told was Argentina's antipathy to Jewish immigration.²

McDonald also recognized the importance of gaining the support of the Catholic Church for the settlement of Jews in South and Central America. He therefore visited Cardinal Pacelli in Rome again, now emphasizing the new urgency in finding places to resettle Catholic refugees from Germany, as their numbers were expected to rise considerably after the restitution of the Saarland to Germany. If the Catholic countries in Latin America helped take care of Catholic refugees, McDonald ventured, it would be a great demonstration that the refugee problem was not uniquely a Jewish problem; this would help leverage support for the Jewish refugees as well. McDonald also suggested to Pacelli a strategy discussed among American Jews. If the Vatican would lend its support to opening up Latin America to Jewish emigration, the American Jewish organizations would give its support to the Vatican against the intolerance of Catholics in Mexico.³ As with his earlier interviews with Pacelli at the Vatican, McDonald came away with no firm undertakings but nevertheless satisfied that he made convincing points.⁴

McDonald arrived in Rio de Janeiro on 8 March 1935 with his wife and his long-serving secretary, Olive Sawyer. He brought with him Samuel Guy Inman, a specialist in Latin American politics and secretary of the American Committee on Cooperation in Latin America. Inman had been recommended to McDonald by Walter Kotschnig, the High Commission's advisor on academic

and intellectual refugees, because of his knowledge of Latin American affairs and his personal contacts. He was able to provide McDonald with invaluable access to the heads of government that he might not be able to have secured on his own.⁵ Recognized as an 'ardent defender of Latin American rights,' Inman was indispensable on this mission, with his ability to interpret in both Spanish and Portuguese, his advice on Latin American history and politics, and for his friendship with many of the leading politicians in these many countries.⁶

The mission's aim, in McDonald's words, was to 'ascertain the possibilities of immigration,' and to negotiate a way around 'the political obstacles to the admission of refugees.' To this end, he insisted in not presenting himself as an agent for refugee resettlement programmes, and on not appearing as a salesman for any particular plan. He asked instead for assistance in addressing a grave humanitarian problem. He therefore sought the agreement of these countries to admit a limited number of refugees and that their immigration restrictions be lifted in order to make this possible.⁷

He was struck immediately by the overwhelming possibilities in South America, especially Brazil, where the lands seemed to be waiting for people to settle and develop them. However, a genuine fascist movement inspired by German National Socialism, and a strong autarkic nationalism, which had taken hold of the government, disturbed its politics. Nationalism was an even stronger force in Argentina, he found, but Argentina was also more suitable than Brazil for large-scale refugee settlement. It had a large, established Jewish community that included refugees recently arrived from Europe through the aid of the Jewish Colonization Association, which could only help with the integration of new refugees. Land was also cheap and there was great potential for new agricultural developments. The main barriers to successful settlement in both countries, however, were the legislative restrictions on new immigrants.

True to his pledge to Cardinal Pacelli, McDonald spoke in support of Catholic interests in Brazil and Argentina. The mention of his meetings at the Vatican, Pacelli's interest in the refugee problem and Catholic belief in the 'universal appeal to the sympathy and charity of mankind,' won the immediate support of the Brazilian foreign minister, who gave his 'unqualified' support for McDonald's mission.⁸ The Archbishop of Rio de Janeiro, the most senior Catholic in South America, similarly expressed his sympathy for McDonald's work and offered his help as far as he could.⁹ The Archbishop of Buenos Aires acknowledged the humanitarian crisis and gave his support to the admission of Jewish refugees.¹⁰

A potential rise in the number of Catholic refugees fleeing Germany was of most concern to McDonald's ministerial contacts. One official the Argentine

Agriculture Ministry was truly horrified to learn that 'men should be penalized for loyalty to their faith,' and volunteered to intercede with the minister and the president on his behalf.¹¹ While Catholic support and intercession on behalf of Catholic refugees helped McDonald make some headway, his negotiations nevertheless rested on the concessions that both the Brazilian and Argentine governments were prepared to make to their immigration restrictions. This proved to be an insurmountable barrier.

Immigration restrictions were written into the new Brazilian constitution of 16 July 1934, in order to guarantee the 'ethnic integration and the physical and civil capacity of the immigrant'. Annual immigration quotas were applied at 2 per cent of the total number of foreign nationals who had permanently settled in Brazil over the past fifty years. The quota for German immigrants was fixed at 3,090 each year, and of this only 10 per cent could be Jews or refugees. The quota was low because Brazilians of German origin, although about one million in number in 1934, had settled by and large more than fifty years previously. The constitution, furthermore, restricted the liberal professions to native-born Brazilians, and naturalized Brazilians who had performed military service. Foreign qualifications were recognized only when held by native-born Brazilians. Future immigrants would therefore have to settle on the land. Under these conditions, expectations were very low, 'nothing beyond 309 agriculturalists a year' within the German quota, McDonald was advised.¹² He therefore had to make a case to the Brazilian government for exceptional concessions to allow for a higher intake, and the colonization plans that would back the new immigration would need to be detailed and financially sound.

Louis Oungre of the Jewish Colonization Association joined McDonald in Rio de Janeiro and prepared a memorandum on the financial details. They were estimated to be around one million dollars for each 100 refugee families. McDonald also prepared a memorandum, which was more general than Oungre's and appealed to the humanitarian sympathies. The Brazilian Foreign Ministry, however, was not satisfied with them, and asked that both be revised to make them more suitable for presentation to the government. One major point of contention was the Brazilian insistence that a settlement plan should concern only stateless refugees. The Jewish refugees would fall under the German quota and proceed through the normal migration channels; they would therefore be heavily restricted. Oungre's colonization plan was for Jewish resettlement and colonization, financed by European and American Jewish communities; it would succeed only if the refugees could resettle in sufficiently large numbers

to make the scheme viable. He would not compromise, since he would have to abandon key elements of his organization's plans and investments. He therefore withdrew his memorandum and returned to Europe. McDonald stayed on to work through the obstacles, keen to see his negotiations through to the end. He telegraphed his office in London to obtain the latest figures on stateless refugees, and while waiting its reply, he and Inman sailed to Buenos Aires.

The foreign embassies in Argentina gave him little confidence. The British Ambassador told McDonald quite bluntly that the Argentine government was set in its exclusionist policies and would not welcome foreign pressure.¹³ Argentine nationalism extolled the country's independence in finance and commerce by throwing off the dominance of British capital, and resisted foreign meddling in its political affairs. Immigration restrictions reflected the influence of extreme nationalism, but McDonald was assured that there were ways around the restrictions, if he could reach an informal agreement with the government. He was invited to present his case but was told that if he insisted on a definite decision the answer would be negative. His talks were therefore informal, with a view to reaching what both sides agreed would be a 'gentleman's agreement'.¹⁴

He was not asking the Argentine government to remove its restrictions on refugee immigration but, just as he had appealed to the Brazilian government, he sought its help in addressing a humanitarian problem. He put forward plans limited in their ambition but with guarantees that no burden would fall on Argentina itself. They would nevertheless require two important concessions, the lifting of restrictions that prevented the settlement of the poor, and the lifting of the obligation that new immigrants settle on the land. It would be impossible for the regulations to be changed 'formally', McDonald was told, but it would be possible to change the 'spirit' of their interpretation to make it easier to admit refugees.¹⁵ He was not able to persuade one senior governmental official, however, who was convinced that the resettlement of refugees from Europe would lead to an unemployment problem, and that 'undesirable' refugees would be 'dumped' on the country.¹⁶

This was as much as McDonald could achieve in Buenos Aires. There were no undertakings or guarantees, yet making the best of a poor outcome, he was pleased that he had made his case in such a way as to avoid a definite rejection.¹⁷ There might have been some room to manoeuvre with the Argentine government at a later time, he thought, but there was no further headway to be made with the Brazilian government. His memorandum on resettlement and colonization was further delayed in the Foreign Ministry by more objections, and as

he had engagements ahead in New York, he left, leaving negotiations in Brazil to a former local representative of the Jewish Colonization Association.¹⁸

Because of the delays in Rio de Janeiro, McDonald and Inman parted in Buenos Aires and went their separate ways. While McDonald remained to see his negotiations through, Inman travelled on to Chile and then went north. In all, Inman visited eleven countries in forty-four days.¹⁹ His reports, which were not available to McDonald until after both had returned to New York, were more positive about the prospects for refugee resettlement in Latin America than McDonald's. Inman noted the value that these countries placed on technical experts and academics to assist in the reform of their industries, economies and their educational sectors. Only Argentina rejected professional and academic refugees, while other countries advised Inman of particular professions which were in demand. Some presented highly specific requirements that would have next to no impact on the overall refugee numbers. Paraguay, for example, sought specifically six experts in agriculture, one in geology, two in accounting, one in finance and two in international trade. Other countries indicated a more general need for intellectuals and academics, but were not certain about which specialities. Colombia had just commenced reforming its education sector and could potentially have a demand for academic refugees in a variety of fields. Opportunities for professionals – lawyers, doctors, engineers – were by comparison non-existent, as the Latin American universities produced too many of their own, and foreign lawyers and doctors in particular could not obtain permission to practice.²⁰

In Inman's view, there was greater hope of settling refugees in the smaller countries than in the larger ones. There were fewer immigration barriers to overcome and Jewish refugees were not discouraged; there was also a general desire to attract new settlers to work on the land. Paraguay expressed a preference for young, unmarried men, to settle permanently, marry locally and become a permanent part of its society. The Peruvian president told Inman that Peru could take all the remaining refugees, if only they would colonize the land.

While Inman offered a generally optimistic outlook, he concluded on a sombre note. The greatest barrier to resettlement in these countries, he observed, was that the refugees themselves had no desire to migrate there. The history of Latin American lands, he added, carried lessons that even the most ardent advocate of large-scale settlement must heed: it was 'strewn with the wreckage of colonization schemes'. Most of the refugees were not farmers and did not want to be farmers, but even if they were enticed to join a rural settlement, there was a real danger that the 'history of so many of the broken European colonies'

would be repeated. The refugees would find, after a few months, that they were 'disgusted with the difficulties of the jungle or desert, with the lack of communications with the outside world, the lack of markets, the difficulties of educating their children and the isolation and absence of cultural advantages which they enjoyed in their former homes'.²¹

The mission to South and Central America is the most documented of McDonald's activities as High Commissioner. Away from the constant pressures of national and Jewish politics in America, Britain and Europe, he was dedicated to this single purpose for three months. His and Inman's reports are extensive, as are McDonald's diaries at this time. Both men were open to possibilities and they went into their discussions with purpose and optimism. They were also critical of the obfuscation of government ministers and bureaucrats. There was much of this, but McDonald was prepared to work closely with these officials and tried to satisfy their demands in order to achieve a good outcome. The mission to South and Central America, therefore, is an example of the difficulties that McDonald faced throughout his commission. For his time and efforts, the returns were small in the extreme. He could therefore report to his Governing Body when it next met in July 1935 that the best economic possibilities were in Argentina and Brazil but that little could be expected from either country. Their immigration regulations only provided opportunities for immigrants to work in agriculture, and while restrictions were less severe in other Latin American countries, opportunities for work were fewer.²²

Inman's more positive assessment about the prospects in Latin America received a favourable press. It was reported that there were openings for intellectual and academic refugees in all of the countries Inman had visited, since they were coming slowly out of their economic slumps. Here then were opportunities so greatly lacking elsewhere. Moreover, the possibility that Ecuador might be prepared to admit 50,000 Jewish refugees over the longer term suggested the kind of breakthrough the world had been looking for. However, expectations were quelled by the realization that there were no opportunities for professionals to practice, and large-scale plans of refugee settlement were unwise given the prevalence of nationalism.²³

The mission to South America therefore brought an end to the illusion that the problem of the refugees in Europe could be solved by their resettlement in overseas countries, either through negotiated, favourable, immigration arrangements, or by organized and costly colonization schemes. Many plans had been hatched but none were viable. The hopes invested in these plans, however, had distracted attention from the true cause of the refugee problem,

that those countries to which the refugees had fled had no permanent place for them. Political decisions on the status and welfare of the refugees were made on the assumption that they would have to look elsewhere to re-establish their lives. The endless drives for finance, the promotion of the High Commission and its work, the agendas of refugee aid organizations as well as the humanitarian concerns about the future of the refugees, kept coming back to the solution of overseas resettlement and colonization. The end of the illusion brought the European powers and refugee aid organizations back to the central problem: that the refugees were assuredly an international problem for which an international solution was required, but a genuine solution lay in the willingness of nations to grant the right to refuge in their territories. Only national governments could confer entry, residence and work entitlements that would allow the refugees to resume their lives. Without this recognition, there could be no solution.

During his three months away from the reactionary politics of Europe, McDonald had many moments for reflection on his work and his future. At every turn he had met obstacles and failed to have a genuine impact. He was firm in his resolve to wind down the work of the High Commission by the end of the year and resign his post. In a moment of candour, he wrote to Cecil three days after his arrival in Buenos Aires to confirm that he had made the right decision: 'I have no intention whatsoever of continuing in refugee work beyond the earliest date at which the High Commission can be liquidated'. His desire now, he confessed, was to return to the United States to be closer to his family and to remove himself from the nihilism of European politics. He now looked forward to playing a 'part in the stirring developments' in the United States.²⁴ Cecil sympathized, 'I have not forgotten your wish', he replied, 'but I am glad to have it stated so specifically and definitely by yourself. I am not surprised that you want to get back to your own country and to your own job, nor that you want to be free from the entanglements of refugees. I am afraid you have found it rather a heart-breaking enterprise.'²⁵

His mood was not one of defeat, however. He carried on with these lengthy and sometimes tortured negotiations with government officials in South America, interspersed with much idle time as he awaited a reply, another meeting or a suggestion of progress. His negotiating partners in Argentina and Brazil would neither accept nor reject his propositions, yet there is no hint in his private words that his partners in these negotiations had worn him down. But this was his last effort at finding a place for the refugees.

Disillusion: Spring and Summer 1935

The Saar plebiscite was decisive for the High Commission. McDonald, Cecil, their staff and supporters could interpret the League of Nations' decision on the arrangements for refugees from the Saar in no other way than as the League's lack of confidence in its work. Moreover, it displayed the League's avoidance of its responsibilities. It was not willing to allocate resources and admit its rightful role in the humanitarianism that Fridtjof Nansen had inculcated into its culture during the 1920s. Instead France, which had no desire to take on an additional refugee burden, stepped in, on condition that the League of Nations compensate it for the cost at some future time.

For McDonald, it was a personal slight, and one more reason why he could not continue in his position. In truth, McDonald had been considering his future before the January 1935 plebiscite. It had become evident during 1934 that the difficult financial position constraining the High Commission and the wider effort on behalf of refugees gave him little option other than to plan for its liquidation. He had since contemplated the options before him. During his Christmas and New Year break in the United States in December 1934, many of his friends and contacts in Washington, President Roosevelt among them, were already asking about his plans after he resigned his commission. His wife and close friends suggested that he take a position as a college president. His preference was to return to academia, in the field of international relations, 'with a light teaching schedule and large opportunities for ... public education'. He expressed a desire to join Columbia University and asked Joseph Chamberlain, the American representative on his Governing Body and professor of Law at Columbia, to investigate the possibilities for him.¹ New York Jews, on the other hand, expressed their regret at losing their advocate for European Jewry and urged him to continue working on behalf of the refugees. On his return to New York from Rio de Janeiro in early June 1935, he sought out a position with the *New York Times*.²

Cecil had become pessimistic about the High Commission and the League of Nations' response to the refugee problem since the Saar decision. He had remained in the background of the High Commission's work, appearing only during the meetings of the Governing Body and its Permanent Committee. Committed all the same to the League of Nations and its promotion of peace through international cooperation, he took a more prominent role in refugee advocacy after January 1935, arguing that nothing less than an effective international effort supported by the League of Nations and national governments would produce results. His statement to the House of Lords on the refugee problem in February 1935 publicized the failings of the League of Nations in such a critical area of international cooperation. This encouraged him to intervene more stridently with the British government to try to persuade it to change its position on the integration of the High Commission into the League.

Cecil subsequently pursued the need for a new refugee organization, which would be an agency of the League of Nations. Before McDonald left for South America, Cecil worked with him on a plan for this new agency and on a political strategy to win its acceptance. Their work continued after McDonald's return, and the campaign for a central refugee agency was the central focus of the work of the High Commission for the remainder of the year.

Characteristic of the timidity with which governments approached the question of international assistance for refugees, McDonald and Cecil found little immediate support. Cecil's statement to the House of Lords was the cause of some consternation in the Permanent Committee of the Governing Body when it met later in February. Both Cecil and McDonald were asked whether it was the right time to reopen the refugee question since governments would resist anything that could make it more difficult for Germany to return to the League. For some of the representatives on the Permanent Committee, France's Helbronner most notably, the problem this raised was not so much reopening the refugee question as what form a new refugee organization would take. It was only fitting that the refugee question be reopened in its entirety, Helbronner asserted, since the problem was considerably larger than that of the problem of the refugees from Germany. Indeed, Helbronner reminded the other representatives, France's obligations were for the many tens of thousands of refugees of all origins: from Russia, Armenia, Spain, Italy and elsewhere, as well as from Germany. For Cecil, on the other hand, the heart of the refugee problem was not their numbers, where they were from, or where they were found. Rather, it was that they 'scarcely have any work' and were 'a grave danger and ... a destabilising

element for the entire world'. Unless the problem was addressed in its entirety, on an international basis, Cecil was certain, no solution would be possible.³

Before he left for South America, McDonald submitted a memorandum on the general problem of refugees to the League of Nations' Secretary General.⁴ It was an exposé of the problem that went well beyond the circumstances that had made it so difficult for his High Commission to fulfil its mandate. It took a broad view of the problem, recounting also the responses to refugees since the First World War. The memorandum described how the problem had developed since 1919, and examined the difficulties encountered in the international responses to the problem. The League of Nations' responses, it showed, were piecemeal; the fragmentation of responsibilities and the diminution of resources were the reasons why the League had failed in its obligations since Nansen's achievements of the 1920s. The decisions of the League on refugees, furthermore, were no longer viable in the economic and political circumstances that the world faced in 1935. The decision in 1928 to reduce the budget of the Nansen Office every year for ten years, until it was dissolved in 1938, set in place the conditions that made the League incapable of attaining a 'permanent assimilation and settlement' of the refugees under its mandate. The League's policy was in ruins as unemployment and xenophobia made it almost impossible for even self-supporting foreigners to find a place in another country.

The popular mood everywhere had shifted, McDonald noted from his own experience. The expulsion of foreigners was now common, as policies were put in place to protect native workers from the competition of immigrant workers. The Nansen Office continued to assist refugees with a continually diminishing budget. The Convention of 1933, the intention of which was to ensure the rights and security of refugees, had been signed by no more than five countries, and ratified only by Bulgaria. 'No effective measures whatever', the memorandum continued, 'have been taken to deal with the failure of the assimilation policy or to provide for the large body of refugees who stand in need of help when the Nansen International Office is liquidated'. The memorandum described the difficulties facing the Nansen Office with the example of an appeal for funds launched by the League of Nations Union, the Save the Children's Fund, and the Armenian Lord Mayor's Fund in Britain at Christmas in 1934. Even with the resources of the League of Nations behind it, the Nansen Office still had to fall back on private contributions to raise enough money to support unemployed and other refugees, who could not support themselves and their families. There were some 149,000 individuals in these circumstances, with another 54,900

war invalids and children under the Nansen Office's care incapable of earning a living.

Other refugees had since appeared, who received no international assistance or protection. They were left to fend for themselves or live on charity. Assyrian refugees had fled Iraq after the end of the British Mandate in 1932. Some 40,000 Austrian Nazis had taken refuge in Germany after the failed coup of 1934. Austrian socialists had taken refuge in Czechoslovakia. Spaniards had fled to France to escape civil unrest. Croats, Slovenes and Macedonians had fled or had been expelled from Yugoslavia. Mexicans had fled to the United States. Refugees, in other words, were an international problem; they appeared in all parts of the world and all sorts of circumstances. The League of Nations had only concerned itself with a small number of selected groups while the problem continued to grow.

The memorandum concluded with a section on the difficulties of McDonald's own High Commission. The Governing Body had no power over the governments they represented and its members were merely observers; the High Commission's annual budget for administrative expenses was £14,000 per year, and no government had made any grant towards it. It therefore remained dependent on private contributions from a few philanthropic sources. And the number of refugees from Germany still in need of assistance remained stubbornly high. Of an estimated 80,000 refugees at the end of 1934, it was believed that only about 28,200 had been resettled outside Europe.⁵

'Is it possible to revive the policy of assimilation?' McDonald asked. 'Can it be anticipated that the different Governments will accept refugees as citizens and allow them equal opportunities to obtain relief or the benefit ... of sickness and unemployment insurance?' It seemed impossible, he answered, 'in the existing mood of economic nationalism and xenophobia.' It was unfair that some countries bore a greater refugee burden than others, but it was nevertheless reasonable to expect that the refugees in Europe should be absorbed as much as possible into the countries where they had found refuge, and not be left in a twilight world awaiting resettlement to some unknown far away destination. This, he proposed, was one option for an enduring solution. The second option was the ratification of the 1933 Convention that would minimize refugee hardships and obviate the tendency of host countries to refuse refugees the right to work or to deport them simply because they were not welcome. The third option McDonald proposed was untested but seemed 'the only practicable solution' to bring about a change in the responses to refugees – a central refugee organization responsible to the League of Nations.

McDonald concluded by repeating a passage from a statement that Fridtjof Nansen had made to the League Assembly in 1928, when he sought its support to help solve the refugee problem confronting Europe at that time:

If intelligent human beings are forced to brood over a situation so much against their wishes and efforts that they come to regard it as an injustice, and if they are denied the most elementary forms of protection, there is the danger that their physical and intellectual energies, instead of being turned into constructive channels, may be exploited in other ways which will exact a heavy reckoning out of all proportion to the slight sacrifice they now ask.⁶

This lengthy exposé had one purpose. It both explained and justified the need for a new central refugee organization in Geneva, 'under or within the League of Nations', that would be responsible for all refugees, those that the League presently recognized and those that it may decide in the future would require assistance. But recognizing the more significant practical arguments that would be made against the proposal, McDonald's memorandum also stressed the implications for resources. The League would not incur additional financial outlays, it explained. The current expenditure of the Nansen Office could be reallocated to the new organization. The memorandum also stressed that these proposals concerned only the administrative machinery necessary for a more effective approach to the 'tragedy of the refugee problem'. The governments of member states would not be asked to take on a greater burden; they would remain free to determine particular schemes of assistance and settlement, and how these should be financed, while private charity would continue to provide much of the necessary resources.⁷

During McDonald's absence, Cecil actively promoted this proposal for a central League refugee agency. At the same time, two of the High Commission's staff, André Wurfain and Walter Kotschnig, surveyed the views of governments. While they found general agreement on the need for a central agency, there were nevertheless reservations. One common question was whether the new organization would be restricted to existing refugee groups or if it would assume responsibility for new groups as well. Another was whether it would include stateless persons. There was concern therefore about the organization growing in the future, and the League taking on unexpected and costly burdens. Some countries were definite in their views. Belgium was 'not very keen on any change'; the Netherlands regretted that its initiative in 1933 to create the High Commission for the German refugees had failed, and was now pessimistic about the prospects of any refugee organization in the economic conditions afflicting

the world.⁸ For other governments, the proposed reforms would provide an opportunity for doing something about the Nansen Refugee Office as well as the High Commission. The Nansen Office had fallen out of favour and although it was already facing liquidation by the end of 1938, the proposed central refugee agency offered an opportunity to get rid of it earlier.

One complaint about the Nansen Office was that, far from solving the refugee problem with which it was charged when established in 1930, it had in fact perpetuated the problem. The refugees and stateless persons under its mandate remained legally 'Nansen Refugees.' Another complaint was that the Nansen Office was spreading political propaganda among the Russian refugees against the interests of the Soviet Union. It was also criticized within the League Secretariat for creating an atmosphere of idealistic unreality over the 1933 Convention on the international status of refugees because it held signatory countries to specific obligations towards the refugees to whom it applied. Even so, the Nansen Office, and particularly its chair, Major T. F. Johnson of Great Britain, were also significant impediments to reform. Johnson could point to the successes of the Office's work, even during the years of adverse economic conditions and the anti-immigrant sentiments across the work, while the High Commission for the German refugees could point to no successes at all.⁹

The League Secretariat was another obstacle. It was certain that a central refugee agency would embroil the League in awkward political issues, compromise its independence in dealing with disputes between member states and limit its effectiveness in international affairs. It made four specific objections. First, the High Commission for the Refugees from Germany was made with a kind of 'gentleman's agreement' with Germany that the Commission not be a part of the League; it would be difficult, and 'not quite loyal to Germany,' to change this arrangement. Second, it would be difficult to go back on decisions taken many times over to liquidate the Nansen Office. Third, the creation of an organization with a general mandate would tend 'indirectly' to increase the number of refugees; therefore, the new organization should be concerned only with specifically defined categories. Finally, a central refugee organization in Geneva would provide a focus for the political activities of refugee groups; they would come to Geneva to try influence member governments of the League, who were very often their political opponents.¹⁰

In response, Wurfbaun and Kotschnig reproached the Secretariat for failing to grasp the new political realities of the mid-1930s. They criticized it for holding fast to its position in 1933 that it avoid any actions that might inflame German opinion, and, indeed, shying away from political controversy of any

kind. This was not merely in the hope of luring Germany back to the League; the League's timidity was to appease German sensitivities that it was an institution created by the hated Treaty of Versailles intent on German humiliation. The attitudes of member states had moved beyond this, the Wurfbaun-Kotschnig report claimed. It addressed the Secretariat's concerns over the formation of a new refugee agency in turn, to demonstrate how out of step it was with the current state of affairs. German opinion should no longer matter. The Nazi government had no hesitation in imposing a burden on other countries and there was no reason why its sensitivities should be considered in future decisions on the refugees. Moreover, a new refugee organization with a general mandate would no longer maintain the refugees from Germany as a distinct category; rather, they would be one part of a more general, humanitarian problem that would be the focus of the League's attention. The Nansen Office had shown how misplaced the Secretariat's concerns were. Although the Nansen Office was despised by the Soviet Union for supporting anti-Bolshevik White Russians, it had not made Geneva a centre of political dissent. As it was due for liquidation, it was opportune to consider how a new organization could continue the essential work of international assistance for refugees.¹¹

As discussions progressed on the proposal, the British government indicated that it might be prepared to shift ground in its opposition to a central League refugee agency. This was not without some considerable pressure from important and powerful individuals and organizations. A delegation of various agencies, among them the League of Nations Union, with Cecil as its president, the Save the Children's Fund, representatives of the Archbishops of Canterbury and Westminster, the Society of Friends, and Chief Rabbi Dr Hertz, had been granted a meeting with Foreign Minister Sir John Simon, in which he acknowledged that there was a very strong case, 'on practical grounds alone', to unify refugee services under the League. But Simon also held firmly to his government's position that it was not desirable for the League to assume permanent responsibility for refugees. The British government would not bring forward a resolution to the next League Assembly, but Simon assured the delegation that it would give its support if one were presented.¹²

With a view to the liquidation of the High Commission by the end of the year, Walter Kotschnig also prepared a reconciliation of all available information on the state of the problem of the refugees from Germany as it stood in mid-1935. Kotschnig had been recruited from the International Student Services in Geneva during 1934 to advise on academic and intellectual refugees. In February 1935, he travelled to Prague and Vienna to learn as much as he could

about the conditions facing the refugees from Germany and the work of local refugee agencies in preparation for a major review of the statistical and other data the High Commission had collected from its many sources. Much of it had yet to be scrutinized critically, and while there was an abundance of information on conditions in the much visited and strongly represented Western European countries, there had as yet been no attempt to gain a more comprehensive set of statistics in Central and Eastern Europe.

Kotschnig's first findings were that there were no reliable figures on the number of refugees from Germany still awaiting permanent settlement. The true extent of the refugee problem was therefore not really known. Many refugees had been registered by more than one refugee agency, and in more than one country, as their circumstances had forced them to move on, at least once if not twice, after fleeing Germany. Or their financial circumstances forced them to seek aid from multiple agencies. By Kotschnig's estimates, about half of the refugees had migrated to other countries at their own expense, while others had migrated with the assistance of refugee charities and resettlement services. About 3,000 refugees from Germany had left Czechoslovakia after arriving from Germany, half of them with the assistance of local refugee committees. Official figures in Austria varied, but the information available to Kotschnig from the Austrian refugee committees showed that there were some 800 to 1,000 refugees, 70 per cent of them Jewish, in need of resettlement. There was no way of knowing how many refugees had emigrated at their own expense.¹³

The refugee problem therefore centred on those who could not move elsewhere, either because they lacked the financial means to do so, or because they did not have the documents to enter another country. In Czechoslovakia, there were about 1,900 refugees in this category, half Jewish and the other half political refugees. Their situation was critical. They were refused permission to work, and if they were found to be in breach of the law – working without permission was a common reason for falling foul of it – they faced expulsion, or worse, forced return (*refoulement*) to Germany.

Governments were unapologetic for their firm stands, and were intent on tightening restrictions still further. Because the refugees could not work to support themselves and their families, they were a constant burden on the national refugee committees and local charities, which were so short of funds that they could not provide meaningful support. The Austrian committees required \$10,000 in additional funds to continue providing aid, while the committees in Czechoslovakia required another \$80,000.¹⁴

Kotschnig could offer two positive findings from his review of the available statistics. The reemigration of refugees was greater than assumed, and consequently the refugee problem had reached a sort of equilibrium, with a more or less fixed number of refugees who could not be resettled. This could give a real focus to the High Commission's work, as it could dedicate itself to their needs. Refugee services were in place and refugee retraining for prospective resettlement was proving effective. Second, the possibilities of refugee emigration east to the Soviet Union seemed to be opening up. Discussions had commenced between the Czechoslovakian committees and the Soviet minister in Prague, who believed that refugee migration to the east was feasible. The experience of a small group of Austrians who had fled to the Soviet Union after the attempted Nazi coup of February 1934 were, however, for unspecified reasons 'rather discouraging' and did not bode well for further eastward migration.¹⁵

The plan Kotschnig devised therefore was, he admitted, a bare outline in need of more work. There were many assumptions, he also admitted, but he believed that they were reasonable ones to make, and were all justified by the experiences of the High Commission and the refugee committees. The figures he cited were estimates because the available information was 'not sufficient to allow for the establishment of anything really solid'. The High Commission's London office, he expected, would have more accurate and up-to-date figures than those available to him in his Geneva office, yet the figures he had at hand suggested a new perspective on the refugee problem as the High Commission worked towards its liquidation.

Kotschnig's main assumption was that many of the refugees listed as 'unabsorbed' could migrate onwards, either at their own expense or with assistance. Therefore, of the estimated 14,000 refugees remaining in France, he assumed that as many as 4,000 could emigrate, half with assistance, and, most problematically, another 1,500 could be repatriated. He listed similar figures for other countries, to arrive at the following totals: 25,000 refugees remained in Europe; of them some 6,750 could realistically emigrate of their own accord, another 5,000 could be assisted to emigrate and 2,950 could be repatriated.¹⁶ This would reduce the number of 'unabsorbed' refugees dramatically: some 8,500 in France, 1,700 in Great Britain, 1,600 in the Netherlands, 150 in Belgium, 900 in Czechoslovakia and 650 in Italy. This was much less of a burden than appeared to be the case from earlier, more pessimistic outlooks, and indeed, Kotschnig concluded, it would be a 'fair share of what the European countries ought to be able and ready to absorb'.¹⁷

Kotschnig presented a new perspective on the refugee situation that challenged the accepted understanding of the burden facing these European countries. France had long insisted that it was overwhelmed by refugees, but Kotschnig sought, in his own words, to 'explode' the 'fiction' that it had accommodated more than the 14,000 refugees he had calculated. His findings led him to conclude that the true number was nearer to being between 8,000 to 10,000 individuals after emigration or repatriation was factored in. He also insisted that experience had proved that as many as one-quarter of the refugees would be able to raise money for emigration themselves, if they had a definite opportunity to work abroad. Experience had also proved that repatriation was viable for some refugees. The restitution of the Saarland to Germany had shown that 'a good many so-called refugees abroad' could return to Germany 'without fear of danger and with a reasonable certainty of being economically no worse off than they were in the slums of Paris or elsewhere'.

The greatest assumption of Kotschnig's, however, was one not borne out by experience: that a place for the permanent settlement of the refugees could be found. The refugee problem had become so critical because there were so few possibilities for emigration outside Europe, and because the Europeans refused to let refugees settle in their countries. It helped the High Commission's liquidation plan to demonstrate that the number of refugees was much lower than assumed. This could instil confidence that the problem was not beyond solution, and that no individual country could claim it had too great a burden to bear. On Kotschnig's calculations, the number remaining in Europe was already fairly distributed and could be reasonably absorbed. McDonald's experience, however,

Table 10.1 Walter Kotschnig's assessment of the future of refugee resettlement, February 1935

	Number	Private emigration	Assisted emigration	Repatriation to Germany
France	14,000	4,000	2,000	1,500
Czechoslovakia	1,600	500	400	200
Great Britain	2,500	400	300	400
Austria	900	400	350	250
The Netherlands	2,200	450	350	100
Italy	1,100	300	200	150
Belgium	400	200	150	50
Scandinavia	300			50
Elsewhere	1,000	200	150	100
	25,000	6,750	5,000	2,950

demonstrated that national governments could not be persuaded to settle even much smaller numbers. Kotschnig's 'fewer' refugees nevertheless supported McDonald's recent claims that the refugees should be absorbed – or assimilated, in the words McDonald used in his memorandum to the Secretary General – into the communities in which they had already found refuge. But as 1935 progressed, this proposition was fiercely resisted, and even more restrictive policies were becoming the norm: to keep new refugees out, to force those already inside to leave, to expel those who refused to leave and to repatriate those who were found to be living or working illegally.

These issues were taken up at the July 1935 meeting of the Governing Body as it mapped out a strategy for the next few months.¹⁸ 'The afternoon session' of the Governing Body, McDonald noted in his diary, 'was given over to the problem of reorganization and liquidation.'¹⁹ McDonald's statement summarized the refugee situation as it stood on 15 July 1935, and included a final account of the distribution of the refugees from Germany, derived for the most part from the figures prepared for Walter Kotschnig's liquidation plan (Table 10.2).

The problem that remained, then, was what to do about the estimated 27,500 individuals who were yet to find a place of permanent settlement. This was not a great number in comparison to the general refugee problems that Europe had faced since the end of the First World War. The Governing Body's response was to adopt two rather tame resolutions that called on governments to alleviate the impact of restrictions on work permits, and to recognize the 'uselessness' of an expulsion order for refugees who could not gain admission to another country. Both resolutions were critical of the policies of the governments represented on the Governing Body, but they carried little weight. In fact, the representatives of Great Britain (Cecil himself), Denmark and Poland each read reports from their governments that made no distinction between foreign immigrants and refugees with respect to the right to work, and would make no concessions for refugees.

The members of the Governing Body quibbled, in other words, over the settlement of a few hundred, maybe a couple of thousand, refugees in their countries, impoverished for the most part, but denied the right to work. They were nevertheless unwelcome competition for work in seriously depressed economies. Moreover, concerns of these countries went beyond the refugees already within their borders. So long as the Nazi regime continued its persecution of the Jews, refugees would continue to come, and any liberalization of their restrictive policies on immigration and asylum would only encourage a much larger influx than they had experienced hitherto.

Table 10.2 Distribution of the refugees from Germany on 15 July 1935²⁰

<i>Living in European Countries</i>	
France	10,000
Poland	*
Czechoslovakia	1,600
Netherlands	4,000
Britain	2,500
Belgium	600
Switzerland	500
Scandinavia	1,000
Austria	900
Saar & Luxembourg	*
Spain	2,000
Italy	1,100
Elsewhere	1,500
<i>Settled in Palestine</i>	27,000
<i>Settled Overseas</i>	
USA	6,000
South American Countries	3,000
South Africa	300
Elsewhere	500
Other	*
<i>Repatriated to countries in Central and Eastern Europe</i>	18,000
Refugees from Germany since 1933	80,500
Refugees still to be settled, July 1935	27,500

*Denotes figure not known.

Kotschnig's liquidation plan considered repatriation a justifiable approach to resolving the refugee problem, but he had presented it with unjustifiable optimism and certainly no critical awareness of the conditions inside Germany. Kotschnig remained based in Geneva while the High Commission's office was in London, which had received reports from the committees in Europe that gave worrying accounts on the fate of Jews returning to Germany. Up to the beginning of 1935, McDonald reported, some private organizations had encouraged repatriation for German refugees who were unable to find opportunities for resettlement, since they would be no worse off than if they were 'in the slums of Paris or elsewhere', as Kotschnig had written in his report.²¹ There had been a complete change of view since then. The Jewish refugee committee of the Netherlands in Amsterdam (Comité voor Joodsche Vluchtelingen), for example, had gathered many personal accounts of the troubles Jews encountered after returning to Germany.²² After registering their arrival, they were summoned to

the state secret police (the 'STAPO', as the reports called it; later the Gestapo), and were questioned about their political activities, associations with refugee communities and whether they had received money from refugee committees. They were then detained in prison while awaiting transfer to a 'training' or 'community' camp.

The police interventions were indiscriminate. A German Jewish couple who had gone to Paris in 1933 and who had been later expelled from France, returned to Germany on the advice of the German consul. They were imprisoned for eighteen days. A woman who had gone to Rio de Janeiro in 1934 with her husband returned on medical advice after a long period of hospitalization with typhoid and yellow fever. She was arrested after 10 days in Berlin and was refused access to medical care. She was due to be sent to a training camp at the time the report was compiled. A woman who left Germany for Russia in 1930 after marrying an 'Aryan' was arrested when she returned to visit her elderly mother; she was also due to be sent to a training camp. A woman who had lived for two years in Palestine and had married there was also arrested when she returned to visit her mother. Jews from Palestine, it seems, were treated more leniently, as she was permitted to leave the country within three days.²³

In February 1935, refugees detained in Germany after their return were released following a period of imprisonment, usually for longer than ten days, and ordered to leave Germany immediately and not return. In March 1935, the Dutch Jewish Refugee Committee described a new 'sharp and ruthless anti-Jewish action' that followed a conference of district leaders under Hitler's chairmanship. The report did not cite an authority, but it claimed that the plenipotentiary of the Saar district attacked the Saar Jews for their 'alleged treasonable activities' in the lead up to the January 1935 Saar plebiscite. Whatever the cause for the sudden change, the Committee reported, the intention was the complete segregation of German Jews as an 'alien race' with limited rights, and to send a message to German Jews abroad that they could not return to Germany under any circumstances. Therefore, from March 1935, returning Jews were summoned to the 'STAPO' shortly after registering their arrival; they were detained and sent to instructional camps. Women were sent to a new camp not far from Hanover, while the men were sent to the camp at Dachau. No cases of release were known at mid-April, when the reports were circulated.²⁴

McDonald's statement to the Governing Body in July 1935 referred indirectly to these reports. They raised no ire or discussion. McDonald concluded by reporting that he had made no further contact with the German government and that it was now useless to pursue negotiations.²⁵ The Governing Body

rose at the end of the day on 17 July 1935 and adjourned, with the intention of meeting again by the end of the year to formalize the liquidation of the High Commission. As it turned out, this was the final meeting of the Governing Body, and liquidation proceeded subsequently by correspondence.

The High Commission had effectively ceased to function at the conclusion of its July Governing Body. McDonald had exhausted his mandate for no gain. The July Governing Body could offer nothing other than its assent to its inevitable demise. In truth, the Governing Body had served its purpose for the governmental representatives sitting on it. They had successfully defended their national policies to keep refugees out against demands that they open their doors. Some countries had been disappointed in McDonald as High Commissioner because he could not deliver what they had expected of his office, namely, a means of ridding them of their refugee burden. France in particular, first through Henri Bérenger, and then more shrilly through Jacques Helbronner, maintained that it had done more than enough for refugees and could do no more. It also questioned why McDonald, an American, had not been able to persuade his own government to do more. The one feasible solution – the permanent settlement of the refugees in the countries where they had already found refuge – was unacceptable to each government represented on the Governing Body. The suggestion was an affront to Europeans, which resented American isolation from the problems of Europe and its refusal to admit refugees from the overburdened European states.

The High Commission itself was forced by the intransigence of governments to accept the necessity of reemigration. Even repatriation was seriously contemplated as part of the solution in Kotschnig's report. This, perhaps, best illustrates that the High Commission had lost confidence in its purpose. There was no more that McDonald could do to fulfil his mandate. What remained was to highlight the flaws of the institution that he was appointed to run, and advocate for an improved and more effective refugee agency, with the authority and the resources that he had lacked.

Reform and Resignation

McDonald and Cecil both believed that his resignation should be much more than an apologia for the High Commission's lack of achievements. Rather, they agreed it should be a strong statement that would hold the refugee problem, its causes and the international response to it, before world opinion. The statement they decided upon would therefore address the political context of the refugees from Germany, and make known to the public what few outside Jewish circles fully recognized, that the refugees were the victims of the determined actions of the Nazi regime to rid Germany of its Jewish population. It would also outline the historical context of the problem and provide legal analysis of the Nazi persecutions and the status of the refugees in world affairs.¹

In order to prepare the statement, McDonald contracted two experts on German and Jewish affairs: Oscar I. Janowsky, professor of history at the City College, New York, whose 1933 book *Jews and Minority Rights, 1898–1919* had already discussed the recent historical context of the status of the Jews, and Melvyn M. Fagen, a jurist taken on secondment from the American Jewish Committee to work with McDonald and Janowsky.² McDonald explained the intention of his resignation statement when securing Fagen's release. It would be much broader than a plea on behalf of Jewish rights, and would include other religious groups, asserting, in McDonald's words, the 'fundamental principles involved in the present violations of, or threat to the rights of, racial and religious minorities'. Janowsky would provide the historical research; Fagen would provide technical and legal analysis. The American Jewish Committee gladly released Fagen for this purpose and agreed to pay his expenses. James Rosenberg of the Joint Distribution Committee offered to cover Janowsky's expenses.³ McDonald, in other words, was able to harness American Jewish support for his final act as High Commissioner, and the American Jews continued to support

him as they had done from the moment that they put his name forward for appointment as High Commissioner.

While the statement was being prepared, McDonald continued to garner support for a central refugee agency within the League of Nations. Once the July Governing Body had concluded, he set off on a final tour of European capitals to promote his plan and to seek the support of governments to carry the idea forward to the September 1935 League Assembly. On the whole, governments supported the reopening of discussions on the refugees. The Danish and Swedish governments backed the Norwegian intention to put forward the proposal. The Soviet Union was entirely unsympathetic, however. It would not tolerate an organization that would continue to support the White Russians, as it accused the Nansen Office of doing. The Italian position was more ambiguous. It supported the principle behind a central agency since it would rationalize the League's refugee work, but it worried that Italian anti-Fascists would be brought under its mandate. McDonald also visited Berlin again to ascertain the opinion of the German Foreign Office. He was listened to 'sympathetically', he noted, but had to wait until he arrived in Geneva and a meeting with the German Consul there to receive an official response. The German government expressed, finally, 'no views officially on the matter', but 'it was not opposed to the idea of a central organization'.⁴

The concern was not whether the proposal for a central League refugee agency would pass the plenary Assembly; the steps that followed would be more problematic. The support of the major powers was essential if the proposal were to be carried through the committee stage, where it would be examined in detail before a final resolution was agreed upon.

The Norwegian foreign minister, Halvdan Koht, opened the discussion in the Assembly. He invoked the name of Fridtjof Nansen to illustrate Norway's special interest in the humanitarian work for refugees and asked the Assembly, in Nansen's name, to 'extend and complete his work, because the sorrows of exile have befallen a still larger number of men, women and children who are seeking refuge, a home and an occupation in foreign lands'. Refugees, Koht told the Assembly, were an 'oft-recurring historical fact'; they represented 'individual tragedies'.

The caution of 1933 was still evident none the less. Koht stressed, just as it had been stressed when the original 1933 resolution on the establishment of the High Commission for the Refugees from Germany was put to the Assembly, that no political meaning should be implied from recognizing the tragedies of individual refugees. Nor, Koht added, could any one country be slighted by its

being stated. There was nevertheless an important change in tone and meaning. Whereas the 1933 Assembly addressed the issue as a 'technical problem', Koht argued that, in 1935, the refugees posed a humanitarian problem, which affected all countries, and it had to be addressed in a humanitarian spirit. Koht proposed therefore that a vigorous effort be made to reorganize the international effort for refugee assistance in its entirety. The League of Nations had an essential role to play and it was now its responsibility to create an 'organization and international authority' to ensure that refugees had a definite legal status and opportunities to re-establish their lives. The aim, Koht concluded, should be nothing less than finding a means by which refugees could be 'incorporated in normal society'.⁵

Among the documents before the Assembly was a petition by leading international welfare services including the Red Cross, the International Federation of League of Nations Societies and the Save the Children's Union. The Save the Children's Union stressed the fact that there were more than one million people in the world requiring international legal protection and their lack of protection rendered the work of aid organizations ineffective. No League of Nations agency had thus far proven itself capable of solving the refugee problem and a plan for the reorganization of the League's refugee work was now essential.⁶ McDonald's memorandum to the Secretary General of February 1935 was also circulating around the Assembly.

When McDonald arrived in Geneva the debate was well under way. He was confident that the Norwegian proposal would be adopted but he was surprised to find that Koht seemed inclined to accept a weaker organization than McDonald and his supporters had advocated. Apparently, McDonald could only conclude, the League Secretariat had been trying to 'educate' him.⁷ Indeed, the mood in Geneva was discouraging. The Abyssinian crisis preoccupied everyone.⁸ Indeed, Koht's address began with his reflections on the dispute between Italy and Abyssinia and the prospect of war. The League consequently faced the challenge of maintaining its *raison d'être* as a instrument of harmonious international relations. One way in which it could show its worth was through international cooperation in the fields of 'ethics and intellectual, social and humanitarian work'. This was the 'glory of the League', he declared in conclusion, which was reason alone for its refugee work to continue and to be extended.⁹

The Assembly was used to grand statements of purpose and ideals. The committees, on the other hand, were concerned with precise details and political realities that could easily stifle great ideals. The 1933 proposal for the creation of a High Commission for the German refugees was considered in the Second Committee on technical questions; the 1934 affirmation of the High Commission

and McDonald's work was again voted on in the Second Committee. Now, in 1935, the refugee problem and the proposal for a central refugee agency was taken up in the Sixth Committee, which considered political questions. Sixteen countries participated, reviewing two key questions: What should be the role of the League of Nations in the work for refugees? And would a central agency be better placed to do the work already being done by other organizations?

The Sixth Committee conceded that these questions were too complex for it to decide immediately, and established a subcommittee to study them further. Here the reassuring words of support that McDonald, Cecil and the High Commission's staff had received as they canvassed support among the governments sitting on the subcommittee were tested publicly. The British representative, for example, expressed Britain's concern that a central refugee agency could create a permanent class of refugees dependent on the League of Nations, which would only perpetuate the problem, not solve it. The Swedish representative added that the aim should be the assimilation of refugees in their countries of refuge or their return to their countries of origin, in order to avoid the refugee problem taking on a 'permanent guise'. The Italian and Soviet representatives, as McDonald was already aware, were altogether hostile to any change in the existing arrangements and saw no reason why decisions previously made by the League should be reversed.¹⁰

McDonald was invited to appear before the subcommittee on 17 September to explain his reasons for proposing the establishment of a central agency. He read a statement drawn from his earlier memorandum, adding that the present 'piecemeal treatment of the refugee problem' was unsatisfactory because of the confusion it caused among philanthropists who offered funds and governments who receive representations from many different sources on behalf of distinct groups of refugees. He proposed that the new agency should be headed by a League of Nations High Commissioner for Refugees, who would have access to a special fund for relief and resettlement and who would head an institution with the structures to maintain effective cooperation between the League and private refugee organizations.¹¹

These were not constructive discussions, McDonald reflected afterwards. There was little interest in learning from his experience; rather, the committee members were more intent on blaming him for his High Commission's failures. His submission was received, he noted, with genuine hostility. Henri Bérenger, representing France, was extremely hostile to him personally. Bérenger, the original French delegate to the High Commission's Governing Body who, at its first meeting, insisted that France could do no more for refugees and expected

the United States to accept its share of the burden, asked McDonald bluntly and pointedly, what the US government had done for the refugees. Taken by surprise, McDonald replied feebly, 'nothing financially', before adding a belated retort that, unlike the French government, it had not made work permits a requirement for entry visas. Afterwards, McDonald was told about Bérenger's bitter attack on him during a closed session: he had denounced McDonald for insisting on the title of 'High Commissioner' in order to attract large funds from Americans, and for failing completely in this aim. As far as the French were concerned, it made no difference if the High Commission went out of business. Such a personal attack had not been heard before in the League, McDonald's sources told him. The subcommittee's chair, Swiss minister Giuseppe Motta, thought the attack too extreme for it to be translated into English, and it was not recorded in the minutes of the proceedings. That was not the end of it. When McDonald spoke privately with Bérenger afterwards about his thoughts on the central refugee agency, Bérenger, again with bitterness, replied that it was 'not a matter to be dictated by Americans. There are no American refugees, they are European refugees, and we are big enough to look after ourselves'. Other sources suggested that Bérenger's vitriolic attack against McDonald was a sign of France's increasing resentment at the 'Anglo-Saxon' and 'North European' attempts to monopolize the refugee problem, while France was left to cope with by far the largest pool of refugees and were scarcely heard in the organizations charged with their assistance and resettlement.¹²

On the matter of a central refugee agency, Bérenger argued the French view that 'superstructures of administrative and professional philanthropy' should be avoided. They would 'swallow up hundreds or thousands, or even millions, of francs that would be more usefully employed in feeding, housing, sheltering and transporting the hapless refugees'. Nor should anything be done that would lead to a proliferation of refugees dependent on international aid. They signified a 'disordered state of affairs which ought not be perpetuated'. Rather, they should be regarded as a 'transient disorder' and dealt with as quickly as possible, 'by the least ostentatious methods'. A permanent bureaucracy, in short, Bérenger believed, would instead perpetuate the refugee problem.¹³

The subcommittee was split in its final resolution, that the League should extend its protection to new categories of refugees. The Norwegian delegate could not agree with the majority view, arguing to the contrary that the League should extend its assistance to all categories of refugees 'that had come into being from the time of the world war down to the present day', and that distinctions based on origin, race and political convictions would simply be unfair.¹⁴

The final resolution was in truth mired in obfuscation. It noted that the refugee problem was complex, with political, legal, humanitarian, administrative and financial considerations requiring careful examination. More significantly, the resolution sought to tie the hands of future assemblies. It expressly limited any future reorganization to those categories of refugees already recognized by the League. 'Future decisions', it stated, 'should be limited, for political and financial reasons, to the categories of refugees already under the Nansen Office and the High Commissariat in London.' Furthermore, no new additional expenditure could be outlayed without the explicit permission of the Assembly. The final recommendation, then, was that the Assembly ask the Council to appoint a 'small committee of competent persons' to examine and report on these matters, upon which the Council would decide before the 1936 Assembly.¹⁵ For McDonald, this bore the clear influence of the opponents of reform, whose objective was that the League should not be 'responsible for one single additional franc over and above its present obligations to the Nansen Office'.¹⁶

French vituperation continued. No decision about future arrangements for the refugees from Germany would be made until the committee of experts reported, and certainly not before the Council had considered that report at an unspecified date in 1936. In all likelihood, despite plans to liquidate the High Commission by the end of 1935, it would need to struggle on as best it could until the Council decided future arrangements. The October meeting of the High Commission's Advisory Council therefore considered what interim arrangements would need to be made in order to continue the High Commission's work after McDonald's resignation. This aroused French ire. Helbronner attacked the very proposition that the High Commission continue, even with a reduced staff. The orders he had from his government were to 'work for the complete dissolution of the Commission at the end of the year'. If it were to continue, McDonald should name an acting High Commissioner before he vacated his post. Helbronner then made a 'long, nasty analysis of the High Commission', McDonald recalled, and insisted that, since McDonald was resigning, 'his colleagues must go with him'.¹⁷ Oungre carried on in an even harsher tone. He not only attacked McDonald personally, but also attacked his staff, especially Norman Bentwich, whom the French suspected would be nominated as McDonald's interim replacement, thereby handing the High Commission over to the British Jews and Zionists.¹⁸

It pained McDonald to have to defend himself and the High Commission yet again. Oungre's was an unpleasant intervention, McDonald recalled, and he feared it would be decisive.¹⁹ But he could not leave it unanswered. The High Commission's work into 1936, as Oungre was well aware, was the real problem.

Oungre's organization, the Jewish Colonization Association, had made no commitments, and the contributions of other organizations were assured only until the end of 1935. He refused to accept that the High Commission was beholden to any one agency or reflected the interests of any one government; France was not the only government represented on the Governing Body and its view should not be decisive. His response to Helbronner and Oungre was delivered with such force that they were both offended by what he said and by the tone he had used, so much so that McDonald felt compelled to apologize afterwards. However, the clash between them had cleared the air and a resolution on continuing the High Commission's work on a 'reduced basis' was agreed.²⁰

While the 1935 League Assembly was in session, the Nazi persecution of the Jews in Germany took a radical turn for the worse. The Nazi Party rally in Nuremberg was the scene for the proclamation on 15 September of the Law on Reich Citizenship and the Law for the Protection of German Blood and German Honour, the 'Nuremberg Race Laws'. Preoccupied as they were with domestic concerns, these developments made no immediate impression on the League and its member states. McDonald could only reflect on his early forewarnings about the dangers facing the Jews in Germany and fears for the advance of anti-Semitism in Europe if the world remained silent. With the proclamation on these race laws, Jews no longer had a place among the German people and the urgency of impressing this on European and American consciousness reshaped the tone and intent of his reform proposals and the statement that he would publish upon his resignation.

McDonald's mood also soured in these months. He saw no hope in continuing fundraising efforts and was impatient with misplaced optimism. He had received a copy of a report of a 'Christian Appeal for Non-Jewish Refugees from Germany', which looked ahead positively to what it could achieve. 'It must be a source of joy and encouragement to witness the growing determination within the Christian world ... to come to the [refugees'] rescue', he wrote in reply. This was to be an appeal by Christians to Christians, and 'if the Christian Churches rally in support of the refugees from Germany, it will not be without making a profound impression upon the rulers of modern Germany'.²¹ But his experiences in rallying Christian support had proven these hopes illusory. He could not share the appeal's optimism therefore, and in fact criticized it for confusing plans with accomplishments. He now admitted defeat, as achievements could in no way support optimistic outlooks.²²

His resignation statement therefore became more important because it was the only way left for him to make an impact. It was ambitious and had several

aims; it required careful drafting, reviewing and redrafting to ensure the validity of its case, the accuracy of its details and the power of its arguments. His resignation statement intended first of all to draw the attention of the Great Powers to the plight of the refugees and to provide them with a definitive report on the High Commission's work and the context in which it had worked. It would draw the attention of the League of Nations to the limitations of its mission, and place responsibility for the refugees where it belonged, upon the Nazi government. It would analyse Nazi race policy, its impact, and its violations of international law, and the principles of European justice invested in the League of Nations. It would also analyse the reasons why it had not been possible to find a solution to the refugee problem. Altogether, the statement aimed to provide a basis for League action in response to the moral problem that the refugees posed and against the social and political dangers German policy posed to the countries of Europe. The moral and legal arguments held the international community responsible for the protection of the rights of minority peoples from discrimination and persecution. Finally, the statement would inform public opinion 'in civilized countries ... of the juridical and moral principles which are daily being violated by the Nazi government, and also to warn other states where anti-Semitism was gaining ground to guard against recourse to Germany's example.'²³

Early drafts tested arguments of international law. The first draft tried to develop a case for action against Germany under Article 11 of the Treaty of Versailles because German policies were harming international relations and threatened to disturb the peace. This had been argued without effect when the question of the refugees from Germany had first been brought before the League Assembly in 1933, but it was now felt that a stronger case could be made as the consequence, if not the purpose, of the German anti-Semitic legislation was to destroy the Jewish people of Germany.²⁴ The advice of leading jurists and Jewish leaders was sought and their opinions were sufficient to reframe the main arguments and the presentation. While in Geneva, McDonald sought the opinion of Åke Hammarskjöld, Registrar of the Permanent Court of International Justice, about an argument framed around Jewish denationalization under the Nuremberg Laws. These laws gave no technical basis for legal action, in Hammarskjöld's view, but he suggested scope for political action. He made the telling point that political arguments had greater strength than legal arguments.²⁵ This advice gave the statement a clearer direction.

Others with whom McDonald consulted also believed that arguments on political or moral grounds carried more weight than arguments on legal grounds. Arnold D. McNair, professor of international law at Cambridge University,

Hirsch Lauterpacht, of the London School of Economics and Vladimir Idelson, recognized as 'one of the most distinguished international lawyers' in London, were all asked to comment on the draft statement.²⁶ McNair believed that the moral case was more powerful than arguments about Germany's breach of international law. 'In my view', McNair advised McDonald, 'the whole draft memorandum constitutes a very moving and powerful indictment on general grounds of justice and humanity, and ... I should be very reluctant to hazard its moral appeal by an overstatement of its legal aspect.'²⁷ Lauterpacht was of the opinion that a case for intervention could be made more feasibly on the grounds of the protection of the rights of minorities. Although he recognized that the possibility was small, 'in view of the general political situation', action could be taken with respect to the resolution of the Assembly of 1933 that affirmed the protection of the rights of minority peoples 'as a general principle of international law and morality', even among those states that were not signatories to the minorities treaty. 'The matter could be brought before the Council by the High Commissioner for German refugees', Lauterpacht explained. McDonald's statement could 'draw attention of the Council to the limitations revealed by the experience of his mission, to the continued persecution of the Jews in Germany, and to the daily increasing hardships and tragedy of the sufferers, to the necessity of reaffirmation of the principles laid down in 1933, and to the duty of the League to address once more an appeal to Germany'. Lauterpacht concluded: 'This is very little, but it seems to me the only possibility of political, as distinguished from humanitarian, action in this matter.'²⁸

McDonald also circulated copies of the draft to select Jewish leaders – James Rosenberg of the Joint Distribution Committee, Lionel Cohen of the Central British Fund and Leonard Montefiore of the Anglo-Jewish Association. Every detail of the statement was scrutinized. McDonald, Janowsky and Fagen met with Cohen, Idelson, Lauterpacht, Neville Laski, André Wurbain and Norman Bentwich in Cohen's London chambers on 19 November 1935 to study the first complete draft, chapter by chapter. Their criticisms were noted and were addressed in a revised draft, which was then reviewed in detail at Neville Laski's home.²⁹

With the final draft in preparation, McDonald returned to Geneva to appear before the Committee of Experts to address once more the question of international assistance to refugees. He faced over one hour of questions, during which he made clear his view that it was time to disregard German opinion, as its policies would continue irrespective of what the League did.³⁰ This was McDonald's final visit to Geneva as High Commissioner. He took leave of his contacts and

associates and had a final short meeting with Secretary General Avenol. He left to return to London on 4 December. On the morning of 4 December, Avenol made an unexpected appearance before the Committee of Experts and, so it was reported, 'left them dumbfounded' by his submission. The Secretariat expected the Committee of Experts to respect its position and understand that it would not tolerate any reform of the League's refugee services. There would be no 'mixing of German and Russian Refugees'. The objective in the short term was to settle the juridical status of the German refugees, and for this a new convention would need to be agreed. An 'outstanding international personality', Avenol insisted, should fill the post of High Commissioner until the next Assembly, with the sole task of negotiating the text of this convention. Finally, Avenol declared that it was both 'unnecessary and undesirable' to create a permanent body within the League to care for refugees. Private Jewish organizations had been effective in the work of relief and resettlement, and all that was needed now was for a 'central private clearing house' for both Jewish and non-Jewish refugees, which would 'have the benevolent moral support of the League and of governments, without being in any sense related organizationally to either'.³¹

This was nothing less than a directive. Avenol had changed the expectations of the outcomes of the Committee of Experts' findings and recommendations, forcing it to an unscheduled private session without League officials present to reconsider its views. While McDonald's staff agreed with the suggestion of a convention on the legal status of the German refugees, they had no confidence that Avenol's 'central private clearing house' would have any more success than the High Commission.

The Committee of Expert's final report, submitted on 7 December and made public on 9 December, was sensitive to the human suffering hidden deep within procedural discussions on the refugee problem. It described the 'state of chaos' that then existed as a 'menace to two generations'. There were 'too many cases of suicide', and the states that accommodated the refugees had found themselves host also to a 'painful if not dangerous problem'.³² The Committee, however, defied Avenol's directive, but its recommendations nevertheless fell short of a purposeful response to these tragic observations that the advocates of reform desired. It did not recommend a permanent organization but it did set out temporary arrangements until the liquidation of the Nansen Office in 1938. The majority report, agreed upon by the delegates from Britain, France, Norway and Czechoslovakia, recommended the integration of all refugee work into one office led by an 'eminent personality' under the Council's direction, with one section dedicated to the refugees from Germany. This new organization would

liquidate the Nansen Office in 1938. The Italian delegate's dissenting report recommended no change, and called for the High Commission for the Refugees from Germany to be even further limited in its functions. In summary, the Committee of Experts' recommendations offered no immediate reform. Even these small changes would not be adopted until the September 1936 Assembly. The Council in the meantime could only make provisional arrangements for the High Commission for the Refugees from Germany after McDonald's resignation.³³

Although the outcome was less satisfactory than he had hoped for, the question of the reform of the League's refugee services was now resolved, as far as McDonald, his staff and colleagues were concerned. He could now decide the best way to publicize his resignation. The statement was more or less complete. The High Commission would dissolve quietly as there was no reason to go ahead with the next scheduled meeting of the Governing Body.³⁴

After the final review of the statement was concluded on 12 December 1935, Lionel Cohen offered McDonald his apology for doubting him. He acknowledged that McDonald had been correct in his view of the refugee problem from the beginning and had understood the problem better than others. Cohen also acknowledged that he and his colleagues among the British Jewish organizations were wrong to have questioned McDonald's initial assessment that millions of pounds would have to be raised for refugee assistance. Cohen commended him for all his efforts and, expressing the British Central Fund's gratitude, presented him with a silver salver on behalf of its board of directors. Moved by the simple expression of their gratitude, McDonald was as ever mindful of the work ahead. He encouraged Cohen and his colleagues to continue their efforts, which, he hoped, would show the lead to the United States.³⁵ He received one further honour before he returned to the United States. The Queen of the Netherlands awarded him the decoration of Commander of the Order of Orange Nassau for his work as High Commissioner.³⁶

He left London for New York on 16 December. He signed his letter of resignation on 27 December, with his resignation effective from 31 December 1935. The statement was published on 30 December simultaneously in New York, London and Geneva.³⁷

Postscript

McDonald's statement of resignation was in two parts. A twelve-page letter of resignation addressed to the Secretary General of the League of Nations preceded an annex in four chapters, which analysed in turn the Nazi racial legislation and the 'Aryan' decrees of September 1935, the administrative measures and Nazi Party actions against the Jews, the application of the racial laws in German courts and the programme to deprive 'non-Aryans' of civil and political rights. The letter of resignation established the moral principles that justified international intervention through the League of Nations in German affairs. The annex set out a legal case for it.¹

The letter itself described the intensification of the persecution of non-Aryans in Germany during the two years of the High Commission's activities. It argued that the conditions in Germany had developed 'so catastrophically' that the League of Nations had to reconsider the situation from a completely fresh perspective. A new wave of persecution had followed the September 1935 Nuremberg Laws. Some 400,000 Jews and tens of thousands of other non-Aryans had lost their citizenship and been disenfranchised. In these circumstances, it would not be enough simply to continue the philanthropic activities for the refugees from Germany; the League also had to consider efforts to 'remove or mitigate the causes which create German refugees'.

The letter continued: '[The] moral authority of the League of Nations and of States Members of the League must be directed towards a determined appeal to the German Government in the name of humanity and of the principles of public law of Europe.' These principles, it argued, were found in the recognition of the rights of racial, linguistic and religious minorities, which had over time become fundamental to European justice and international relations, from the Congress of Vienna in 1815, the Treaty of Berlin in 1878 and the peace settlement of 1919. Although the peace settlement obliged newly independent states of

Europe to protect their racial, religious and linguistic minorities under specific treaties, the principles were valid for all states. The League of Nations Assembly recognized this in 1922 when it adopted a resolution that 'states not bound by specific legal obligations in the matter of minorities will nevertheless observe in the treatment of their own minorities at least as high a standard of justice and toleration as is required by the treaties in question.' This resolution was reaffirmed when the Assembly again discussed minorities protection in 1933, after the Council had adjudicated on the petition of Franz Bernheim against the Nazi violation of the rights of Jews protected under the 1922 Convention on Upper Silesia. The obligation on Germany in this one small corner of Central Europe established the moral principles by which Germany must treat its minorities. Entrusted with the responsibilities of the High Commission for the Refugees from Germany, McDonald claimed that it was his duty to express his opinion on the 'essential elements' of his tasks. The letter concluded: 'When domestic policies threaten the demoralization and exile hundreds of thousands of human beings, considerations of diplomatic correctness must yield to those of common humanity'.²

Reaction to the letter of resignation was striking. It was of tremendous interest to international press and among a public deeply concerned with German affairs and the refugee problem.³ In London, *The Times* reproduced the text of the letter of resignation in full and followed it with a news item on McDonald's resignation and an editorial comment. The news item summarized McDonald's main argument that urged 'friendly but firm intervention with the German Government'. The editorial discussed the increasing gravity of the refugee problem and McDonald's inability to do anything about it but recognized that the sole cause of the problem was Germany's persecution of its Jews.⁴ The *New York Times* also reprinted the letter alongside a feature article discussing its arguments. The *New York Times* also reported what it labelled the 'scathing editorial' in *The Times* of London that called for intervention against Germany. Its own editorial noted McDonald's call for intervention for reasons of international justice and humanity. It put forward the arguments but stopped short of supporting them.⁵

The wider American press highlighted the statement's description of the conditions inside Nazi Germany. The *Boston Transcript* commented that McDonald had shown the world a 'cruelty that appears more in keeping with standards of the Middle Ages than those of the twentieth century'. The *Boston Globe* commended McDonald's 'service to the human conscience', while the *Indianapolis Star* contrasted 'this blunt arraignment' to the 'attitude of the sports

leaders in the United States' who insisted on American representation at the Berlin Olympic Games.⁶ Reports from Geneva were of the 'striking effect' his statement had among the League of Nations' bureaucrats. There was no official comment from the Secretariat, but the *Manchester Guardian* quoted one observer as saying that the 'document reveals conditions far worse than the worst report of slavery ever submitted to the League'.⁷

Various political and religious organizations also publicly supported McDonald's statement. The American Federation of Labour backed McDonald's demand that 'the nations of the world use all the influence and all the legal means they possess to stop the complete annihilation of the Jewish race in the Third Reich'. In a speech to the West London Synagogue Association, the Bishop of Durham described the statement as 'one of the most amazing documents that ever issued from the press. It ... ought to be in the hands of all ... who believe in the unity of civilization and who acknowledge in human intercourse the obligations of the moral law'.⁸

Two leading journals on international law wrote editorial commentaries on the validity of McDonald's arguments for intervention. The January 1936 issue of the *American Journal of International Law* agreed that 'intercession' was 'justified by international law, if we are consistent in making the law include those rules of conduct which are generally observed by States'. Intervention was justified to 'prevent religious persecution and the oppression of minorities when such reprehensible conduct has been especially flagrant'. The impact of McDonald's letter of resignation was such that the journal cited it again in 1938 as an authority on conditions in Germany, commenting that it was 'the most thorough description of the National Socialist legislation and practice which has yet appeared'.⁹ The *British Yearbook of International Law* was more cautious on the question of intervention, however. An editorial note in its 1936 edition commented that McDonald's letter of resignation raised the issue of respect for minorities as a matter of legal as well as of political importance. The editorial restated McDonald's argument that this had hardened over the last three centuries into an obligation of the public law of Europe. However, the *Yearbook* equated 'intervention' with the 'interference of a state in the internal affairs of another state', which could not be undertaken lightly, and could hardly be determined on legal grounds alone.¹⁰

McDonald found the responses to his letter of resignation extraordinary. He did not believe that it was due to the merit of the statement itself, he confessed to Bentwich, but rather to the 'intense desire ... for a frank and authoritative indictment of the Nazi attitude towards the non-Aryans'.¹¹ By the time this wave

of support had waned, however, no government had responded politically to the persecutions in Germany, and McDonald's call for intervention had gone unheard in political circles. The protection of minorities might have become a principle of international law and the rules on the conduct of states since the 1919 peace conference, but McDonald's argument that it justified action against Germany was not based on established practice. The principle was indeed sound, and, as Hirsch Lauterpacht had commented on an early draft of the statement, the League of Nations itself had affirmed the rights of minorities as a general principle of international law. But the League had not established the basis upon which it would intervene for the protection of a persecuted minority. It had the opportunity in 1933 when hearing Franz Bernheim's petition against German racial policy in Upper Silesia. The Council reaffirmed the principles of minorities protection, but intervention was politically unacceptable; it would breach one of the principle doctrines of international relations, the respect for the sovereign rights of nation-states. Lauterpacht recognized that his suggestion offered very little hope of a positive solution. The League had recoiled from the challenge in 1933 to invoke the minorities principle for the protection of the persecuted Jews in Germany as it lacked the will and both the moral and the legal authority to confront Germany. The only course forward, it seemed, was to return to previous statements of principle.

McDonald's resignation was the final act of his two-year struggle to improve the conditions of the refugees from Germany; it was also the first step in the reform of international refugee services. His departure compelled the League Council to contemplate future arrangements, however reluctant it was to change direction. Reform could only be temporary until the Nansen Office was liquidated at the end of 1938, but the nature of international refugee services, the responsibilities of individual states and the international community as a whole were now matters for serious consideration.

There were decisions that had to be taken on the new arrangements for continuing the work of the High Commission for the Refugees from Germany and McDonald's replacement as High Commissioner. Under pressure from Jewish groups, who insisted that McDonald's post be filled without delay, and the British government, which demanded that the new High Commissioner be British, the Council reached a decision on temporary arrangements in January 1936. They incorporated the High Commission for the Refugees from Germany into the League of Nations. Sir Neill Malcolm, a retired general of the Far Eastern divisions of the British Army, who had no background in refugee affairs but with

much experience in military administration, was appointed to the post of High Commissioner in February 1936.¹² He was an official of the League of Nations, reporting to the Council. At its September 1936 session, the League Assembly confirmed his appointment until 1938.¹³ Norman Bentwich, McDonald's deputy, eminently qualified and with great experience, was not considered for the post, and none of McDonald's staff was offered a position in the reformed High Commission. The reformed commission was therefore a break with the past, and, because it was a temporary arrangement, it looked ahead to further reform beyond 1938.

Bentwich was critical of the reforms, not because he had been overlooked for the post of High Commissioner, but because they showed just how anxious Secretary General Avenol was to ensure the 'narrowest and strictest interpretation' of the Council's resolution of January 1936 on the future organization of the High Commission for the Refugees from Germany. It had the 'skimpiest' of funds, Bentwich noted, and there would be 'nobody in the office who will have any knowledge or experience' in refugee matters.¹⁴ It suited the League that Malcolm had no links with Jewish groups; he could therefore avoid the controversies that had dogged McDonald about Jewish influence and his associations with Zionists.¹⁵ Malcolm offered a clean slate and would do the bidding of the League. When asked about his policy on the refugees, he is reported to have replied, 'I have no policy, but the policy of the League is to deal with the political and legal status of the refugees'.¹⁶

Malcolm was charged specifically with negotiating a new Intergovernmental Arrangement for the refugees from Germany. An intergovernmental conference was duly convened in Geneva at the start of July 1936. The outcome was the Provisional Arrangements for the refugees from Germany of 4 July 1936, which gave a definite legal status to the refugees from Germany in the same way as the Arrangements of the 1920s had given a legal status to the 'Nansen refugees'.¹⁷ When applied, it extended legal residence and work entitlements to refugees settled in signatory states at its date of implementation. In this one act, made possible by the incorporation of the High Commission into the League of Nations, Malcolm achieved what McDonald had not been able to achieve but which he had insisted was the best resolution to the problems confronting the refugees – their integration into the communities in which they were already found. The Arrangement, however, was limited in its application, recognizing refugees who had already fled Germany. Refugees who fled after its introduction fell outside its provisions and were subjected to the same restrictions on residence and work that had applied previously. An international convention followed in February 1938 to formalize the Provisional Arrangements. It remained unratified when war broke out.¹⁸

In 1938, with the liquidation of the Nansen Office approaching, the League Assembly resolved to merge its functions with the High Commission for the Refugees from Germany to create a single refugee agency, the League of Nations High Commission for Refugees. It commenced operation in January 1939.¹⁹ Sir Hubert Emerson, a former British official of the Indian civil service, was appointed High Commissioner.²⁰ This was an acknowledgement that the refugee problem was indeed a permanent problem of the international order.²¹ The Nazi annexation of Austria in March 1938 and the immediate implementation there of the Nazi race laws magnified the problem. Frustrated with the caution and timidity of the League of Nations, and the tardiness of its refugee agencies to take effective international action, US President Roosevelt called an Intergovernmental Conference on Refugees at the French spa resort of Evian-les-Bains in July 1938 and invited concerned nations to attend. An American initiative, it bypassed the League of Nations entirely, and set about reaching an agreement on a new intergovernmental refugee organization, which would operate independently, the Intergovernmental Committee for Refugees.²² It remained the main international refugee agency until the United Nations refugee agencies emerged after the Second World War.

Settled back in New York, McDonald took up a position on the editorial staff of the *New York Times*, which he held until 1938. He returned to refugee work when President Roosevelt appointed him chair of his President's Refugee Advisory Committee. He was a special advisor to Myron C. Taylor, Roosevelt's delegate to the Evian Conference. McDonald remained on the President's Refugee Advisory Committee until 1946. In 1949, he was appointed the United States' first ambassador to Israel.

Norman Bentwich returned to his position at the Hebrew University of Jerusalem. In 1936 he published a book on the refugees from Germany to defend the work of McDonald's High Commission and respond to the criticisms made about it.²³ Bentwich claimed that it had done all it could under the circumstances, and that the main impediment it had faced was the fact that countries of asylum had closed their borders to all but a select few refugees and immigrants. Other members of the High Commission's staff returned to their former posts. André Wurfain returned to the League of Nations and Walter Kotschnig to the International Student Services.

Lord Robert Cecil's distinguished career as an advocate for peace through international cooperation was recognized with the award of the Nobel Peace Prize in 1937. Among the commendations of his citation were his campaign for economic and military sanctions against violators of the peace and his leadership

of the International Peace Campaign for disarmament and collective security through the League of Nations.²⁴ His service as chair of the Governing Body of the High Commission for the refugees from Germany was not a happy memory. He described it rather grudgingly in a short passage of his memoirs as an example of the 'downhill' slide of the League of Nations and world peace in the 1930s. Indeed, he misspelled McDonald's name as 'MacDonald' (perhaps, to be fair, an editorial slip that confused the spelling with that of the name of British prime minister, Ramsay MacDonald). The Governing Body and the governments its members served, Cecil wrote in his memoirs, could do nothing: its members were not influential, and they reported back to 'some clerk who earned his salary by making objections.' He contrasted this with the achievements of the League of Nations when people were chosen because of their knowledge and interest in a matter. The mistake of the High Commission, he lamented, was repeated again in the form of the Intergovernmental Committee for Refugees created at the July 1938 Evian Conference.²⁵

Conclusion

As the Second World War was drawing to a close, James McDonald reflected upon the pre-war international response to refugees and the lessons that could be learned from his experience.¹ This was the time to look forward, to take a new approach so that the problems experienced before the war would not be repeated when the world faced up to the new refugee crisis of the post-war years. Above all, it was now time to recognize that refugees were permanent fixtures in world affairs that required the intervention of a permanent institution responsible for their humanitarian and legal protection.

Reflecting on the League of Nations, McDonald saw many lessons that could be learned, but few examples to be followed. It had approached the refugees as a legal problem, not a humanitarian one, deciding that discrete, reactive and technical measures were the best solution. Legal protection was provided through special arrangements, but the League hesitated to commit itself to the refugees' humanitarian needs. Moreover, by assigning arbitrary dates by which its various refugee agencies would complete their work, it wrongly maintained that each separate refugee problem could be solved. By 1938, when the Nansen Office and the High Commission for German Refugees (which replaced McDonald's High Commission in 1936) both reached the end of their allotted terms, the refugee problem had grown alarmingly. Hitler had annexed Austria into his Reich and had immediately set about imposing the Nazi racial programme, which had taken five years to implement in Germany. The League reacted again, creating a new High Commission that absorbed the services of the Nansen Office and the High Commission for German refugees. By 1939, therefore, the League of Nations had created a single refugee bureau responsible for all refugee groups recognized under its instruments. Two international Conventions followed: the Convention Concerning the Status of Refugees Coming from Germany, 10 February 1938; and the Protocol of 14 September 1939 that extended the Convention to refugees from German-occupied Austria.² Both remained ungratified when war broke out.

By then, however, the United States had lost confidence in the League, and President Roosevelt had invited concerned states to a special intergovernmental conference at Evian-les-Bains, France, in July 1938. The outcome was the creation of the Intergovernmental Committee for Refugees (IGCR), with its own mandate. The American, George Rublee, was appointed its director, and Sir Hubert Emerson, the League of Nations High Commissioner for Refugees, was invited to be its head. Rublee's mandate was little different to McDonald's, it transpired. It included negotiations with the German government to allow refugees to draw upon their blocked finances while abroad.³ Yet the IGCR, just like the League agencies, was unprepared for and poorly equipped to deal with the sudden refugee emergency that followed the *Kristallnacht* pogrom in Germany on the nights of 9 and 10 November 1938. This was the latest and most alarming attack on German Jews, and final evidence to other countries that Germany was determined to be rid of them.

McDonald's resignation as High Commissioner for the German refugees on 31 December 1935 seemed to have passed without comment in the French press. But his legacy was remembered in 1945, as France faced another, much larger, crisis of refugees, the stateless and the displaced. His letter of resignation was recalled in order to draw the attention of the French to both the causes and the consequences of the persecution of a people by one country and their neglect in their countries of refuge. Writing about the task ahead, Abbé Glasberg, who had stood alongside and protected Jewish refugees and French Jews during the German occupation of his country, cited passages of McDonald's letter of resignation as a signal of defiance against the sabotage of humanitarian efforts by a spineless and hypocritical world.⁴ This was the lesson for the post-war order.

McDonald also returned to his letter of resignation to stress the two key lessons drawn from his experience: the need for a permanent international refugee agency that would provide humanitarian as well as legal protection, and a recognition that refugee crises were best dealt with by addressing their root causes, namely, the persecution of peoples and groups at the hands of their governments.

Many steps were taken before a functional and effective permanent refugee agency had emerged, with the creation in 1950 of the United Nations High Commission for Refugees. The 1951 United Nations Convention on the Status of Refugees followed, putting in place a regime in international law as effective for the legal and humanitarian protection of refugees as it was for the regulation of state behaviour towards refugees. This, the French historian Gérard Noiriel asserts, was the culmination of a long process of organizational experiments and the definition of a refugee's legal status by trial and error, out of which a viable

and enduring refugee regime was embedded in the United Nations' humanitarian efforts.⁵ The United Nations High Commission for Refugees absorbed into its mandate responsibility for the protection for all refugee groups under pre-war League of Nations instruments, and the temporary post-war agencies, the United Nations Relief and Rehabilitation Administration (UNRRA, 1943–47) and the International Refugee Organization (IRO, 1947–51), which also took over the work of the Intergovernmental Committee for Refugees in 1947. Initially, it was not a universal convention. It was restricted to those who became refugees as a result of 'events in Europe before 1 January 1951'. Only in 1967 was this geographical and temporary restriction lifted to make the 1951 Convention truly universal.⁶

However, it cannot be said that the decision of the League of Nations to create, finally, a central refugee agency in 1939, or these later developments, were legacies of McDonald's work, or of his resignation. It was much too delayed for that. This new organization was instead the outcome of incidental changes required by circumstances. McDonald's resignation left a gap in the necessary work for refugee resettlement, and a new High Commission was an administrative convenience for the League. It was also a convenience that the new High Commissioner would be a League official, answerable to the Council and the Secretariat. The League could then have control over his activities, and steer him away from adventurism, political controversy over German domestic affairs and the influence of British and European Jewry and Zionists, all criticisms of McDonald's High Commission. There was still no desire to expand the League's responsibilities for refugees, nor a will to take on a financially costly enterprise.

Attention remained fixed on the refugees already outside Germany for the remainder of the 1930s. The Intergovernmental Arrangements of July 1936 defined their legal status in those countries where they had found refuge, but new refugees from Germany and elsewhere remained without international protection. Again, the 1939 High Commission was a matter of administrative convenience, as it replaced organizations that the League had previously decided should cease to function by the end of 1938.

McDonald's High Commission was a notable failure in this period of organizational and definitional experiments of the nascent international refugee regime. The League returned to a structure that had proven success in fulfilling its objectives during the 1920s – a High Commission backed by intergovernmental accords.

The assumption that refugees were a temporary anomaly and that refugee problems were solvable originally justified the limits of the League's role in humanitarian aid and its refusal to form a permanent refugee organization

with responsibilities for future refugees. McDonald had recognized that refugees were not temporary anomalies, however, but were a permanent feature of international affairs. His experiences had convinced him that the problem of the refugees from Nazism would not go away as long as the Nazi grip on power in Germany remained strong. He therefore had envisaged a central League of Nations organization as much more than a means of extending legal protection. It would also recognize that international humanitarian obligations were a critical element in international affairs. This was a moral imperative, as no one could stand aside in silence at the perpetration of crimes against a people because of their religion, race or political opinions. The principles of European justice, McDonald insisted in his letter of resignation, had evolved over the centuries towards a moment when moral opinion must take a stand.

The second lesson drawn from his experience – the need to address root causes – was an issue recognized even at the time as particularly problematic. While a strong moral and legal case might be made, there were serious political implications that would have to be overcome. It would require intervention, or, as the *British Yearbook of International Law* described it in 1936, ‘interference’ in the affairs of a sovereign state. McDonald’s experiences had proved how impervious the Nazis were to world opinion, and protests abroad had met with a sharp reaction in Germany with the 1 April 1933 boycott of Jewish businesses. The boycott of trade with Germany had only served Nazi propaganda of a Western and Jewish conspiracy against Germany. Therefore, McDonald argued that the League of Nations should initiate a concerted effort to isolate Germany, to impress upon it world opprobrium, to enforce the Treaty of Versailles and to renounce the absurd proposition that the country perpetrating crimes against its people should be considered as equal partners in negotiations on the responses to their victims. This was certainly how the Jewish agencies understood the idea. Within a week of the publication of McDonald’s letter of resignation, the American Jewish Committee and nine other agencies launched a petition to demand that the League intercede directly with Germany on behalf of persecuted groups.⁷ Noble and meaningful in itself, perhaps, it nevertheless displayed a gross misunderstanding of the League of Nations and its influence in international affairs. It simply threw the question back onto the League of Nations, which had shown itself incapable of exercising firm resolve against Germany. But it also demonstrated the compulsion to try to do something more when all else had failed, as well as the powerlessness of world opinion. It also showed the vanity of idealist aspirations. What could be done against a regime impervious to outside opinion?

Intervention against root causes remains highly problematic because, to be meaningful, it must carry with it the threat of force and armed intervention in the pursuit of a humanitarian objective. This can exacerbate the root cause crises. Recent examples of humanitarian intervention – during the 1990s in Somalia and in the former Yugoslavia, where international peacekeepers could not prevent genocide, and more recently in Afghanistan and Iraq since 2001 – have left little desire for the pursuit of humanitarian objectives through direct intervention, as is evident presently in the conflict in Syria.⁸

Perhaps McDonald's true legacy is not to be found in what he proposed. Instead, it can be found in the manner in which he upheld humanitarian responsibilities. He articulated a new notion of the refugee in public consciousness, not as a temporary anomaly or a problem that required a solution, nor as a problem to be solved by legal means alone, but as a moral issue of humanitarian purpose. This was an evolutionary leap in the definitional experimentation of the nascent international refugee regime, but it was one that had not yet been consolidated in the institutional forms of refugee protection then in place.

In the face of failure, a natural response is to lay blame. For McDonald, the failure of the interwar refugee efforts lay with the League of Nations. Its guiding principle, that a solution be found through responsive measures taken by temporary organizations, had no success, if 'solution' meant that refugees would cease to be refugees. A solution was not possible because the governments of countries of asylum would not allow one. The solution was to be found elsewhere. McDonald had realized by 1935 that the only solution to the refugee problem, therefore, was the refugees' integration into the society, economy and the citizenry of their countries of asylum. Until then, they would remain refugees because that was what was written on their documents of identity, or because their temporary entry visas determined they had no right to work or to settle. The League's narrow vision did not foresee alternative humanitarian solutions, or anything that would impose an additional burden on or an added financial obligation. As a consequence, the historian of the League of Nations, F. P. Walters, concludes, the League's refugee efforts were muddled and inconsequential, inadequate and confused. The business of refugee settlement was never finished, and the last normal session of the League Assembly in 1938 was still occupied with quarrels over the future of the organization that Fridtjoff Nansen had created in 1922. The League Council adopted 'an attitude of the strictest official prudence' since its members were not prepared to bear any large financial burden for the sake of refugees.⁹

The League of Nations, of course, was no more than a representative of the will of its member states. Therefore, so too was McDonald's High Commission.

While McDonald blamed the League of Nations and its timidity on all matters relating to Germany, his closest colleagues, Norman Bentwich and Robert Cecil, were more strident in their criticisms of the member states of its Governing Body. Their resistance to recommendations for the benefit of refugees, their intransigence in defending their governments' policies, and their expectation that the High Commission's primary role was to help them be rid of their unwanted refugees, rendered the Governing Body, and therefore the High Commission, 'useless', as Cecil described it to the British Foreign Office.

Cecil might well have intended this criticism for his own government, since even in 1935 it was still procrastinating on a recommendation from the first session of the Governing Body of December 1933. The success of the Nansen era was due in large part to the adoption of an international 'passport' for refugees. This was a document of identity recognized by the signatories to the 1922, 1924 and 1928 Intergovernmental Arrangements for Russian, Armenian and other refugees that allowed them to move across international boundaries and resettle in places where they were wanted. In lieu of a special arrangement to introduce a similar document for the refugees from Germany, the High Commission proposed the use of the international travel document recognized by the League of Nations Organization on Communications and Transit in 1927. In May 1935, the British Home Office was still deciding on how a document like this could be administered if it were adopted.¹⁰ If such a small measure in the broader scheme of things could gain no real support and cause a government to procrastinate for two years, then the High Commission could certainly expect nothing better regarding the more pressing questions of resettlement and financial contributions.

Historians also feel compelled to attribute blame, but it is far too easy lay it at the feet of McDonald. Certainly he had no success in gaining concessions from and the support of governments, but to suggest that a man of stronger character would have had more success simply begs the question of who could have had a better outcome. The criticisms of these historians mirror McDonald's contemporary critics who denounced him for his lack of achievements.¹¹ The argument can be made against McDonald that he took no ideas of his own into his negotiations that could have been the basis for effective efforts. He made no proposals of his own for financing refugee relief services or for organizing the resettlement of refugees, nor did he display sufficient authority in his negotiations with governments to win concessions to their restrictive immigration regulations. To the consternation of the Europeans, he did not even have meaningful discussions on concessions to America's immigration quotas, which, they believed, would alone help them offload their refugee burdens.

In McDonald's defence, his mandate did not grant him the authority to take independent initiatives. Nor did he have the funds to launch any. He was specifically charged with coordinating the efforts of various private agencies and negotiating with governments. He was too tightly bound by the restrictions of his mandate to take an initiative other than what was possible through his cooperation with the better endowed Jewish and other benevolent organizations. He was also bound by the policies of the governments with which he negotiated, and in whom he found no will to cooperate. Any breakthrough would have to come from the agencies and governments with which he worked and liaised. He had no resources to put behind a plan, and he was entirely dependent on private contributions to fund refugee assistance programmes. Indeed, he was in a bind. He could not act without the assurance that he had the support of private organizations, but he could not inspire their support as he lacked the resources to put behind any proposals that he might promote.

We need to look at the bigger picture, therefore, that takes account of the context and consequences of actions and events. From the onset of economic depression in Europe in the late 1920s and the early 1930s, the refugees were an encumbrance on host states. Faced with economic woes, unemployment and poverty, governments refused to accommodate an influx of foreign refugees. Their first reaction was to protect their citizens from the threat of foreign labour by imposing restrictions on the access of foreigners to scarce jobs. The refugees from Germany were therefore unwanted immigrants drawing on scarce resources, so it was only sensible to refuse admission to immigrants who did not have the means to support themselves and their families. Another step was to remove foreign workers. France went so far as to expel foreigners working in occupations in which there was a high level of unemployed French workers. The difference between immigrants and refugees was recognized only in the refugees' inability to move on, or to return to Germany.

Europe was congested with unwanted refugees because the traditional outlet of Europe's displaced and unwanted, the United States and the other countries of the Americas, had effectively closed their ports to new immigrants. The unwanted therefore could not leave Europe, and moreover, the presence of so many foreigners, predominantly Jews, in competition with nationals for scarce resources, stirred xenophobia and anti-Semitism. Local Jews feared a backlash and believed it preferable to see these foreign Jews settled elsewhere.

The appointment of an American as High Commissioner for the refugees was, for the Europeans, a positive step: perhaps he could influence United States policies and win concessions to ease the restrictive quotas so that the Jewish refugees could be resettled there. When it became clear that he had little influence

even in his homeland, opinion about him soured, especially among his French colleagues, who insisted that France had assumed too great a burden while the United States had assumed none at all.

The great difficulty that McDonald had faced in dealing with the refugee problem was in managing expectations: of governments that wanted to be rid of their unwanted refugees; of the refugees themselves who had no safe haven in which to re-establish themselves and of the agencies that represented their own interests. Zionist organizations looked upon the High Commission as a means of furthering the cause of Jewish settlement in Palestine. There was nowhere else for refugees without means to go. Resettlement efforts were largely self-financed and self-directed, with Jewish organizations facilitating them. The High Commissioner played no significant role. Illusory colonization schemes prospered because there was nowhere for the refugees to resettle in large enough numbers to relieve Europe of its refugee burden. These schemes were all far away and demonstrated that there was no place in Europe or the Americas for the refugees.

Yet, McDonald succeeded in introducing to international community a conception of the refugees as refugees, not as unwanted immigrant workers at a time of economic crisis, or as a temporary anomaly to the normal state of affairs. While national governments subjected them to restrictive regulations on entry, residence and employment, and punitive measures to remove illegal residents and clandestine refugees, McDonald made refugees a cause for international concern. They could not be ignored as unwanted anomalies. The problem of the German Jewish refugees was not solved because, as McDonald observed in his letter of resignation, the root causes were not being addressed. Germany's racial programme was only one aspect of the root cause. The other was the refusal of the host countries to absorb the refugees into their communities. This, McDonald made clear, made the refugee problem worse, and also offered a real solution.

The proposition that a man of stronger character than McDonald might have had greater success is unhelpful. Just how far someone of stronger character, with greater diplomatic skill and tenacity, or a man with perhaps a more formidable reputation, might have moved governments from their entrenched positions, or have better handled the intricacies of Jewish politics, simply cannot be known. It is doubtful if such a person existed, anyway. We can point to Lord Robert Cecil, a man of great reputation in British diplomacy, highly respected in government and Jewish circles, and the preferred nominee of British Jews for the post of High Commissioner. Yet he had little influence over his government

even though he represented it on Governing Body of the High Commission; nor could he influence it as head of the British League of Nations Union. He could only make an impact by making a case against his government's policies in the House of Lords, and capitalizing on the publicity he stirred up.

Yet McDonald's own decisions, none the less, contributed to the poor outcomes of the High Commission. He let himself be led too readily. Eager to nurture the support of the powerful Jewish organizations, he was too willing to give in to their pressure and influence. He let himself become enmeshed in their squabbles and was denounced by both moderate Jews and the British government for siding with the Zionists. He consumed the good part of the first six months in his post managing their demands and expectations. This came at the expense of setting an agenda for refugee assistance, for considering plans and for establishing sound cooperation with all concerned organizations.

When the League of Nations Council debated the petition of Franz Bernheim for protection from Nazi anti-Semitism under the minorities protection clauses of the 1922 Convention on Upper Silesia, the French foreign minister, Joseph Paul-Boncour, commented that it had ramifications for the whole of Germany. Bernheim's case, he declared, was 'only one aspect of a more general and more moving problem', the status of Jews generally. 'The League of Nations', he added, 'which had shown such legitimate anxiety for the rights of minorities living within other frontiers, could not really ignore the rights of a race scattered throughout all countries.' Poland's foreign minister, Count Raczynsky, commented that the particularities of Bernheim's petition not only raised the general problem of Germany's Jews, but also the issue of the League's inability to intercede on their behalf. Raczynsky believed that the petition gave the League the opportunity to correct the defects in the minorities protection system by guaranteeing a 'minimum of rights ... to every human being, whatever his race, religion or mother tongue'.¹²

McDonald recalled these general statements on the significance of the protection of minority rights in his letter of resignation. He cited the resolution of the Council following its decision on Bernheim's petition that all states should respect the principles of the minorities protection treaties and apply them equally to all citizens irrespective of race, religion or language. He considered the adoption of minority rights a further stage in the consolidation of fundamental principles of justice and the morality that should determine the international response to the persecution inflicted by the German government on a

racial and religious minority, 'in the name of humanity and of the principles of public law of Europe'.

But the prevailing mood was against McDonald's idealism. While his letter of resignation elicited a wave of indignation over German anti-Semitic policies and concern for the plight of the refugees, the moral argument about the general applicability of minorities protection was already exhausted. In 1933, the League of Nations' Assembly reaffirmed its commitment to the general principles first declared in 1922 because if they were not binding and were little more than aspirations. In 1934, a proposal for a general declaration of minority rights was withdrawn in the face of concerted opposition, which argued that a broken system could not be fixed by expanding it.¹³ But it was this sentiment to which Hirsch Lauterpacht alluded to in an apologetic tone when commenting on McDonald's arguments in his letter of resignation for intervention for reasons of minorities protection. It did not offer much, Lauterpacht concluded, and the possibility of intervention was small, but by stating it, the principle of international law and morality would be affirmed.¹⁴ It would, however, take a second world war and its atrocities to bring an end to this old world order and to pave the way for a truly universal conception of human rights.

Notes

Introduction

- 1 Cf Hayden White on the purpose of narrative in the writing of history. Hayden White, 'The Value of Narrativity in the Representation of Reality', *Critical Inquiry*, Vol. 7, No. 1 (1980), pp. 5–27.
- 2 Carole Fink, *Defending the Rights of Others: The Great Powers, the Jews, and International Minority Protection, 1878–1938* (Cambridge: Cambridge University Press, 2004), p. 331. Claudena Skran, *Refugees in Interwar Europe: The Emergence of a Regime* (Oxford: Oxford University Press, 1995), pp. 198–99; 230–33. Michael Marrus, *The Unwanted: European Refugees in the Twentieth Century* (New York and Oxford: Oxford University Press, 1985), p. 162.
- 3 See Haim Genizi, 'James G. McDonald, High Commissioner for Refugees: 1933–1935', *The Wiener Library Bulletin*, Vol. 30 (Summer 1977), pp. 40–52. Haim Genizi, *American Apathy: The Plight of Christian Refugees from Nazism* (Jerusalem: Bar-Ilan University Press, 1983). Yehuda Bauer, *My Brother's Keeper: A History of the American Jewish Joint Distribution Committee, 1929–1939* (Philadelphia: The Jewish Publication Society of America, 1974), pp. 146–47. Monty Noam Penkower, 'Honorable Failures against Nazi Germany: McDonald's Letter of Resignation and the Petition in its Support', *Modern Judaism*, Vol. 30, No. 3 (2010), pp. 247–98. Note particularly the titles of McDonald's published diaries that emphasize Jewish rescue. See also the recent documentary film, *A Voice Among the Silent: The Legacy of James G. McDonald*, produced and directed by Shuli Eshel (USA, 2014) <<http://www.avoicamongthesilent.com>>.
- 4 Richard Breitman, Barbara McDonald Stewart and Severin Hochberg (eds), *Advocate for the Doomed: The Diaries and Papers of James G. McDonald, 1932–1935* (Bloomington: Indiana University Press, 2007), and *Refugees and Rescue: The Diaries and Papers of James G. McDonald, 1935–1945* (Bloomington: Indiana University Press, 2009).
- 5 Key archival and documentary sources drawn upon for this study include the League of Nations Archive (United Nations Library, Geneva), the James G. McDonald papers in the Rare Books and Manuscripts Collection of Columbia University, New York, and other less complete holdings of the Leo Baeck Institute, New York, the Bibliothèque de documentation internationale contemporaine, Université de Paris 11 Nanterre, the Archives diplomatique of the French Foreign

- Ministry (Ministère des Affaires étrangères), Paris, and the papers of Viscount Robert Cecil of Chelwood in the British Library, London. Historians referred to in the book have also made extensive use of the private papers and archives of a number of McDonald's associates and their organizations.
- 6 Comparisons are still made. Claudena Skran, 'Profiles of the First Two High Commissioners,' *Journal of Refugee Studies*, Vol. 1 (1988), pp. 277–96.
 - 7 McDonald Papers (Biographical Material).
 - 8 Marie Louis Freedman, 'Europe Today. An exclusive Interview with James McDonald, American Chairman of the Foreign Policy Association,' *NYT*, 3 November 1933, p. 9.
 - 9 Barbara McDonald Stewart, *United States Government Policy on Refugees from Nazism 1933–1940* (New York: Garland, 1982).
 - 10 Genizi, *American Apathy*, p. 36. Genizi, 'James G. McDonald, High Commissioner for Refugees: 1933–1935'. Genizi cites McDonald Stewart, *United States Government*. See also Richard Breitman and Alan M. Kraut, *American Refugee Policy and European Jewry, 1933–1945* (Bloomington: Indiana University Press, 1987), p. 97.
 - 11 McDonald Stewart, *United States Government*, p. ii.
 - 12 McDonald Stewart, *United States Government*, p. 111.
 - 13 William Dodd, US Ambassador to Germany, for example, expressed this in his own diary, echoing opinions he had heard from the Jews of Berlin. *Advocate*, p. 454, n. 7.

Chapter 1

- 1 Richard Breitman and Alan M. Kraut, *American Refugee Policy and European Jewry, 1933–1945* (Bloomington: Indiana University Press, 1987), p. 88.
- 2 'Nation-Wide Protests on Hitler Demanded,' *NYT*, 13 March 1933, p. 1; 'Christian Leaders Protest on Hitler,' *NYT*, 22 March 1933, p. 1. 'The Treatment of Jews in Germany,' *The Times*, 24 March 1933, p. 13. 'Equity for Jews in Reich Demanded,' *NYT*, 27 March 1933, p. 5. Yehuda Bauer, *Jews for Sale? Nazi-Jewish Negotiations, 1933–1945* (New Haven and London: Yale University Press, 1994), pp. 11–12. Jean-Philippe Schreiber, 'Belgian Jewry Reacts to the Nazi Regime Prior to the Occupation: The Case of the Economic Boycott, 1933–1939,' in Dan Michman (ed.) *Belgium and the Holocaust: Jews. Belgians. Germans* (Jerusalem: Yad Vashem, 1998), pp. 83–114.
- 3 'Anti-Jewish Campaign. New Measures by Nazis,' *The Times*, 28 March 1933, p. 13. *The Times*, 3 April 1933, p. 15.
- 4 Breitman and Kraut, *American Refugee Policy*. Norman Bentwich, 'The League of Nations and Racial Persecution in Germany,' *Problems of Peace and War: Transactions of the Grotius Society*, Vol. 19 (1934), pp. 75–88.

- 5 Saul Friedländer, *Nazi Germany and the Jews: The Years of Persecution, 1933–1939* (London: Weidenfeld and Nicolson, 1997), ch.1.
- 6 Lucy Dawidowich, *The War against the Jews, 1933–45* (London: Penguin Books, 1987), p. 81.
- 7 A. J. Sherman, *Island Rescue: Britain and Refugees from the Third Reich, 1933–1939*, 2nd ed. (London: Frank Cass, 1994), pp. 20–21.
- 8 John Higham, *Strangers in the Land: Patterns of American Nativism 1860–1925* (New Brunswick: Rutgers University Press, 1988). The figures are taken from the data published by the US Department of Homeland Security on its official website: <<http://www.dhs.gov/xlibrary/assets/statistics/yearbook/1999/IMM99tables.pdf>> (Accessed August 2015).
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- 10 Maurice R. Davie, *Refugees in America: Report of the Committee for the Study of Recent Immigration from Europe* (New York: Harper & Brothers, 1947), p. 15. Herbert A. Strauss, 'Jewish Emigration from Germany. Nazi Policies and Jewish Responses (II)', *Leo Baeck Institute Yearbook*, Vol. 26 (London and New York: Secker and Warburg, 1981), p. 359.
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- 43 LNA (HCR) C.1612. McDonald, Statement, 5 December 1933,
- 44 Hope Simpson, *The Refugee Problem*, pp. 41f and 62f. The figures for both the Russian and Armenian refugees are the best calculations from the available records of the time, and are consequently disputed.
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- 53 Yehuda Bauer, *My Brother's Keeper. A History of the American Jewish Joint Distribution Committee, 1929–1939* (Philadelphia: Jewish Publication Society of America, 1974), p. 108 and *passim*.
- 54 Strauss, 'Jewish Emigration (II)', pp. 343–44.
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Chapter 2

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- 2 *Advocate*, pp. 24f.
- 3 *Advocate*, p. 43.
- 4 Schacht, however, would precipitate a souring of German–American relations on the question of German reparation payments in the context of the World Economic Conference in London in June and July 1933. Gerhard L. Weinberg, *The Foreign Policy of Hitler’s Germany: Diplomatic Revolution in Europe, 1933–36* (Chicago and London: University of Chicago Press, 1970), pp. 135–36.
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- 7 *Advocate*, p. 39.
- 8 *Advocate*, p. 40.
- 9 *Advocate*, pp. 37–38.
- 10 *Advocate*, p. 33.
- 11 *Advocate*, pp. 44–46.
- 12 *Advocate* p. 16.
- 13 *Advocate*, p. 29.
- 14 *Advocate*, p. 48.
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- 16 *Advocate*, pp. 73–80.
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- 18 *Advocate*, pp. 76–77.
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- 29 MAE. Société des Nations, Minorités, Dossiers géographiques, Vol. 446. Minorités juives en Allemagne, 1933, fos. 105–106.
- 30 MAE. Société des Nations, Vol. 446, fos. 109–110.
- 31 LND C.314.1933.I.B, 19 May 1933. Petition of M. Franz Bernheim, of 12 May 1933, concerning the situation of the Jewish Minority in German Upper Silesia (Hereafter, *The Bernheim Petition*).
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- 33 *The Bernheim Petition*.
- 34 Fink, *Defending the Rights of Others*, p. 331. Marrus, *The Unwanted*, p. 160. Vicki Caron, *Uneasy Asylum*, p. 37. Dawidowicz, *The War Against the Jews*, p. 231, n.

- 35 Jan Herman Burgers, 'The Road to San Francisco: The Revival of the Human Rights Idea in the Twentieth Century,' *Human Rights Quarterly*, Vol. 14 (1992), pp. 447–77. Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen* (Philadelphia: University of Pennsylvania Press, 1998), pp. 131–35. Geoffrey Robertson, *Crimes Against Humanity: The Struggle for Global Justice* (London: Penguin, 1999), pp. 16–21. A. W. Brian Simpson, *Human Rights and the End of Empire: Britain and the Genesis of the European Convention* (Oxford and New York: Oxford University Press, 2001), pp. 142–45. See also Greg Burgess, 'The Human Rights Dilemma in Anti-Nazi Protest: The Bernheim Petition, Minorities Protection, and the 1933 Sessions of the League of Nations,' Contemporary Europe Research Centre Working Papers Series (University of Melbourne) no. 2 (2002).
- 36 MAE, Société des Nations, Vol. 446, Minorités juives en Allemagne, 1933, 20 May 1933, fos. 212–215.
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- 38 LNOJ, July 1933, Minute 3294, 30 May 1933, pp. 840–41.
- 39 MAE, Société des Nations, Vol. 446, 21 May 1933, fos. 216–218.
- 40 LNOJSS, No.120, 1933, Annex 6. Published as LND A.52.1933.I.
- 41 *Advocate*, p. 84. Article 11 reads: 'It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstances whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.'
- 42 McDonald Papers (Geneva File, August 1933), McDonald to Mildred Wertheim, 22 August 1933. *Advocate*, pp. 85f.
- 43 McDonald Papers (Warburg, Felix, 1933–1934), McDonald to Felix Warburg, 14 September 1933.
- 44 The words are those of the French jurist René Cassin, who recalled this seminal moment in his writings on international law much later in life. René Cassin 'Les droits de l'homme', *Recueil des cours de l'Académie de droit international*, Vol. 140, No. 4 (1974), p. 324. On McDonald's impression, *Advocate*, p. 114.
- 45 LNOJSS, No.115 (1933), Item 29 (Plenary Meeting, 29 September 1933), p. 47.
- 46 LNOJSS, pp. 48–49.
- 47 LNOJSS, No.120 (1933) Item 19, 3 October 1933, p. 28.
- 48 LNOJSS, No.115 (1933), Item 29, Plenary Meeting, 29 September 1933, p. 48.
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- 50 LNOJSS, No. 117 (1933), Item 18, p. 28. Each member state of the League had a veto. F. S. Northedge, *The League of Nations: Its Life and Times, 1920–1946* (Leicester: Leicester University Press, 1986), p. 53.

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- 52 LNOJ, December 1933, Minute 3346, pp. 1616–17.
- 53 McDonald Papers (Warburg, Felix, 1933–1934), McDonald to Felix Warburg, 14 September 1933.
- 54 *Advocate*, p. 94.
- 55 McDonald Stewart, *United States Government*, p. 98.
- 56 LNOJSS, No. 117 (1933), Item 18, p. 27.
- 57 Northedge, *The League of Nations*, p. 47.
- 58 *Advocate*, pp. 63–64.

Chapter 3

- 1 C. A. Macartney, *Refugees: The Work of the League* (London: The League of Nations Union, 1931) ch.1. Atle Grahl-Madsen, ‘The League of Nations and Refugees’, In *The League of Nations in Retrospect. Proceedings of the Symposium* (Berlin and New York: Walter de Gruyter, 1983), p. 360. LND C.M.21/41/32, 20 February 1921, *Russian Refugees from the Crimea: Three Letters and a Memorandum on This Subject by Dr. Georges Lodygensky, Delegate of the Russian Red Cross Societies at Geneva*, Geneva, 14 February 1921. LNA File 11/11690/10598, *Letter from the International Committee of the Red Cross, together with the Reply of the Secretary-General*, Geneva, 30 March 1921.
- 2 Macartney, *Refugees*, pp. 8–9. Hope Simpson, *The Refugee Problem*.
- 3 McDonald Papers (Geneva File, August 1933), Minute (no author) 25 August 1933.
- 4 T. F. Johnson, *International Tramps: From Chaos to Permanent World Peace* (London: Hutchinson, 1938), pp. 25f.
- 5 Grahl-Madsen, ‘The League of Nations and Refugees’, pp. 362–63.
- 6 *Advocate*, pp. 85f. McDonald Papers (Geneva File, August 1933), McDonald to Mildred Wertheim, 22 August 1933. Martyn Housden, *The League of Nations and the Organization of Peace* (Oxford and New York: Routledge, 2014), p. 72.
- 7 Johnson, *International Tramps*, pp. 109–10; 137–39. This was not all. True to his Anglo-centrism, Johnson’s suggestion for improving the League was to replace it with a League of Anglo-Saxon nations, which invited others to participate on strict conditions.
- 8 Eugene P. Trani, ‘Herbert Hoover and the Russian Revolution’, in Lawrence E. Gelfand (ed.) *Herbert Hoover. The Great War and Its Aftermath, 1919–1923* (Iowa: Iowa University Press, 1979), pp. 111–42. David Burner, *Herbert Hoover: A Public Life* (New York: Knopf, 1979).

- 9 McDonald Papers (Geneva File, September 1933), McDonald to Ester Ogden, 25 September 1933.
- 10 McDonald Stewart, *United States Government Policy*, p. 104.
- 11 McDonald Papers (Geneva File, August 1933), Ernst H. Feilchenfeld to Herbert May, 25 August 1933,
- 12 *Advocate*, pp. 128–29.
- 13 McDonald Stewart, *United States Government Policy*, pp. 104–5.
- 14 McDonald Papers, Columbia University Library (Geneva File, October–November 1933), Note by the Secretary General, 18 October 1933. *Advocate*, p. 126.
- 15 *Advocate*, p. 126. Fosdick, as it transpired, personally recommended McDonald to League Secretary General Avenol. McDonald Papers (Geneva File, October–November 1933), Note by the Secretary General, 18 October 1933.
- 16 *Advocate*, p. 126.
- 17 *Advocate*, p. 127.
- 18 McDonald Papers (Geneva File, October–November 1933), Note by the Secretary General, 18 October 1933.
- 19 Richard Breitman and Alan M. Kraut, *American Refugee Policy and European Jewry, 1933–1945* (Bloomington: Indiana University Press, 1987), p. 97.
- 20 *Advocate*, p. 128, n. 10. McDonald Stewart, *United States Government Policy*, p. 110.
- 21 Breitman, and Kraut, *American Refugee Policy*, p. 97.
- 22 McDonald Papers (Warburg, Felix, 1933–1934), Note on the Functions of the High Commissioner for Refugees from Germany, 18 October 1933,
- 23 McDonald Papers (Warburg, Felix, 1933–1934), Note on the Functions of the High Commissioner for Refugees from Germany, 18 October 1933.
- 24 LNA, File 50/7598/7100. Appointment of James G. McDonald as High Commissioner for Refugees (Jewish and Other) Coming from Germany. Secretary General, Minute 30 October.
- 25 James G. McDonald, 'Refugees', in Harriet Eager Davis (ed.) *Pioneers in World Order: An American Appraisal of the League of Nations*, (New York: Columbia University Press, 1945), pp. 218–19.
- 26 *Advocate*, pp. 147–50.
- 27 *Advocate*, p. 141.
- 28 *Advocate*, p. 142.
- 29 *Advocate*, p. 142.
- 30 Bentwich was a professor of international law at the Hebrew University of Jerusalem, chair of the British Joint Foreign Committee's political and legal subcommittee dealing with German Jewry, and a former Attorney General of Mandatory Palestine. Norman Bentwich, *My 77 Years: An Account of My Life and Times, 1883–1960* (London: Routledge and Kegan Paul, 1962). Gabriel Sheffer (ed.)

- Letters and Papers of Chaim Weizmann*, Vol. 16, series A, June 1933–August 1935 (Jerusalem: Transaction Books, Rutgers University and Israel Universities Press, 1978), p. 111, n. 4.
- 31 *Advocate*, p. 145. Sheffer (ed.) *Letters and Papers of Chaim Weizmann*, letter 106, 2 November 1933, pp. 110–11.
- 32 *Advocate*, p. 145.
- 33 Stuart A. Cohen, *English Zionists and British Jews: The Communal Politics of Anglo-Jewry, 1895–1920* (Princeton: Princeton University Press, 1982), Introduction and ch.8, *passim*. Paul Goodman, *Zionism in England: The English Zionist Federation 1899–1929* (London: English Zionist Federation, 1930), p. 37.
- 34 Sheffer (ed.) *Letters and Papers of Chaim Weizmann*, Letter 103, 31 October 1933, p. 109.
- 35 Bentwich, *The Refugees from Germany*, p. 75.
- 36 *Advocate*, p. 152.
- 37 *Advocate*, pp. 164–65.
- 38 *Advocate*, pp. 157–59.
- 39 *Advocate*, p. 166.
- 40 *Advocate*, p. 166.
- 41 *Advocate*, p. 161. Burgess, *Refugee*, pp. 173–74.
- 42 *Advocate*, p. 168.
- 43 *Advocate*, p. 168.
- 44 *Advocate*, p. 171.
- 45 *Advocate*, p. 176.
- 46 *Advocate*, p. 177. McDonald Papers (Confidential File, 1933), McDonald to Esther Ogden, 27 November 1933.
- 47 *Advocate*, p. 177.
- 48 *Advocate*, p. 177.
- 49 Bentwich, *The Refugees from Germany*, pp. 72–73. The representatives were: Belgium Prof. M. Bourquin; Czechoslovakia, Dr Max Lobkowicz; Denmark, Mr W. Borberg; France, Senator Henri Bérenger; Great Britain, Viscount Cecil of Chelwood; Italy, Senator G. C. Majoni; Netherlands, M. Doude van Troostwijk; Poland, Dr Withold Chodzko; Sweden, Mr I. K. Westman; Switzerland, M. Henri Rothmund; United States of America, Prof. Joseph P. Chamberlain; Uruguay, M. Alberto Guani.
- 50 McDonald Papers (Geneva Office, December 1933–February 1934), Rigoberto A. Merai, commander-in-chief, Military Command, Argentina, to Lord Cecil, 9 December 1933.
- 51 *Advocate*, pp. 189–90. McDonald Papers (Confidential File, 1933), McDonald to Esther Ogden, 27 November 1933.
- 52 *Advocate*, p. 185.

Chapter 4

- 1 *Advocate*, p. 212. McDonald Papers (Confidential File, 1933), McDonald to Esther Ogden, 12 December 1933.
- 2 LNA (HCR) C.1612, Statement of James G. McDonald, High Commissioner for Refugees (Jewish and Other) Coming from Germany, Made at the Opening Session of the Governing Body, at Lausanne, 5 December 1933.
- 3 LNA (HCR) C.1612, Statement of James G. McDonald. 5 December 1933.
- 4 Marrus, *The Unwanted*, pp. 137f. Moore, *Refugees from Nazi Germany*, p. 21.
- 5 Moore, *Refugees from Nazi Germany*. Bentwich, *The Refugees from Germany*, pp. 75–78.
- 6 Bentwich, *The Refugees from Germany*, p. 80.
- 7 Leo Baeck Institute. Henri Bérenger, Conseil d'administration, Procès-verbal 5, 7 December 1933. AR 7162, Box 2, Folder 2. The sentence is with repetition in the original as it has a rhetorical symmetry that cannot be conveyed in English: 'La France veut bien être une voie de triage, mais elle ne saurait être une voie de garage.'
- 8 LNA (HCR) C.1612, Memorandum Submitted to the Governing Body, 'Passport for Refugees', 7 December 1933.
- 9 Leo Baeck Institute, Conseil d'administration, Procès-verbal 1, 5–8 December 1933; Procès-verbal 5, 7 December 1933; Procès-verbal 6, 8 December 1933, AR 7162, Box 2, Folder 2.
- 10 *Advocate*, p. 236. Leo Baeck Institute, Chamberlain, Conseil d'administration, Procès-verbal 1, 5 December 1933; Procès-verbal 6, 8 December 1933, AR 7162, Box 2, Folder 2.
- 11 Leo Baeck Institute, Lobkowicz, Bérenger, Procès-verbal 1, 5 December 1933; Procès-verbal 6, 8 December 1933, AR 7162, Box 2, Folder 2.
- 12 Leo Baeck Institute, Cecil, Procès-verbal 1, 5 December 1933; Procès-verbal 6, 8 December 1933, AR 7162, Box 2, Folder 2.
- 13 *Advocate*, p. 205.
- 14 LNA (HCR) C.1612, Address by Dr C. Weizmann to the Governing Body of the High Commission for Refugees (Jewish and Other) Coming From Germany, 6 February 1933.
- 15 *Advocate*, pp. 200–4.
- 16 Richard Bolchover, *British Jewry and the Holocaust* (Cambridge: Cambridge University Press, 1993), pp. 23–24. Stuart A. Cohen, *English Zionists and British Jews: The Communal Politics of Anglo-Jewry, 1895–1920* (Princeton: Princeton University Press, 1982). Henry L. Feingold, 'Introduction', in *The Politics of Rescue. The Roosevelt Administration and the Holocaust 1938–1945* (New Brunswick: Rutgers University Press, 1970), pp. 6–16.

- 17 *Advocate*, pp. 205–6. McDonald Papers (Confidential File, 1933), McDonald to Esther Ogden, 12 December 1933.
- 18 Bentwich, *The Refugees from Germany*, pp. 81–82. Bentwich goes on to explain that the second meeting of the Governing Body in London in May 1934 decided to add three more Jewish bodies to the Advisory Council: the Alliance Israélite Universelle, then ‘the premier Jewish international body concerned to defend Jewish interests in any part of the world’; the Agudas Israel, an international organization ‘representing orthodox sections of Jewry, largely Eastern Jewry’; and the Belgian Jewish community. Applications were received from a missionary organization for Hebrew Christians and from a Society for the Assistance of the Victims of Fascism, ‘whose activities were not limited to German Refugees’, but were not accepted.
- 19 Bentwich, *The Refugees from Germany*, p. 83
- 20 Bentwich, *The Refugees from Germany*, pp. 82–83.
- 21 Sheffer (ed.), *Letters and Papers of Chaim Weizmann* Letter 136, 21 November 1933, pp. 147–49.
- 22 Sheffer (ed.), *Letters and Papers of Chaim Weizmann* Letter 136, 21 November 1933, p. 149.
- 23 Sheffer (ed.), *Letters and Papers of Chaim Weizmann*. Letter 158, Lausanne, 7 December 1933, to Vera Weizmann, London, pp. 169–70.
- 24 McDonald Papers (Confidential File, 1933), McDonald to Esther Ogden, 12 December 1933.
- 25 *Advocate*, pp. 213–14.
- 26 *Advocate*, pp. 218–19; 220–21
- 27 McDonald Papers (Confidential File, 1933), McDonald to Esther Ogden, 12 December 1933.
- 28 Parkes would go on to have a distinguished career as an history of Christian – Jewish relations. The Parkes Institute at the University of Southampton, England, describes ‘a tireless fighter against antisemitism in all forms, including from within Christianity, [who] he helped rescue Jewish refugees during the 1930s and campaigned for the Jews of Europe during the Holocaust’ <<http://www.southampton.ac.uk/parkes/about/jamesparkes.page>> (Accessed March 2016). See also D. Stone, ‘The Domestication of Violence: Forging a Collective Memory of the Holocaust in Britain, 1945–6’, *Patterns of Prejudice*, Vol. 33 (1999), pp. 13–29.
- 29 *Advocate*, pp. 134, n. 27, 198 and 214–15; McDonald to Esther Ogden, 12 December 1933.
- 30 McDonald Papers (Finance & Expenditure).Statement, 1 November 1933 to 30 November 1934; Proposed Estimates, 1935; Statement, 1 January to 30 June 1935.
- 31 *Advocate*, p. 224.
- 32 *Advocate*, pp. 222–23.

Chapter 5

- 1 *Advocate*, p. 231. Bauer, *My Brother's Keeper*, p. 146.
- 2 Burgess, *Refuge*, pp. 175–79.
- 3 'Conference plans ten million Relief Fund', *NYT*, 3 November 1933, p. 8. Conference representatives were the Joint Foreign Committee and the Board of Deputies of British Jews; The American Jewish Committee; The American Jewish Congress; The Alliance Israélite Universelle; the Committee of Jewish Delegations; the Jewish Agency for Palestine; the Jewish Colonization Association; The Women's International Zionist Organization; The Macabee Organization; the Agudath Israel; the Vaad Leumi (Jewish National Council of Palestine); the Jewish Communities of England, Bulgarian, Vienna, Amsterdam, Switzerland, Stockholm, Copenhagen, Belgium, South Africa, Hungary, Greece, Poland, Italy, Prague, Kovno in Lithuania, Riga in Latvia and B'nai B'rith; the Alliance Israelite of Austria and various organizations for the relief of German Jews.
- 4 '\$1,226,346 is Raised for German Jews', *NYT*, 5 November 1933, p. 5.
- 5 'Scheme of Corporation for the Settlement of Refugees from Germany', McDonald Papers (Confidential Files, January–June 1934).
- 6 'Scheme of Corporation for the Settlement of Refugees from Germany', McDonald Papers (Confidential Files, January–June 1934).
- 7 *LNOJ* Minute 1076, November 1923, p. 1327. By accepting the principle of this proposal, the League also undertook to raise the required funds, which were estimated to be \$4.7 million.
- 8 LND A.33.1928.XIII, 22 August 1928, p. 5.
- 9 *LNOJSS*, No.49, 1926, Item 28, Fifth Committee, 22 September 1926, pp. 36–37. *LNOJSS*, No.54, 1927 (Item 90, Plenary Meeting, 26 September 1927), p. 181.
- 10 *Advocate*, p. 242.
- 11 *Advocate*, pp. 244–58.
- 12 *Advocate*, p. 246.
- 13 *Advocate*, pp. 232–35.
- 14 'J.G. McDonald puts Exiles at 60,000', *NYT*, 24 December 1933, p. 10.
- 15 *Advocate*, pp. 236–43.
- 16 'Aid for Refugees Asked of Non-Jews', *NYT*, 4 January 1934, p. 10.
- 17 McDonald Papers (Biographical Material).
- 18 *Advocate*, p. 246.
- 19 McDonald Papers (Speeches and Releases, 1933–1934), 'Text of Talk of Mr. James G. McDonald, High Commissioner for Refugees (Jewish and Other) Coming from Germany, over WEAFA and stations associated with the National Broadcasting Company, Sunday afternoon, January 14, 1934'. *Advocate*, p. 256, n. 24.

- 20 United Jewish Appeal of the Joint Distribution Committee and American Palestine Campaign, *This problem must be met! an illustrated handbook on the needs of Jews in Germany and other lands* (New York, 1934) Leo Baeck Institute Library.
- 21 *Advocate*, pp. 308–9.
- 22 *Advocate*, p. 336.
- 23 ‘\$3,000,000 Sought for German Jews’, *NYT*, 12 March 1933, p. 7.
- 24 *Advocate*, p. 329.
- 25 ‘\$3,000,000 Drive on to Help Refugees’, *NYT*, 23 March 1933, p. 18.
- 26 McDonald Stewart, *United States Government Policy*, pp. 130–31.
- 27 *Advocate*, p. 342.
- 28 McDonald Stewart, *United States Government*, p. 131.
- 29 McDonald Papers (Geneva Office, December 1933–February 1934), note for High Commissioner, 4 January 1934.
- 30 *Advocate*, pp. 267–69.
- 31 *Advocate*, pp. 269–70 and pp. 274–76.
- 32 *Advocate*, p. 267.
- 33 *Advocate*, pp. 274–75. Leo Baeck Institute, Comité consultative/Advisory Council, 29 January 1934, AR 7162, Box 2, Folder 3.
- 34 *Advocate*, p. 276. Leo Baeck Institute, Comité consultative/Advisory Council, 29 January 1934; Comité permanent, 30 January 1934, AR 7162, Box 2, Folder 3.
- 35 LNA (HCR) C.1612, Report of the Meeting of the Permanent Committee of the Governing Body, London, 30 January 1934.
- 36 Leo Baeck Institute, Comité permanent, 30 January 1934, AR 7162, Box 2, Folder 3.
- 37 Leo Baeck Institute, Comité permanent, 30 January 1934, AR 7162, Box 2, Folder 3.
- 38 Leo Baeck Institute, Comité permanent, 30 January 1934, AR 7162, Box 2, Folder 3.
- 39 Leo Baeck Institute, Comité permanent, 30 January 1934, AR 7162, Box 2, Folder 3.
- 40 LNA (HCR) C.1612, Report of the Meeting of the Permanent Committee of the Governing Body, London, 30 January 1934.
- 41 *Advocate*, p. 286.

Chapter 6

- 1 *Advocate*, pp. 229–30.
- 2 *Advocate*, p. 205, n. 10.
- 3 *Advocate*, p. 260.
- 4 Leo Baeck Institute Comité Permanent, 30 January 1934, AR 7162, Box 2, Folder 3.
- 5 *Advocate*, p. 290.

- 6 Heim, 'International Refugee Policy and Jewish Immigration', in Caestecker and Bob Moore (eds), *Refugees from Nazi Germany*, pp. 24–25; McDonald Stewart, *United States Government Policy*, p. 128.
- 7 *Advocate*, pp. 290–91.
- 8 *Advocate*, pp. 290–91.
- 9 *Advocate*, p. 292.
- 10 *Advocate*, pp. 292–93.
- 11 'Aid for German Refugees', Letters to the Editor, *NYT*, 24 March 1934, p. 14.
- 12 *Advocate*, p. 332.
- 13 *Advocate*, p. 338.
- 14 *Advocate*, pp. 350–51.
- 15 *Advocate*, p. 353.
- 16 *Advocate*, p. 354. A short biographical file note on Chodzko lists him as a doctor by training and a career public servant, with posts in the Polish Ministry of the Interior, public health, hygiene and children's aid services. He had participated in the League of Nations Assemblies, conferences and committees since 1921. Noted in Bentwich's handwriting are the comments 'typical "intellectual" (interested in everything)', and 'open minded and influential in government spheres'. McDonald Papers (Confidential File, July–December 1934).
- 17 McDonald Papers (Warburg, Felix 1933–1934), McDonald to Felix Warburg, 13 April 1934.
- 18 McDonald and Bentwich arrived in Vienna on the morning of Saturday 14 April 1934, and left for Prague that evening; they visited Prague between 15 and 16 April 1934 and Warsaw between 17 and 19 April 1934. *Advocate*, pp. 356–65.
- 19 The *New York Times* reported that McDonald's visit to Warsaw was to investigate the condition of '30,000 Jewish refugees, of whom 95% are Polish citizens who had lived in Germany for between fifteen and twenty years'. 'McDonald In Poland On Refugee Problem', *NYT*, 19 April 1934, p. 19. On the conditions of Jews in Poland at this time, see especially Ezra Mendelsohn, *The Jews of East Central Europe between the World Wars* (Bloomington: Indiana University Press, 1983), pp. 69–79.
- 20 'Czechoslovakia Ready to Aid Refugees', *The Jewish Exponent*, 20 April 1934, p. 7.
- 21 *Advocate*, p. 364.
- 22 *Advocate*, p. 365.
- 23 LNA (HCR), C.1612 (Germany).
- 24 *Advocate*, pp. 365–69.
- 25 Leo Baeck Institute, Statement of James G. McDonald, Second Session of the Governing Body, London, 2 May 1934, AR 7162, Box 2, Folder 6. (Also at LNA (HCR) C.1612).
- 26 Leo Baeck Institute, Rapport financière, Second Session of the Governing Body, 3 May 1934, AR 7162, Box 2, Folder 6.

- 27 High Commission for Refugees from Germany, Cecil Papers, 51129, notes the contribution was \$10,000. The Financial Statement for 1934 lists \$7,500 (22,943.75 Swiss francs). Total salaries were 139,662.98 Swiss francs, and 42,452.16 Swiss francs was provided for travel and 'subsistence allowance'. Still, the accusation that McDonald was using his post for his own gain could not but affect him. In 1935, he drew on only half of his salary of 60,000 Swiss francs, with the other half made as a contribution to the High Commission. His personal contribution therefore for 1935 was 45,000 Swiss francs. These details were never published. McDonald Papers (Finances and Expenditures).
- 28 Leo Baeck Institute, Statement of James G. McDonald, Second Session of the Governing Body, London, 2 May 1934, AR 7162, Box 2, Folder 6. (Also at LNA (HCR) C.1612).
- 29 *Advocate*. The report states 'England' and not 'Britain'.
- 30 Leo Baeck Institute, Report of the World of the Organizations other than those Dealing with the Intellectuals, April 1934. AR 7162, Box 2, Folder 6. (Also at LNA (HCR) C.1612).
- 31 Leo Baeck Institute, Oungre. Second session of the Governing Body, London, 2 May 1934, AR 7162, Box 2, Folder 6. (Also at LNA (HCR) C.1612).
- 32 Leo Baeck Institute, Statement of James G. McDonald, Second Session of the Governing Body, London, 2 May 1934, AR 7162, Box 2, Folder 6. (Also at LNA (HCR) C.1612).
- 33 *Advocate*, p. 388.
- 34 *Advocate*, pp. 388–89.
- 35 *Advocate*, pp. 388–89.
- 36 *Advocate*, p. 400.
- 37 *Advocate*, pp. 393–95.
- 38 *Advocate*, p. 394.

Chapter 7

- 1 *Advocate*, p. 402.
- 2 *Advocate*, p. 411.
- 3 *Advocate*, p. 399.
- 4 *Advocate*, pp. 404–5.
- 5 *Advocate*, p. 424.
- 6 *Advocate*, pp. 422–23.
- 7 *Advocate*, p. 418.
- 8 McDonald Papers (Joseph P. Chamberlain, July–December 1934), McDonald to Felix Warburg, August 1934. By the end of 1936, it had raised only \$550,000. Bauer, *My Brother's Keeper*, p. 145 and n. 16.

- 9 *Advocate*, pp. 428–29.
- 10 *Advocate*, pp. 428–29.
- 11 *Advocate*, p. 417.
- 12 *Advocate*, p. 421.
- 13 *Advocate*, p. 439.
- 14 *Advocate*, pp. 439–40.
- 15 *Advocate*, p. 459.
- 16 The purge was also an opportunity for Hitler to settle old scores against those who had slighted him before the Nazis came to power. McDonald found only one person, the South African High Commissioner to London, who believed that the purge strengthened Hitler's position and would stabilize German politics.
- 17 HICEM was founded in 1927 from an amalgamation of the Hebrew Immigrant Aid Society (HIAS), which assisted Jewish emigration into the United States, the Jewish Colonization Association, and the German Jewish emigration society Emigration-Direkt. Bentwich, *The Refugees from Germany*, p. 74; 'HICEM', Shoah Resource Centre, Yad Vashem <http://www.yadvashem.org/odot_pdf/Microsoft%20Word%20-%206368.pdf> (Accessed November 2015).
- 18 LNA (HCR) C.1612, Report on Schemes of Settlement and Industrial Settlement Submitted to the Anglo-HICEM (Undated).
- 19 *Advocate*, p. 426.
- 20 Burgess, *Refuge*, pp. 174–79.
- 21 *Advocate*, p. 429.
- 22 *Advocate*, p. 422.
- 23 *Advocate*, p. 428.
- 24 Leo Baeck Institute, Compte-rendu de la réunion de la Commission Spéciale d'émigration, London, 19 July 1934, AR 7162, Box 2, File 8.
- 25 *Advocate*, p. 436.
- 26 LNA (HCR), C.1613. Statement of James G. McDonald, High Commissioner for Refugees (Jewish and Other) Coming from Germany, made at the Third Session of the Governing Body, London, 1 November 1934.
- 27 McDonald Papers (Warburg, Felix 1933–1934), Felix Warburg to James G. McDonald, 28 August 1934.
- 28 *Advocate*, pp. 490–91.
- 29 *Advocate*, pp. 492–93
- 30 *Advocate*, p. 496.
- 31 *Advocate*, pp. 457–59.
- 32 *Advocate*, p. 468.
- 33 *Advocate*, pp. 462–63
- 34 *Advocate*, pp. 476–77.

- 35 *Advocate*, pp. 477–78.
- 36 *Advocate*, p. 480.
- 37 *Advocate*, pp. 482–83 and n. 24. Frederick Birchall, ‘M’Donald Praised for Refugee Work’, *NYT*, 23 September 1934, p. 12. Eleven countries supported the statement: Yugoslavia, Canada, Great Britain, Norway, Sweden, Czechoslovakia, France, Portugal, Belgium, the Netherlands and Poland.
- 38 Cecil Papers, 51101 (Miscellaneous Correspondence, July 1932–1934), 19 October 1934, fos. 169–172.
- 39 Birchall, ‘M’Donald Moved by Refugees’ Lot’.
- 40 Robert Stone, ‘Great Christian Friends of the Jews’, *Jewish Advocate*, 7 September 1934, p. B1.
- 41 ‘M’Donald is Honored for Aid to Refugees’, *NYT*, 23 November 1934, p. 6.
- 42 Leo Baeck Institute, *Compte-rendu de la session du Comité Consultatif du Haut-Commissariat*, London, 29–30 October 1934; *procès-verbaux, Conseil d’administration*, London, 1–2 November 1934, AR 7162, Box 2, Folders 11 and 12.
- 43 Caron, ‘Loyalties in Conflict’, pp. 306–7.
- 44 LNA (HCR), C. 1613, Statement of James G. McDonald, High Commissioner for Refugees (Jewish and Other) Coming from Germany, made at the Third Session of the Governing Body, London, 1 November 1934.
- 45 *Advocate*, p. 531.
- 46 Leo Baeck Institute, *Compte-rendu de la session du Comité Consultatif du Haut-Commissariat*, London, 29–30 October 1934, AR 7162, Box 2, Folder 11.
- 47 Leo Baeck Institute, *Compte-rendu de la session du Comité Consultatif du Haut-Commissariat*, London, 29–30 October 1934, Box 2, Folder 11.
- 48 Leo Baeck Institute, *Conseil d’Administration*, London, 1 November 1934, AR 7162, Box 2, Folder 12.
- 49 Leo Baeck Institute, *Conseil d’Administration*, London, 1 November 1934, AR 7162, Box 2, Folder 12.
- 50 *Advocate*, pp. 537–39.
- 51 *Advocate*.
- 52 Leo Baeck Institute, *Conseil d’Administration*, 2 November 1934, AR 7162, Box 2, Folder 12.
- 53 *Advocate*, p. 538.
- 54 *Advocate*. Leo Baeck Institute, *Conseil d’Administration*, 2 November 1934, AR 7162, Box 2, Folder 12.
- 55 Leo Baeck Institute, *Conseil d’Administration*, 2 November 1934, AR 7162, Box 2, Folder 12.
- 56 *Advocate*, p. 538.
- 57 *Advocate*, p. 540.
- 58 McDonald Papers, Geneva Office (November 1934–February 1935).

Chapter 8

- 1 *Advocate*, pp. 543–45.
- 2 McDonald Papers (Geneva Office, December 1933–February 1934), 4 January 1934.
- 3 *Advocate*, pp. 458, 463, 566.
- 4 *Advocate*, pp. 404–5.
- 5 LNA (HCR) C.1613, Statement of James G. McDonald, High Commissioner for Refugees (Jewish and Other) Coming from Germany, made at the Third Session of the Governing Body, London, 1 November 1934.
- 6 *Advocate*, p. 550.
- 7 *Advocate*, p. 523.
- 8 *Advocate*, pp. 511–12.
- 9 *Advocate*, pp. 555–57.
- 10 *Advocate*, p. 557. McDonald Papers (Confidential File July–December 1934), Confidential Memorandum of Conversation with the Reichsbank, 13 November 1934; Memorandum of conference in the Auswaerige AMT, 13 November 1934. Also in the Cecil Papers, 51101 (Miscellaneous correspondence, July 1932–1934).
- 11 *Advocate*, pp. 565–69 and 610. Burgess, *Refuge*, pp. 182–85.
- 12 *Advocate*, pp. 575–76.
- 13 *Advocate*, pp. 578–79.
- 14 *Advocate*, pp. 578–79.
- 15 *Advocate*, p. 581.
- 16 *Advocate*, p. 595.
- 17 *Advocate*, p. 559.
- 18 *Advocate*, p. 564.
- 19 Cecil Papers, General Correspondence 51170 (January–July 1935), McDonald to Lord Cecil, 16 January 1935.
- 20 *Advocate*, pp. 599–600.
- 21 *Advocate*, pp. 602–4.
- 22 *Advocate*, p. 601.
- 23 *Advocate*, p. 609, n. 17.
- 24 *Advocate*, p. 621.
- 25 McDonald Papers (Kotschnig, Walter M., 1935–April 1936), Report on Visit of WMK (Walter Kotschnig) to Forbach, 15 January 1935.
- 26 Caron, *Uneasy Asylum*, pp. 52–57. Burgess, *Refuge*, pp. 180–82. The *refoulement* to Germany of rejected refugees was a complaint made to Kotschnig, noted in his report of his visit on 15 January.
- 27 Barros, *Betrayal from Within*, pp. 24–25.

- 28 Cecil Papers, General Correspondence, 51170 (Jan–July 1935), Cecil to McDonald, 19 January 1935. McDonald Papers (Geneva Office, November 1934–February 1935), Wurf bain to McDonald, 26 January 1935.
- 29 *Advocate*, p. 617.
- 30 Cecil Papers, General Correspondence, 51169 (1934); Literary Manuscripts, 51197, Speeches and Broadcasts (1934–1935).
- 31 *Advocate*, pp. 308–9 and 346–48. McDonald Papers (Geneva Office, December 1933–February 1934), Bentwich, interview with Lord Marley, 21 December 1933, Notes of Interviews. Nicole Taylor, ‘The Mystery of Lord Marley’, *Jewish Quarterly*, no. 198 (Summer 2005) <<http://www.jewishquarterly.org/issuearchive/article8d4f.html?articleid=113>> (Accessed November 2015).
- 32 LNA (HCR) C.1609 (Great Britain – Lord Cecil), Wurf bain to Cecil, 31 January 1935. *Advocate*, pp. 618–19.
- 33 *Parliamentary Debates. House of Lords*, Wednesday, 6 February 1935. Vol. 95, no. 18. *Official Report*, Lord Marley, 822–28; Viscount Cecil of Chelwood, 828–35.
- 34 *Parliamentary Debates. House of Lords*, Wednesday, 6 February 1935. Vol. 95, no. 18. *Official Report*, Lord Strathcona and Mount Royal, 840–44.
- 35 *Advocate*, pp. 612 and 621.
- 36 LNA (HCR), C.1609 (Great Britain – Lord Cecil), McDonald to Cecil, 7 February 1935.

Chapter 9

- 1 Leo Baeck Institute, Comité permanent, London, 12 February 1935, AR 7162, Box 2, Folder 14.
- 2 *Advocate*, pp. 582–85.
- 3 *Advocate*, pp. 624–29.
- 4 *Advocate*, pp. 605–8.
- 5 McDonald Papers (Kotschnig, Walter M., 1935–April 1936), Walter Kotschnig to McDonald, 12 October 1934; Kotschnig to Inman, 12 October 1934.
- 6 *Advocate*, p. 580. ‘German Refugees Aided’, *NYT*, 12 August 1935, p. 11. In 1935, Inman was the first American cultural attaché for Latin America and served on the League of Nations Commission to Latin American Republics. ‘Inman, Samuel Guy’, Texas State Historical Association <<http://www.tshaonline.org/handbook/online/articles/fin06>> (Accessed November 2015). Kenneth F. Woods, ‘Samuel Guy Inman and Intervention in Mexico’ <<http://academic.brooklyn.cuny.edu/history/johnson/Samuel%20Guy%20Inman.htm>> (Accessed November 2015).

- 7 McDonald Papers (Inman–McDonald Mission), James G. McDonald, ‘Draft of Ad Interim report on the Mission to South and Central America.’
- 8 McDonald, ‘Draft of Ad Interim report’, p. 29.
- 9 McDonald, ‘Draft of Ad Interim report’, pp. 33–34.
- 10 McDonald, ‘Draft of Ad Interim report’, p. 19.
- 11 McDonald, ‘Draft of Ad Interim report’, p. 14.
- 12 McDonald, ‘Draft of Ad Interim report’, p. 28.
- 13 *Advocate*, p. 686.
- 14 McDonald, ‘Draft of Ad Interim report’, pp. 8f.
- 15 McDonald, ‘Draft of Ad Interim report’, p. 10.
- 16 McDonald, ‘Draft of Ad Interim report’, pp. 14–15.
- 17 McDonald, ‘Draft of Ad Interim report’, p. 17.
- 18 McDonald, ‘Draft of Ad Interim report’, p. 32.
- 19 Inman visited Brazil and Argentina with McDonald, and Uruguay separately. After leaving McDonald in Buenos Aires, he travelled to Paraguay, Chile, Peru, Ecuador, Colombia, Panama, Nicaragua, Honduras, Salvador, Guatemala and Santo Domingo. He also included observations on Mexico in his final report.
- 20 Samuel Guy Inman, ‘Report on the Placing of German Refugee Scholars in Hispanic America, Supplementary to the General Report of the High Commissioner on the Work of the Mission Visiting South and Central America, February–June 1935’, in Karen J. Greenberg (ed.) *Archives of the Holocaust: An International Collection of Selected Documents*, Volume 7, *Columbia University Library New York, The James G. McDonald Papers* (New York and London: Garland Publishing, 1990), pp. 206–18.
- 21 Inman, ‘Report on the Placing of German Refugee Scholars’, pp. 215–16.
- 22 LNA (HCR) C.1614, Statement by James G. McDonald, High Commissioner for Refugees (Jewish and Other) Coming from Germany, made at the Fourth Session of the Governing Body, London, 17 July 1935.
- 23 ‘Latin America Held Haven for Refugees’, *NYT*, 30 June 1935, p. 29; ‘Sees Refugee Hope in Latin America’, *NYT*, 22 August 1935, p. 11. Inman continued to advocate refugee settlement in Latin America as war loomed in Europe: Samuel Guy Inman, ‘Refugee Settlement in Latin America’, *Annals of the American Academy of Political and Social Sciences*, Vol. 203 (May 1939), pp. 183–93.
- 24 LNA (HCR) C.1609 (Great Britain – Lord Cecil), McDonald to Cecil, 23 April 1935.
- 25 LNA (HCR) C.1609 (Great Britain – Lord Cecil), Cecil to McDonald, 17 May 1935. Also McDonald Papers (Cecil of Chelwood, Viscount).

Chapter 10

- 1 McDonald Papers (Chamberlain, Joseph P. 1935–38), McDonald to Chamberlain, 20 January 1935.

- 2 *Advocate*, pp. 765 and 775.
- 3 Leo Baeck Institute, Comité Permanent, London, 12 February 1935, AR 7162, Box 2, Folder 14.
- 4 'Memorandum', Cecil Papers, 51130 (High Commission for Refugees Coming From Germany), fos. 99–105. The memorandum was filed in the Secretary General's office on 21 February 1935.
- 5 'Memorandum', Cecil Papers 51130. Of the 28,200 refugees settled outside Europe, 20,000 had settled in Palestine, 5,000 in the United States and 2,500 in South American countries. The High Commission could not claim any role in these resettlements.
- 6 'Memorandum', Cecil Papers, 51130.
- 7 'Memorandum', Cecil Papers, 51130.
- 8 McDonald Papers (Confidential Files 1935), 'Report on Conversations with Various People in Geneva on Centralisation Plans', 27 May 1935.
- 9 McDonald Papers (Bentwich, Norman, 1935), Childs (International Labour Organization), 5 March 1935 and 19 March 1935; McKinnan-Wood (Legal Section, Secretariat) 19 March 1935. McDonald Papers (Confidential Files, 1935); McDonald to Bentwich and Wurfbain, 2 August 1935. Michael Hanssen, *The Refugee Problem and the League of Nations* (Geneva: League of Nations, 1938).
- 10 McDonald Papers (Confidential Files 1935), 'Report on Conversations with Various People'.
- 11 Hanssen, *The Refugee Problem*.
- 12 LNA (HCR), C.1604 (League of Nations Union, 1934–36), Foreign Office, 'The Problem of the Refugees', 16 May 1935 and Eppstein to Bentwich, 23 May 1935; 'The League and Refugees', *The Times*, 18 May 1935, p. 18.
- 13 McDonald Papers (Kotschnig, Walter, 1935–April 1936), Report of Visit to Austria, 5 and 6 February 1935, Report of Visit to Czechoslovakia, 7 and 8 February 1935.
- 14 McDonald Papers (Kotschnig, Walter, 1935–April 1936), Report of Visit to Austria.
- 15 McDonald Papers (Kotschnig, Walter, 1935–April 1936), Report of Visit to Austria.
- 16 McDonald Papers (Kotschnig, Walter, 1935–April 1936), Kotschnig to Wurfbain, 5 March 1935. Table 10.1.
- 17 McDonald Papers (Kotschnig, Walter, 1935–April 1936), Kotschnig to Wurfbain, 5 March 1935.
- 18 LNA (HCR), C.1614, Statement by James G. McDonald, High Commissioner for Refugees (Jewish and Other) Coming from Germany, made at the Fourth Session of the Governing Body, London, 17 July 1935.
- 19 *Advocate*, p. 783.
- 20 LNA (HCR), C.1614, Statement by James G. McDonald, 17 July 1935.
- 21 LNA (HCR), C.1614, Statement by James G. McDonald, 17 July 1935.

- 22 LNA (HCR), C.1609, Country Reports (Germany), Report no, 54, Comité voor Joodsche Vluchtelingen, Amsterdam, 14 April 1935; The Treatment of Jewish Emigrants Returning to Germany (undated); Confidential document forwarded by Mrs van Tyne, 31 March 1935 (Translation).
- 23 LNA (HCR), C.1609, Country Reports (Germany).
- 24 LNA (HCR), C.1609, Country Reports (Germany). Hotels and places of residence were required to inform the police within twenty-four hours of any foreigners staying with them. Private households were required to inform the police within one week of foreign visitors staying with them.
- 25 LNA (HCR), C.1614, Statement by James G. McDonald, 17 July 1935.

Chapter 11

- 1 *Advocate*, p. 778. On the background and the context of the preparation of the statement, see Monty Noam Penkower, 'Honourable Failures against Nazi Germany: McDonald's Letter of Resignation and the Petition in its Support', *Modern Judaism*, Vol. 30, No. 3 (2010), pp. 247–98.
- 2 Oscar I. Janowsky, *Jews and Minority Rights, 1898–1919* (New York: Columbia University Press, 1933). In 1937, Janowsky and Melvyn M. Fagen co-authored *International Aspects of German Racial Policies* (New York: Oxford, 1937).
- 3 McDonald Papers (Statement of Resignation, December 1935), McDonald to Sol M. Stroock (Chair, the American Jewish Committee), 22 June 1935; Stroock to McDonald, 25 June 1935; James N. Roseberg to McDonald, 28 June 1935. *Advocate*, p. 767, n. 3. *Refugees and Rescue and Rescue*, p. 23, n. 23.
- 4 LNA (HCR), C.1609 (Great Britain – Lord Cecil), McDonald to Lord Cecil, 12 September 1935.
- 5 LNOJSS no. 138 (1935), 'Plenary, Text of the Debates', Koht, 11 September 1935, pp. 57–58.
- 6 LND, A.36.1935.XIII (13 September 1935).
- 7 *Refugees and Rescue*, p. 23.
- 8 LNA (HCR), C.1609 (Great Britain – Lord Cecil). p. 24.
- 9 LNOJSS, No.138 (1935), Koht, 11 September 1935, p. 57.
- 10 LNOJSS, No.143 (1935), Minutes of the Sixth Committee, pp. 11–13.
- 11 LNA (HCR) C.1613, 'Proposals for a Central League Organization for Refugees'. LNA (HCR) C.1614, 'Proposals for the Establishment of a Central League Organization for Refugees'.
- 12 *Refugees and Rescue*, pp. 28–30.
- 13 LNOJSS, No.143 (1935), Item 21, pp. 52–54.
- 14 LNOJSS, No.143.

- 15 LND A.64.1935.XIII (26 September 1935). The Committee of Experts was appointed in late October 1935, comprising five individuals of international reputation: Michael Hanssen of Norway, ex-president of the Egyptian Mixed Tribunals; Senator de Michelis of Italy, formerly chair of the Governing Body of the International Labour Organization; Stefan Osusky, the Czechoslovakian minister in Paris and Chairman of the League of Nations Supervisory Commission and formerly a lawyer from Chicago; Marcel Roland, state councillor of France and former Prefect in Strasbourg, 'where he did good work on behalf of the refugees'; and Sir Horace Rumbold of the United Kingdom, formerly British ambassador to Berlin. McDonald to Warburg, (October 1935), McDonald Papers (Warburg, Felix, 1935–36); League of Nations Document C.437.1935.XIII (25 October 1935).
- 16 LNA (HCR) C.1609 (Great Britain – Lord Cecil), McDonald to Cecil, 20 September 1935.
- 17 *Refugees and Rescue*, p. 49.
- 18 McDonald Papers (Warburg, Felix, 1935–19336), McDonald to Warburg, (October 1935).
- 19 *Refugees and Rescue*, p. 49.
- 20 *Refugees and Rescue*, pp. 49–50.
- 21 McDonald Papers (Kotschnig, Walter, 1935–April 1936), 'Christian Appeal for Non-Jewish Refugees from Germany', 1 November 1935.
- 22 McDonald Papers (Kotschnig, Walter, 1935–April 1936), McDonald, 5 November 1935.
- 23 McDonald Papers (Statement of Resignation, December 1935). 'Memorandum. Proposed Research Under the Direction of Mr. MacDonald' [*sic*], June 1935) and Janowsky to McDonald, 21 June 1935.
- 24 *Refugees and Rescue*, p. 74.
- 25 *Refugees and Rescue*, p. 34.
- 26 McDonald Papers (Statement of Resignation, December 1935), McDonald, 12 November 1935.
- 27 McDonald Papers (Statement of Resignation, December 1935), McNair, 22 November 1935.
- 28 McDonald Papers (Statement of Resignation, December 1935), Lauterpacht to Neville Laski, 3 July 1935.
- 29 *Refugees and Rescue*, pp. 78–79; McDonald Papers (Statement of Resignation and Drafts, December 1935).
- 30 *Refugees and Rescue*, pp. 82–83.
- 31 McDonald Papers (Kotschnig, Walter, 1935–April 1936), Kotschnig to McDonald, 4 December 1935.
- 32 'League Body asks Joint Refugee Aid', *NYT*, 10 January 1936, p. 8.
- 33 *Refugees and Rescue*, p. 97.

- 34 *Refugees and Rescue*, p. 99.
- 35 *Refugees and Rescue*, pp. 98–99.
- 36 ‘Netherlands Queen Decorates M’Donald’, *NYT*, 3 January 1936, p. 17.
- 37 LND, C.13.M.12.1936.XIII, 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 Nations, with an Annex, 27 December 1935. Also at Leo Baeck Institute, AR 7162, Box 2, Folder 20.

Chapter 12

- 1 LND C.13.M.12.1936.XII, Annex. Letter of Resignation of James G McDonald, High Commissioner for Refugees (Jewish and Other) Coming from Germany, with an annex, 27 December 1935. Leo Baeck Institute, AR 7162, Box 2, Folder 20.
- 2 LND C.13.M.12.1936.XII, Letter of Resignation of James G McDonald.
- 3 McDonald Papers (Statement of Resignation, December 1935), ‘Repercussions of the McDonald Letter of Resignation’ (1938).
- 4 ‘Persecution In Germany’, *The Times* (London, England), 30 December 1935, p. 6, from *The Times Digital Archive* (Accessed 29 June 2013); ‘Refugees From Germany’, *Times* (London, England), 30 December 1935, p. 12, from *The Times Digital Archive* (Accessed 29 June 2013); ‘Guests of Germany’, *Times* (London, England), 30 December 1935, p. 13, from *The Times Digital Archive* (Accessed 29 June 2013).
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Conclusion

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