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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.

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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 persuaded 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.

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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, he 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.

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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.