

**Plebiscitary Borders around WW1**  
**Compressed Think Piece for Crossing Borders Workshop, 23.7.2022**  
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[1] The shape of a problem

(a) Constructing a new world order through international law at Versailles, transforms the history and theory of plebiscites. Three models, two 'positive', one 'negative'.

(i) Nathaniel Berman – instance of legal 'modernism', alliance between 'primitive' passions of nationalism, and regulation through artifice of state, or more pointedly, international law; the conventional illustrations – Saar, Upper Silesia, Free City of Danzig

(ii) Sarah Wambaugh – leading US expert on plebiscites from WW1 to League of Nations, sees plebiscites as perfection of increasingly reliable 'technique', rendering political change safe and measured, if done correctly – Saar again as a model; it's a fractious balance: 'There are those who contend that, although these latter solutions [asking the people directly] may have brought immediate prosperity, they have also brought absolute ruin' (Sarah Wambaugh, *The Theory and Practice of Self-Determination*, 1919, p. vii).

(iii) That the need for plebiscites signals failure – routinely criticised in state theory/political science by legal historians, as partial, retrospective justifications for what power has already achieved, and unnecessary to see/show where the majority view is (this is Francis Lieber's view in 1871, following the US civil war; updated by J-K. Bluntschli)

(b) Hitherto, plebiscites on case-by-case basis; now, internationalising of principle of national self-determination, brings plebiscites as occasional tool for reconstruction

[2] The novelty of Versailles

(a) Brest-Litovsk put national self-determination at forefront, where 'fate' of countries to be determined by inhabitants, but no plebiscitary choice; nor had Treaty of Bucharest. Versailles instantiates it (Mattern, *Employment of the Plebiscite*, pp. 128-131)

(b) If Versailles dominated by 'Big Four', though, and committees of inquiry that fed into their deliberations given over to area experts, puzzle that US in particular ends up sanctioning plebiscites as route to secure minority protection and pursue national self-determination.

(c) Plebiscites to determine territorial change are about minority rights and borders; but democracies use them to determine where majorities lie; historically, they have severed territorial connections sometimes through secession; other times through transition towards alternative sovereignties (e.g. Avignon, from Holy See to France during the Revolution).

(d) 'While the term conquest has been persistently avoided in the cases of enforced cession [like Danzig] without recourse to the principle of self-determination, those annexations by the respective Allied Powers differ neither in the method of nor in the motive for acquisition from the territorial aggrandizements of the past' (Mattern, p. 194).

[3] Sarah Wambaugh

(a) The irony of plebiscites that offer a route to internationalise through legal means, Wilsonian democracy, through a vision of the international order buttressed by American exceptionalism. But US and Wilson pursue plebiscites only when convinced of their justification with reference to economic arguments about reparations

(b) Versailles – French claims for restitution of 1870 border, which was 1815 border, crept up to 1814 border, which included coal mines that could help offset its deficit (Wambaugh, *Saar*, p. 37).

(c) Wilson, of course, has little sense that national self-determination means having your own 'state', to act as an 'equal' in international society. Wambaugh's sense of mission was also an

attempt to democratize American politics, by showing the centrality of gender/women's votes in plebiscites, as part of new 'modern' techniques of political choice and change.

(d) One implication: War time and the time of plebiscites – if international law becomes 'modernist', the attempt to 'stop' or pause radical nationalist politics through technocratic, technique driven plebiscitary politics, is an important part of that story. Equally, though, the politics of making plebiscites safe (policing, time, free elections, overseeing and limiting propaganda and violence, all noted as part of the process). Why then were so relatively few major plebiscites?

(e) All of this is to say, perhaps plebiscitary border crossing around WW1 means at least two things. First, and most conventionally, the plebiscite is pressed into service internationally/regionally, principally for the benefit of domestic politics elsewhere, so that the idea of boundary 'crossing' between the domestic and the international is always in flux. Second, that a discrete focus on the moment(s) of plebiscitary boundary marking during WW1, is also another way of holding that moment up to the mirror, for reflection upon the theory and practice of boundary crossing.