

1 *Justice and Reconciliation*

Versailles, 1919

I have never dreamed of the good luck to see the formation of a League of Nations in my own days . . . The impossible is about to happen. You can't imagine my happiness.

– Kang Youwei, Chinese political reformer, 1919¹

I Introduction

Nearly one century ago, burdened by the pall of more than four years of war that devastated millions of lives, French premier Georges Clemenceau opened the Versailles peace process with Germany on May 7, 1919: “It is neither the time nor the place for superfluous words . . . The time has come when we must settle our account.”² In the self-understanding of the architects of the peace process, the political task in the face of a brutal war was not only to do justice, understood as a settling of accounts for the war's devastations, but also to create a robust “basis upon which the peoples of Europe can live together in friendship and equality.”³ The aim of constructing a “peace

¹ Quoted in Erez Manela, *The Wilsonian Moment: Self-Determination and the International Origins of Anticolonial Nationalism* (Oxford: Oxford University Press, 2007), 108.

² Quoted in George A. Finch, “The peace negotiations with Germany,” *American Journal of International Law* 13, 3 (1919): 536–667 at 536. The Paris Peace Conference opened on January 18, 1919, but the process to restore peace with Germany took place in May and June at Versailles. The Paris Peace Treaties (1919–1923) encompassed the Treaty of Versailles (with Germany); the Treaty of Saint-Germain-en-Layne (Austria); the Treaty of Neuilly (Bulgaria); the Treaty of Trianon (Hungary); the Treaty of Sèvres (Ottoman Empire); and the Treaty of Lausanne (Turkey).

³ “Reply of the Allied and Associated Power to the observations of the German delegation on the conditions of peace, and ultimatum [May 1919],” in *The Treaty of Versailles and After: Annotations of the Text and the Treaty* (Washington, DC: US Department of State, 1947), 54.

of justice”⁴ implied a necessary and compatible relationship between a just accounting of the war and the possibility and desirability of future peace.⁵

Although Clemenceau’s statement invokes a simple business-like image of accounting in commercial affairs, settling accounts after a political catastrophe such as a major war is far from straightforward.⁶ Indeed, the Treaty of Versailles, which concluded the terms of peace with Germany and established the League of Nations, is popularly perceived as one of the most spectacular failures of settling accounts in international history. Even at the time, some commentators warned that the victorious Allied powers – mainly Britain, France, and the US – were pursuing a harsh justice at the expense of future reconciliation.⁷ What went wrong with the Versailles peace settlement? And what lessons might it contain for thinking about justice and reconciliation as moral/political projects in international and transnational relations?

In the literatures investigating justice and reconciliation by scholars of human rights, transitional justice, political theory, and international law, Versailles is a neglected case. More typically, it is the International Military Tribunal at Nuremberg after the Second World War that serves as the historical starting point for understanding the development of norms, practices, and institutions of justice and reconciliation in international relations. The neglect of Versailles is unfortunate, however, since it marked the first international attempt to redress some of the atrocities committed in contexts of colonial rule. Given the 1904–1907 Herero and Nama cases of war and genocide under German colonial rule, described in the Introduction, the Versailles peace process ought not to be overlooked by those who seek to understand contemporary struggles for justice and reconciliation in international and transnational relations.

⁴ See “German observations on the conditions of peace,” May 29, 1919, in *The Treaty of Versailles and After*, 39.

⁵ See also David Hunter Miller, ed., *The Drafting of the Covenant*, vol. 1 (New York: Putnam, 1928), 148.

⁶ Of course, accounting for economic transactions is, in reality, quite complex, involving a host of ethical issues as well. See Ronald F. Duska, Brenda Shay Duska, and Julie Anne Ragatz, *Accounting Ethics*, 2nd ed. (Malden, MA: Wiley-Blackwell, 2011).

⁷ See, e.g., John Maynard Keynes, “Proposals for the reconstruction of Europe (1919),” in his *Essays in Persuasion* (New York: W. W. Norton, 1963), 17–18.

Prominent scholars of international relations who have paid attention to the settlement of 1919 have tended to neglect the implications of redressing colonial injustice for the development of international order, leading to a blind spot in understanding contemporary trends in struggles for justice and reconciliation in world politics. John Ikenberry, for example, does analyze the 1919 peace process, focusing on the US as the victorious power, and President Wilson's ambitious liberal institutionalist agenda "to create a stable and legitimate postwar order organized around democratic countries that operate within liberal institutions and uphold collective security." His analysis, however, neglects Versailles's impact on the question of the legitimacy of colonialism in the postwar international order. In failing to acknowledge and problematize the compatibility of Wilson's liberal institutional agenda with the continuation of a colonial international order, Ikenberry forgoes an examination of its implications for the stability and legitimacy of liberal international order.⁸

The relative neglect of Versailles also means that scholars have not substantially revised the realist account of Versailles as a paradigmatic failure of postwar reconciliation caused by the Allied powers' harsh pursuit of justice against defeated powers. According to this view, far from doing "justice," Versailles "humiliated" Germany and became the focal point of deep resentments in the defeated nation, laying the groundwork for a more devastating world war. The pursuit of justice in the form of a punitive settling of accounts compounded the shame of defeat and inspired projects of violent revenge in Germany that became instrumental in Hitler's rise to power. As the historian Gordon Martel has described this assessment, after World War II, "it seemed even more apparent that Versailles had been fundamentally flawed, that it led to Nazism, the war, and the Holocaust."⁹ Thus, Elazar Barkan has noted that Allied leaders took this lesson from Versailles and, rather

⁸ See G. John Ikenberry, *After Victory: Institutions, Strategic Restraint, and the Rebuilding of Order after Major Wars* (Princeton, NJ: Princeton University Press, 2001). For correctives, see Jeanne Morefield, *Covenants without Swords: Idealist Liberalism and the Spirit of Empire* (Princeton, NJ: Princeton University Press, 2004), and Jeanne Morefield, *Empires without Imperialism: Anglo-American Decline and the Politics of Deflection* (Oxford: Oxford University Press, 2014).

⁹ Gordon Martel, "A comment," in *The Treaty of Versailles: A Reassessment after 75 Years*, ed. Manfred F. Boemeke, Gerald D. Feldman, and Elisabeth Glaser (Cambridge: Cambridge University Press, 1998), 624.

than impose harsh reparations on Germany in 1945, embarked on the Marshall Plan: “Rather than hold to a moral right to exploit enemy resources, as had been done previously, the victor underscored future reconciliation and assisted its defeated enemies to re-establish themselves. In hindsight the policy is widely celebrated.”¹⁰

From Versailles, realists have posited that justice and reconciliation are incompatible strivings in the aftermath of major domestic and international political catastrophes. More generally, realists have argued that the pursuit of justice as a matter of accountability for wrongdoing, far from deterring future transgressions, may only foster resentment and continued communal conflict, undermining the prospects for domestic or international reconciliation.¹¹ If conflict pervades the landscape of politics after war, atrocity, and oppression, the politics of settling accounts seems all too frequently only to compound or intensify political conflicts. In this interpretation, justice resembles the vengeful Furies, who threaten to wreak cyclical havoc on social and political order; future peace seems to require a more conciliatory approach.¹²

This realist view of the conflictual relationship between justice and reconciliation, however, has been challenged by liberal institutionalists, international jurists, and human rights scholars, who have endorsed the pursuit of justice as accountability, especially through prosecutions of individuals who have committed genocide, war crimes, or crimes against humanity, as a progressive force of institutional and political change in international relations toward a liberal culture of respect for the rule of law and individual human rights.¹³ Rather than viewing such forms of justice as conflicting with the goal or value of

¹⁰ Elazar Barkan, *The Guilt of Nations: Restitution and Negotiating Historical Injustices* (New York: W. W. Norton, 2000), xxiii.

¹¹ Jack Snyder and Leslie Vinjamuri, “Trials and errors: principle and pragmatism in strategies of international justice,” *International Security* 28, 3 (2003–2004): 5–44; Jack Goldsmith and Stephen Krasner, “The limits of idealism,” *Daedalus* 132, 1 (2003): 47–63; Stover Eric and Harvey M. Weinstein, *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity* (Cambridge: Cambridge University Press, 2004).

¹² Aeschylus, *The Eumenides*, in *Oresteia*, trans. Richmond Lattimore (Chicago: University of Chicago Press, 1953), 135–71.

¹³ See Anne-Marie Slaughter, *A New World Order* (Princeton, NJ: Princeton University Press, 2004); Kathryn Sikkink, *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics* (New York: W. W. Norton, 2011); Payam Akhavan, “The rise and fall, and rise of international criminal justice,” *Journal of International Criminal Justice* 11, 3 (2013): 527–36.

political reconciliation, liberals tend to view them as complementary or causally connected tasks. In this light, the uncritical adoption of the realist interpretation of Versailles by a vast array of scholars needs to be revisited. Indeed, contemporary historical scholarship since the 1970s shows that the terms of Versailles, while flawed, did not lead to excessively harsh or punitive demands on Germany.¹⁴

The historical record on Versailles raises normative complexities about both justice and reconciliation that have not received adequate attention. Identifying and analyzing these complexities will illuminate the nature of the moral and political tasks that conditions and experiences of political catastrophe produce, an important step to understanding the promise and limits of various practices of justice and reconciliation and for formulating appropriate remedies. This chapter reopens the peace settlement of 1919 and examines its conceptions and measures to realize justice and reconciliation. First, the chapter frames the issue of German reparations in the context of disputes among the Allied powers about responsibility for the economic reconstruction of Europe. Second, the chapter assesses the accounting of German colonial atrocities in South West Africa against a background of continued endorsement of colonialism as an internationally legitimate form of intersocietal political relation and structure of rule. A thorough normative analysis that is historically informed can show that the relationship between the demands of justice and reconciliation in response to contexts of international and transnational injustice and catastrophe is more complex than either the realist or liberal model suggests.

II Justice and Reconciliation: Interactional and Structural

When the guns finally fell silent on November 11, 1918, the world had endured an unexpectedly long period of unrelenting war. It is unlikely that any of the belligerents could have known in 1914 how much carnage they had unleashed by their decisions to go to war. At the war's end, all European belligerents were economically depleted and had suffered devastating losses in human life, totaling nearly 10 million. Incontrovertibly, World War I was a "political catastrophe."

¹⁴ Marc Trachtenberg, *Reparation in World Politics: France and European Economic Diplomacy, 1916–1923* (New York: Columbia University Press, 1980); Sally Marks, "The myths of reparations," *Central European History* 11 (1978): 231–55.

While political catastrophe can be defined by events or episodes of widespread patterns of wrongful or harmful social and political conduct, outcomes, and/or relations, such catastrophes are typically produced or coproduced by a confluence of human social and political agents and structures that express morally objectionable or defective social norms, institutions, and practices.¹⁵ In such contexts, endemic to war, oppression, and atrocity, injustice and alienation abound. And it is in response to these common features of political catastrophe – injustice and alienation – that we can understand calls for both justice and reconciliation.

In this section, I advance the claim that justice and reconciliation ought to be conceptualized as distinct but related normative challenges arising in contexts of political catastrophe and injustice. While justice and reconciliation are analytically distinct concepts and cannot be reduced to each other, the normative aims and political struggles over justice and reconciliation should be analyzed and formulated together.

In the course of this book, I develop two ways to conceptualize both justice and reconciliation – interactional and structural – and their interrelationship. The pursuit of justice is a response to the injustices and wrongs that attend conditions of political catastrophe. Injustice in such contexts may consist of wrongs, harms, and injuries that are committed in interactions between agents, whether these agents are individual or corporate. The notion of corrective justice typically addresses such forms of interactional injustice.¹⁶ *Interactional justice* refers to the settling of accounts between agents for wrongful conduct or unjust interactions, and for undeserved harms and losses or injuries arising from wrongful conduct or interactions. Settling accounts in

¹⁵ “Catastrophe” as a dramatic term in classical tragedy refers to sudden terrible outcomes or reversals of fortune involving human action. While ancient Greek tragedians located the cause of catastrophes often partly outside human comprehension and control, my understanding of “political catastrophes” is more Aristotelian in trying to understand them as the consequences of a long and complicated backstory of human agents, actions, and structures that exhibit the many dimensions of human fallibility and frailty. See Aristotle, *Aristotle’s Poetics*, trans. Stephen Halliwell (Chicago: University of Chicago Press, 1998). For a discussion of Aristotle’s “philosophical reinterpretation of tragedy” as a genre, see Stephen Halliwell, “Plato and Aristotle on the denial of tragedy,” *Proceedings of the Cambridge Philological Society* 30 (1984): 49–71.

¹⁶ Aristotle, *Nicomachean Ethics*, ed. Roger Crisp (Cambridge: Cambridge University Press, 2000), Book V, distinguishes between distributive justice and corrective justice.

interactional terms involves determining whether or not a wrong has occurred; whether or not someone has suffered an injury; who is responsible or accountable for the wrong or injury; and what measures are appropriate for settling accounts between the parties involved. Interactional justice is a common aim of practices of settling accounts in response to political catastrophes and involves practices of accountability, punishment, compensation, and reparation between parties that are identifiable victims and perpetrators of wrongdoing. In an interactional frame, states responsible for internationally wrongful conduct may incur liabilities to make reparation to parties – individual, corporate, or collective – that suffer injuries or losses from the wrong, just as individuals who commit wrongs may incur various forms of liability, including punishment and reparations to their victims. The kinds of agents that can participate in interactional injustice may be individual natural persons, corporate entities such as states, and less formally constituted groups whose members nevertheless share joint intentions and are capable of joint action.¹⁷ In all these cases of individual, joint, and corporate agents, interactional justice relates to what the agents involved in unjust interactions can demand from each other for wrongs committed or suffered.

In contexts of political catastrophe, however, the concept of justice cannot be confined to interactional wrongs or injustices. In addition, objectionable types of conduct may have their source or engine in unjust domestic or international institutions, norms, policies, and practices that organize, direct, incentivize, and facilitate wrongful conduct. Objectionable harms and losses may also be the outcomes of the working of social background structural processes that condition the contexts in which agents interact. Political catastrophes may thus involve a combination of interactional injustices (between individual or structured group agents) and structural injustices. Structural injustices broadly refer to institutions, norms, practices, and material conditions that play a causal or conditioning role in producing objectionable conduct or outcomes. The structures in question encompass institutionalized, formal, or informal rules or norms, practices, or conditions. My conception of structural injustice relies on the account of social structures and processes developed by the late American

¹⁷ See Tracy Isaacs, *Moral Responsibility in Collective Contexts* (Oxford: Oxford University Press, 2011), 27.

political philosopher Iris Marion Young. Social structures consist of “the confluence of institutional rules and interactive routines, mobilization of resources, as well as physical structures such as buildings and roads” and provide “background conditions for individual actions by presenting actors with options; they provide ‘channels’ that both enable action and constrain it.”¹⁸ The concept of *structural injustice* focuses not on unjust acts or interactions between agents but on the social structures and processes that condition their interaction, embodied in “institutions, discourses, and practices.”¹⁹

Structural injustices place individuals and groups in social positions or socially produced categories that entail vulnerability to unjust treatment, structural indignity, or objectionable social conditions. These vulnerabilities and injustices can include marginalization from the structures and benefits of social cooperation, exclusion from universes of moral obligation and the social bases of dignity and respect, exploitation of productive labor, denial or distortion of social and political appropriative agency, and unjustified regulatory coercion and arbitrary violence.²⁰ In social and political contexts, structural injustices work to condition in morally objectionable ways the social positions, identities, agency, roles, aspirations, and potential and actual achievements of persons and groups. When structural injustices inform laws and norms, shape the design and purposes of institutions and social practices, and produce material effects, they enable, legitimize, normalize, and entrench conditions under which structural and interactional injustice may persist on a regular and predictable basis.

The pursuit of justice that responds to structural injustices is fundamentally corrective, not of an agent or an interaction, but of the conditions in which agents interact and relate to themselves, each other, and the world. In this form, corrective structural justice responds to

¹⁸ Iris Marion Young, “Responsibility and global justice: a social connection model,” *Social Philosophy and Policy* 23, 1 (2006): 102–30 at 111–12. For her posthumous book that provides a more comprehensive account of her view of social structures, and structural injustice, see Young, *Responsibility for Justice* (Oxford: Oxford University Press, 2011), 53–74.

¹⁹ Iris Marion Young, “Taking the basic structure seriously,” *Perspectives on Politics* 4 (2006): 91–97 at 95.

²⁰ For a related but somewhat different description of five faces of (structural) oppression – exploitation, marginalization, powerlessness, cultural imperialism, and violence – see Iris Marion Young, *Justice and the Politics of Difference* (Princeton, NJ: Princeton University Press, 1990), 39–65.

structural injustices or defects that enabled or produced objectionable harms and losses or that placed some agents in objectionable social positions of vulnerability or privilege that made unjust interactions or objectionable conditions systemically possible or even probable. Whereas interactional corrective justice pertains to the conduct of agents and the settling of accounts between agents in accordance with their moral responsibility in unjust interactions, structural corrective justice pertains to the moral qualities of the social positions produced by the social and political structures that mediate and organize agents' activities and relations. Manifestations of structural injustice require forms of corrective justice that are distinct from those that are standard to the idea of corrective interactional justice, which presupposes agent wrongdoing under fairly just or decent background conditions. In addition, structural corrective justice expands the field of agents that can bear moral and political responsibility to repair the harms and damages resulting from political catastrophes.

In an interactional framework, only perpetrators or culpable agents may bear such responsibilities toward their victims, given that the aim of interactional corrective justice is to rectify an interpersonal (or inter-agent) moral relation specific to the agents involved. But in addition to the obligations of perpetrators, others who participate in or contribute to structural injustice have responsibilities to redress such injustice. This task may involve assisting and empowering victims of wrongdoing, as well as groups placed in social positions of vulnerability to victimization, to achieve the conditions necessary for structural dignity and structural justice in their various social and political relations. Thinking about the requirements of *structural justice* takes our view of rendering justice in contexts of political catastrophes beyond victims and perpetrators of wrongful conduct and toward the institutional, normative, and material conditions of their past, present, and future interactions. Structural corrective justice is predicated on an acknowledgment of defects in the background conditions produced by previous accounts of political and distributive justice and is thus connected to the revision of those terms.

While justice aims to respond to wrongdoing by agents as well as redress structurally unjust processes and background conditions that mediate agents' interactions, reconciliation responds to various kinds of alienation wrought by political catastrophe. Alienation denotes the denial, distortion, or disruption of an agent's appropriative powers,

which form the agent's capacity to experience subjective freedom as a participant in the social world that organizes the agent's identities, activities, roles, and aspirations.²¹ An example of alienation in international relations can be found in Ayşe Zarakol's analysis of how various powers – the Ottoman Empire after World War I, the Japanese Empire after World War II, and the Soviet Union after the end of the Cold War – came to experience, through defeat, major disruptions of their internal frameworks of socialization and appropriation of the social and normative universes that would define them and their social positions in the world. In Zarakol's terminology, Turkey, Japan, and Russia came to be stigmatized as inferior, while developing “a self-negating position of an outsider” in an international system dominated by the West and Western constructions of modernity.²² Reconciliation as a response to alienation is concerned with the subjective freedom of agents as makers of their social world, which is related to, but distinct from, questions of justice regarding agents' rights and duties in a social order or their claims in the distribution of social primary goods given a particular social world. As a regulative ideal, reconciliation focuses on agents' mutual and nonalienated affirmation of the social/political order.

Three related forms of alienation and reconciliation will be examined in this book: (1) *interactional reconciliation*, which responds to alienation arising between agents through their interactions; (2) *structural reconciliation*, which responds to the alienation that arises from the social and political practices and structures that mediate agents' activities and relations; (3) and *existential reconciliation*, which responds to the internal or self-alienation of agents that typically accompanies both interactional and structural forms of alienation.

Interactional reconciliation responds to alienation between agents and leads us to ask what agents involved in a damaging or harmful interaction may require of each other to make good their relationship. Typically, interactional reconciliation focuses on the rights and needs of victims and the obligations of perpetrators to provide remedies to restore their damaged relationship. On this view, apology, punishment, compensation, reparations, and forgiveness constitute measures to repair the damaged relationship between agents; the

²¹ See Rahel Jaeggi, *Alienation*, trans. Frederick Neuhouser and Alan E. Smith (New York: Columbia University Press, 2014).

²² See Ayşe Zarakol, *After Defeat: How the East Learned to Live with the West* (Cambridge: Cambridge University Press, 2011).

responsible agents are those who were involved in the damaging interaction; and the forms of remedy should respond to agent-specific sources and effects of damage or injustice. After war and genocide, reparations programs that involve individual perpetrators repairing victims' losses aim at interactional reconciliation. In international relations, the agents may be states, and interactional reconciliation focuses on what warring states can require of each other in order to affirm their relationship.

Structural reconciliation aims to remedy agents' alienation from the social institutions, norms, practices, and structures that mediate relations between agents. The construction of a mutually affirming social/political order has objective and subjective components. Objectively, structural reconciliation involves constructing a social/political order that establishes rights and duties that allow agents to exercise their moral and political agency, in a set of background conditions that ensure the social bases of respect and dignity in their institutional relations and structural conditions. Structural reconciliation also has a subjective component: agents' nonalienation from the rules, norms, practices, relations, and conditions of the domestic and/or international social/political order.

This subjective component of structural reconciliation entails *existential reconciliation*, or the resolution of agents' alienation from themselves, a legacy often precipitated by the disruption or collapse of social frames that grounded and oriented agents' capacities for self-realization in the social world. In conditions of structural injustice, reconciliation involves processes of disalienation that aim to establish or recover the subjective freedom of agents, or their capacity to integrate and appropriate the social conditions they inhabit in a nonalienated way. Reconciliation in response to political catastrophe should be understood as a regulative ideal that aims not only to reconcile parties relationally to each other but, more fundamentally, to create a mutually affirmable and affirmed social/political order that can support the flourishing of nonalienated agents.

While this theoretical framework will be developed in the rest of the book, this chapter will begin to reveal a basic account through an analysis of the ways in which the Versailles peace process attempted, and failed, to produce a "peace of justice." The case demonstrates the extent to which the efforts of the architects of Versailles to resolve the tasks of interactional corrective justice between belligerent states were

closely tied to their commitment to a wider account of their responsibility for the structural justice of international order. Furthermore, the case illustrates that their defective resolution of conflicts of justice was often predicated upon, as well as reinforcing of, defective visions of political reconciliation, evaluated especially in terms of their moral blindness and deafness to the claims of colonized peoples in the construction of the postwar world order.

The first theme that reveals the interconnectedness of interactional and structural accounts of justice includes the issues of (1) what the Allied powers would demand from Germany and other defeated powers in the way of reparations for war costs and damages and (2) how the Allied powers would settle accounts with each other with respect to the distribution of total war costs, as well as those associated with the economic reconstruction of a devastated Europe. Reparations from the defeated powers, mainly consisting of civilian damages resulting from the war, constituted a primary measure of interactional justice between victors and vanquished. This interactional issue, however, was closely tied to the structural issue of how to deal with the economic consequences of the war. The Allied delegation at Versailles had to formulate a plan for the economic reconstruction of Europe, which raised questions of distributive justice among the victors. It is partly because the victorious Allied powers diverged on a solution to the structural consequences of the war that the politics of exacting reparations from Germany became so vexed.

Second, Versailles marked the first time that a European “great power” was held to account for the mistreatment of colonial subjects and resulted in a rudimentary international system of oversight – the mandates system – for populations and territories formally controlled by defeated empires. In the interactional settling of accounts with Germany, the architects of Versailles effectively ended German colonialism, but this endeavor also raised deeper, structural questions about the justice of a colonial international order. For this reason, many people outside of Europe looked to the Versailles peace process with heightened expectations of a great transformation in world order. The Allied powers, however, attempted to uphold a distinction between civilizing colonialism – a basically sound political project of great powers – and barbaric colonialism, exemplified by Germany’s treatment of the peoples in German South West Africa. As believers in the civilizing mission of colonialism, this distinction allowed the framers of

the Versailles peace process to argue consistently in favor of depriving Germany of its colonies, while endorsing the continuation of a colonial international order, but their stance ensured the growing alienation of the colonized from the postwar international order.

The case of the peace settlement of 1919 demonstrates that disputes among agents about how to settle accounts between them for war's devastations were deeply related to their disputes about the terms of an acceptable international order. These conflicts lie at the root of disagreements and conflicts over justice and reconciliation in the aftermath of major political catastrophes in international relations. In this light, the failure of Versailles can be viewed as a failure of both justice and reconciliation, not only interactionally, but more fundamentally, in structural terms.

III Reparations and the Economic Reconstruction of Europe

In its accounting of interactional rectificatory justice, the Treaty of Versailles assigned responsibility for paying the losses and damages incurred in the war to Germany and its allies (Part VIII, Article 231), called for trials to punish transgressions against the laws of war by defeated powers (Part VII), and set up a commission to determine the extent of reparations (Part VIII). Were these terms of interactional justice in the Treaty of Versailles too harsh?²³

In fact, the interpretation and enforcement of the interactional terms of justice in the Treaty of Versailles were rather modest, ineffectual, and selective. Although Part VII of the Versailles Treaty called for punishing the Kaiser (Article 227) and those among the defeated powers who were responsible for transgressing laws of war (Articles 228–30), no real punishment was ever effected. Kaiser Wilhelm II, charged with “a supreme offence against international morality and the sanctity of treaties,” lived out his life in Holland without ever facing prosecution. The vast majority of those German soldiers charged with war crimes escaped a guilty verdict or were allowed to escape from prison.²⁴ Gary

²³ This section is drawn from “Justice and moral regeneration: lessons from the Treaty of Versailles,” *International Studies Review* 4, 3 (2002): 3–25.

²⁴ See Geoffrey Robertson, *Crimes against Humanity: The Struggle for Global Justice* (New York: New Press, 1999), 210–11; Gerd Hankel, *The Leipzig Trials: German War Crimes and Their Legal Consequences after World War I* (Republic of Letters, 2014). According to Hankel, the Leipzig Trials became a

Bass has noted that leaders such as British prime minister Lloyd George were worried that the fledgling Weimar Republic would fall if too many Germans were subjected to the trials: he “only wanted to make an example. Trying very large numbers would create great difficulties for the German Government, which he believed to be better than either a Bolshevik Government or a Militarist Government.”²⁵ The largely ineffectual measures of accountability explain why it is Nuremberg after World War II, rather than Versailles, that is considered a historical turning point for the development of principles of accountability for war and war conduct in international relations.

Versailles’s reparations scheme was the main point of political contention, and was almost immediately portrayed as a vindictive imposition of victor’s justice on a defeated Germany and its allies. In tune with an interactional account of justice that sought to hold Germany responsible for the war, leaders of the Allied and Associated powers asked, somewhat sharply and rhetorically, “Somebody must suffer for the consequences of the war. Is it to be Germany, or only the peoples she has wronged?” The legitimacy of exacting reparations from Germany was premised on the Allies’ judgment of Germany’s moral responsibility for initiating the war, and it is in the framework of interactional justice that we may understand their argument at Versailles that “reparation for wrongs inflicted is of the essence of justice.”²⁶ Earlier in August 1918, Lloyd George characterized reparations as a punitive deterrent, arguing that “Germany had committed a great crime . . . and it was necessary to make it impossible that anyone should be tempted to repeat that offence. The Terms of Peace must be tantamount to some penalty for the offence.”²⁷ Under Versailles, reparations constituted a means of holding accountable German leaders and the German people for throwing the world into the abyss of a devastating world war.

Historian Sally Marks has pointed out, however, that charges of exorbitant reparations being imposed on Germany were unfounded. Although Article 235 of the Versailles Treaty required Germany to pay

venue through which the German military established legal justifications for their war crimes rather than be held accountable for them.

²⁵ See Gary Jonathan Bass, *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals* (Princeton, NJ: Princeton University Press, 2002 [2000]), 79.

²⁶ “Reply of the Allied and Associated Powers,” in *The Treaty of Versailles and After*, 48.

²⁷ Quoted in Trachtenberg, *Reparation in World Politics*, 51 and 48.

20 billion gold marks by May 1, 1921, Germany paid only about 8 billion.²⁸ German obligations to make reparations to the Allies were premised on a condition of the armistice reached in November 1918, which required Germany to pay “for all damage done to the civilian population of the Allies and their property by the aggression of Germany by land, by sea and from the air.” During the Paris Peace Conference, the payment of reparations referred specifically to the “restoration of the devastated areas,” and especially of Belgium and northern France, which were ravaged by German forces. As historian Marc Trachtenberg has shown, German troops destroyed important French coal mines while retreating in 1918, an act that had no military purpose but served the economic one of crippling French competition in order to ensure “a postwar market for German exports.” While Article 231 of the Versailles Treaty does not mention “war guilt” at all, it does specify “the responsibility of Germany and her Allies for causing all the loss and damage to which the Allied and Associated Governments and their nationals have been subjected as a consequence of the war imposed upon them by the aggression of Germany and her allies,” and Article 232 limited German liability to civilian damages.²⁹

While there were disputes between the Allied powers about what counted as part of civilian damages and, therefore, part of Germany’s reparative obligations, the system of reparations established in 1921 was based on an Allied assessment of Germany’s capacity to pay, and did not expand based on Allied claims. France suffered the most direct devastation, but Britain had assumed the greatest war costs. France favored privileging reparation payments for direct devastation over other war costs, but this meant that it could claim the greatest share of German reparation payments, and Britain the least, since Britain had suffered little direct civilian damage. The UK succeeded in enlarging

²⁸ According to Trachtenberg, half of the 8 billion was credit granted to Germany for purchases of food and raw material. See Trachtenberg, *Reparation in World Politics*, 205. Sally Marks notes that “20 billion marks is approximately what Germany paid during the entire history of reparations.” See Marks, “The myths of reparations,” 233.

²⁹ Article 231, Versailles Treaty. According to Sally Marks, “The myths of reparations,” the same clause was incorporated into the treaties with Austria and Hungary, “neither of whom interpreted it as a declaration of war guilt” (232). Furthermore, “Austria became so impoverished that she paid no reparations beyond credits for transferred property, while Hungary paid little” (234).

the portion of the reparation pie that it was due by insisting on the inclusion of pensions and separation allowances as part of civilian damages; but whatever increases it received would be at the expense of France, since “inclusion of pensions and allowances increased the British share of the pie but did not enlarge the pie.”³⁰ France initially claimed a distribution whereby it would receive 70 percent of German payments and Britain would receive 20 percent, with the rest going to Belgium, Italy, and Serbia. The British proposed in April 1919 a proportion of 56:28. Negotiations over these percentages continued until 1920, when it was finally agreed that the French–British ratio of German payments would be 52:28.³¹

Ultimately, disagreements about how to distribute the total financial burdens of the war made it impossible to fix a final reparations sum for the treaty, heightening German fears, often manipulated for political reasons, that the “German people would thus be condemned to perpetual slave labour.”³² According to Marks and other historians, the economic disagreements between the Allied powers “played to the advantage of Germany, which effectively resisted paying reparations” as its expression of rejection of the terms of peace. Politically, the battle over reparations in the interwar years was “a struggle for dominance of the European continent and to maintain or reverse the military verdict of 1918.”³³

Historical evidence suggests that influential members of the German business elite expressed their resentment of the moral judgment against Germany by effectively resisting compliance with the reparation demands.³⁴ But concern for the stability of the political transition

³⁰ Marks, “The myths of reparations,” 232.

³¹ Margaret MacMillan, *Paris 1919: Six Months That Changed the World* (New York: Random House, 2001), 192. Trachtenberg claims that the percentage set at the Spa Conference in mid 1920 was 52:22. See Trachtenberg, *Reparation in World Politics*, 72.

³² MacMillan, *Paris 1919*, 192. ³³ Marks, “The myths of reparations,” 255.

³⁴ According to Marks, the German government delayed tax reform and currency stabilization measures, intentionally mismanaging Germany’s economic affairs “in hopes of obtaining substantial reductions in reparations.” See Marks, “The myths of reparations,” 239. Jon Jacobson argues, however, that the German government did not pursue “a contrived and coordinated policy of deliberately promoting inflation to avoid reparation payment . . . Internal political and economic weakness rather than foreign ambition determined German reparation policy.” See Jacobson, “Is there a new international history of the 1920s?,” *The American Historical Review* 88, 3 (1983): 617–645 at 638.

in Germany led Allied leaders, such as Lloyd George, “to take an indulgent attitude toward Germany [on the issue of reparations], to be flexible regarding the treaty, to be generous in allowing time for compliance.” The failure of Allied powers to maintain political solidarity on enforcing the terms of Versailles enabled German denial of responsibility to persist and intensify. For example, the lack of substantial payment of reparations could be explained in one of two ways: either Germany was unable to pay, or it was unwilling to do so. The British were more persuaded by German claims of inability to pay, while the French viewed the lack of payment as an indication that “defeat and revolution had not really transformed the German spirit.”³⁵ While French leaders were not willing to be indulgent, they lacked the means to enforce compliance. Jacques Seydoux for the French Foreign Ministry concluded, “Through threats alone, France had been unable to force Germany to make a serious effort; on the other hand, to go in and reorganize all of Germany, he later wrote, was ‘beyond our power.’”³⁶ As Jacobson has put the dilemma, “The potential cost of the fulfillment of the Versailles Treaty . . . was either the end of democratic conditions in Germany or its loss of economic and territorial sovereignty.”³⁷ In a world exhausted by war and increasingly reluctant to employ force to obtain compliance, a militarily defeated but unrepentant Germany effectively evaded the terms of accountability set out in Versailles. This combination of factors meant that the mechanisms of settling accounts laid out in the Treaty of Versailles – trials and reparations – were largely ineffectual rather than overly harsh in their effects on Germany. Indeed, the incongruence between the punitive terms of Versailles and their lack of punitive effects on Germany is striking.

The case of Versailles shows that the moral and political efficacy of terms of interactional justice, including reparations as a mechanism of accountability, depends on several critical factors. For one thing, the imposition of reparations against defeated parties can easily look like self-aggrandizement or a continuation of domination if exacted by the victors in the absence of an authoritative framework that reflects a

³⁵ Trachtenberg, *Reparation in World Politics*, 99. ³⁶ *Ibid.*, 103 and 273.

³⁷ Jacobson, “Is there a new international history of the 1920s?,” 638.

wider communal judgment of the moral entitlements and responsibilities of the victors and the vanquished. This is to say that in international relations, the viability of justifying reparations as a component of interactional justice depends on the comprehensiveness and content of the terms of structural justice that mediate and organize agents' relations and activities, and whether these terms provide for judgments of responsibility and accountability of the parties involved in the practice of war. In this way, the terms of interactional corrective justice are dependent on the terms of structural and distributive justice; to the extent that the terms of structural and distributive justice are contested, ambiguous, incomplete, or absent, the terms of interactional justice will be more conditional.

Practices of interactional corrective justice typically depend on the terms of structural and distributive justice that produce certain background conditions and a spectrum of available social positions, from which agents derive their rights and responsibilities. Accountability in the forms of retributive and reparative (or compensatory) justice may be important requirements of structural justice (without which a social structure may place victims in an intolerable social position), but what victims can demand in the way of accountability, compensation, or reparation must also be limited or conditioned to a significant extent by considerations of structural and distributive justice.

A clear accounting of what was required of Germany in the way of reparations as a matter of interactional justice was thus hampered by a failure of justice of a different kind. In the aftermath of World War I, with an unrepentant Germany stalling on reparation payments, the political necessity of reconstructing the devastated areas and resolving the payment of general war costs raised the problem of distributive justice between the victorious Allies. Reparations from the defeated powers for civilian damages constituted only a subset of the total "war costs" incurred by the belligerents in the war.³⁸ Although the framework of interactional justice might demand that Germany pay for post-war reconstruction, an alternative framework that focused on structural justice might have generated a moral duty of the international community as a whole to restore areas devastated by Germany. On this view, Germany was not the only state that had obligations to help

³⁸ Trachtenberg, *Reparation in World Politics*, 43.

the victims of the war. This is indeed how the French hoped to recover economically from the war: “French leaders looked not to Germany but to their allies for a solution.” The French minister of commerce in 1918, Étienne Clémentel, envisaged a global fund to restore the ravaged areas, the creation of an Allied economic bloc strong enough to restrain German ambitions, and the eventual development of an “economic union of free peoples” into which Germans could ultimately be integrated.³⁹ Unfortunately, the community of sacrifice that had been forged in war failed to persist in peace.

The history of the negotiations between the Allied and Associated powers over the economic reconstruction of Europe reveals little sense of communal obligation between them. The US remained aloof from its European allies, and while it contributed militarily to Germany’s defeat and was willing to fund the Allied war effort through loans, “America expected to be paid back.” Instead of exhibiting economic confidence in its allies and promoting economic solidarity, American officials were motivated by mistrust of European economic management skills and by a sense of Anglo-American economic rivalry. American abandonment of the wartime system of economic cooperation meant a denial of the French view of distributive justice during the period of economic reconstruction, which involved the pooling of war costs, and the reapportionment of inter-Allied debt, with “each nation paying according to its ability.”⁴⁰ Without American cooperation with these proposals, the economic recovery of the European belligerents came to rely more on the payments that could be extracted from Germany.

A redistribution of war costs would have enabled the economic regeneration of France and Belgium, and a strong Allied economic union could have protected everyone even from an unrepentant Germany, and in time may have provided the material basis for political reconciliation.⁴¹ Instead, “the net effect of World War I and the peace settlement was the effective enhancement of Germany’s

³⁹ *Ibid.*, 1 and 17.

⁴⁰ *Ibid.*, 21 and 54. Albert Rathbone, an Assistant Secretary of the US Treasury, wrote in a letter of March 1919, “The Treasury . . . will not assent to any discussion at the peace conference, or elsewhere, of any plan or arrangement for the release, consolidation or reapportionment of the obligations of foreign governments held by the US. The Treasury would discontinue advances to any government that supported such schemes” (54–55).

⁴¹ Jacobson, “Is there a new international history of the 1920s?,” 633.

relative strength in Europe, particularly in regard to her immediate neighbours.”⁴²

IV Versailles and the Colonial International Order

In the course of the war, some old orders collapsed – including the Russian, Ottoman, German, and Austro-Hungarian empires – and in their wake arose new political demands. When the Russian empire folded, its revolutionaries called for “the establishment of permanent peace on the basis of the self-determination of peoples.” The Russian Bolsheviks who would lead the October 1917 revolution gave the right of national self-determination a radical interpretation that translated into a right of the colonized to overthrow their colonial masters. The new world order envisaged by Lenin and the Russian revolutionaries heralded “the liberation of all colonies; the liberation of all dependent, oppressed, and non-sovereign peoples.” Although Russia was in turmoil from civil war in 1919, colonized peoples around the world held great hope that the Paris peace process would herald a new, more just world order. Surendranath Banerjee, a prominent moderate leader, noted at the 1916 Indian National Congress that the enormity of the war meant that the world was “on the eve of a great reconstruction.”⁴³ The expectations of an improved international order gripped not only anticolonial political elites but also civil society. One group of Chinese students in Britain, for example, established a League of Nations society, stating that the new world order must not be “a League of great Nations and smaller Nations as satellites, but a League of all Nations with equality of rights before the Law.”⁴⁴

US president Woodrow Wilson had a somewhat less radical interpretation of the right to self-determination, which did not explicitly entail the dissolution of empires. Rather, Wilson’s account of self-determination involved a requirement that imperial governance conform to a standard of political legitimacy based on the consent of the governed. According to historian Erez Manela, the “Wilsonian moment” in international relations promised an international order based on “equality among legitimate polities governed by popular consent.” Wilson’s congressional speech known as “The Fourteen Points”

⁴² Marks, “The myths of reparations,” 255.

⁴³ Manela, *The Wilsonian Moment*, 37 and 82. ⁴⁴ *Ibid.*, 117.

included the call that a lasting peace required “a reordering of international society on the basis of the principles of government by consent, the equality of nations, and international cooperation.”⁴⁵ As Manela has explained, Lenin and Wilson posed two different conceptions of self-determination as a prerequisite for overturning the structural injustice of the existing international system. According to the Bolsheviks, the principle of “national” self-determination was a “call for the revolutionary overthrow of colonial and imperial rule through an appeal to the national identity and aspirations of subject peoples.” Wilson tied self-determination not to national independence but to self-government, consent of the governed, popular sovereignty, and an international order based on democratic forms of government. While Lenin saw self-determination as a “revolutionary principle” that would aid in the overthrow of an imperial capitalist world order, Wilson saw self-determination as a potential “antidote” to the communist “revolutionary impulse” by aligning colonial administration more closely with the basic autonomy and welfare interests of subject populations.⁴⁶

This dispute about what the principle of self-determination entailed represents a political struggle over the terms of international structural justice. Is structural justice at the international level compatible with a colonial international order that establishes a hierarchy among states and peoples based on a standard of civilization, designating some as civilized, and others as dependent, backward, or insufficiently civilized to govern themselves? Or does structural justice at

⁴⁵ Quoted *ibid.*, 16. Wilson’s speech to Congress, the “Fourteen Points,” was delivered on January 8, 1918. Although Wilson did not actually use the term “self-determination” until February 1918, Point 5 did assert that colonial claims would be settled in a “free, open minded, and absolutely impartial manner, based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the populations concerned must have equal weight with the equitable claims of the government whose title is to be determined” (40).

⁴⁶ Manela, *The Wilsonian Moment*, 42–43. Communist parties were not immune from the racialized prejudices and hierarchies of white-dominated labor unions in this period. The tendency of the American Communist movement, founded in 1919, was initially to reduce the “Negro question” to “an economic or class question to be settled when the general rights of labour were established through revolution.” For a history of the relationship between communist parties of South Africa and the US with the black working class from the end of World War I to 1950, see Edward Johanningsmeier, “Communist and Black Freedom movements in South Africa and the US: 1919–50,” *Journal of Southern African Studies* 30, 1 (2004): 155–80 at 159.

the international level require the repudiation of colonial international order, and the establishment of a global order that forsakes the standard of civilization as a criteria for self-determination, thereby opening the way to full and equal recognition of the right of all peoples to self-determination?

The architects of the Paris Peace Conference had to engage with the issue of colonialism, and the peace settlements of 1919–1923 did represent the “most far-reaching and widest-ranging system of treaties made up to that time.”⁴⁷ With respect to colonialism, Versailles was unusual for acknowledging and implementing a settling of accounts for colonial atrocities. In particular, the Allied powers were adamant that Germany would lose its colonies. To that end, in 1917, the British government commissioned Major Thomas Leslie O’Reilly to draft a report on German colonial misdeeds in South West Africa. Known as the “Blue Book” (a term for all British Parliamentary Reports),⁴⁸ the report described the policy of settlement, and the deterioration of relations between German settlers and the indigenous peoples of the territory, mainly the Herero and Nama peoples. In the wake of the 1904 “uprising” by the Herero, the report details the policy of extermination pursued by German colonial forces, led by General Lothar von Trotha, who gave the following order on October 2, 1904: “I, the Great General of the German troops, send this letter to the Herero people. Hereros are no longer German subjects. All Hereros must leave the land. If the people do not want this, then I will force them to do so with the Big Gun. Any Herero found within the German borders, with or without a gun, with or without cattle, will be shot. I shall no longer receive any women and children. I will drive them back to their people, or I will shoot them. This is my decision for the Herero people.”⁴⁹ The report’s thorough account of the ensuing genocide of the Herero included photographic evidence and sworn statements of survivors, as well as witnesses, including members of the Nama tribes who had helped the German colonial military, the

⁴⁷ “Preface,” in *The Treaty of Versailles and After*, iii.

⁴⁸ The full title of the report was “Union of South Africa – report on the natives of South-West Africa and their treatment by Germany.” See Jeremy Silvester and Jan-Bart Gewald, eds., *Words Cannot Be Found: German Colonial Rule in Namibia: An Annotated Reprint of the 1918 Blue Book* (Leiden: Brill, 2003).

⁴⁹ Quoted in Uazuva Kaumbi, “Namibia: official support for Herero reparation struggle,” *New African*, December 2006, 47.

Schutztruppe, to track the Herero. The 212-page report also provided details of the subsequent German campaigns against the Nama and the institution of “concentration camps” in Lüderitz, and on Shark Island, between 1904 and 1907, that served as forced labor and extermination camps for Herero and Nama prisoners from the “uprisings,” most of whom were women and children.⁵⁰ In addition, the report also documented everyday brutalities of German colonial administration and disciplinary practices, including photographs of floggings and hangings. It is estimated that in Germany’s campaign to colonize South West Africa, over three-quarters of the entire Herero population (up to eighty thousand out of a population of one hundred thousand), as well as half of the Nama people, were killed, either in battle or due to harsh conditions imposed by German troops. As David Olusoga and Casper Erichsen note, “The Blue Book stands almost entirely alone as a reliable and comprehensive exploration of the disinheritance and destruction of indigenous peoples.”⁵¹

At Versailles, the German atrocities in South West Africa were compared with those committed by the German army in Europe, especially against Belgian civilians. Germany’s record of genocide and atrocities against the peoples of South West Africa was given as evidence of Germany’s inability to realize colonialism as a civilizing mission. According to Allied leaders, in their justification of placing most German colonies under the mandates system of the League of Nations, Germany’s initiation of the war constituted “the greatest crime against humanity and the freedom of peoples that any nation, calling itself civilized, has ever consciously committed.” In addition, atrocities committed under German colonial rule made it impossible “to entrust to her the responsibility for the training and education of their inhabitants.”⁵² Unlike Lenin, however, Wilson was not prepared to challenge colonial

⁵⁰ According to existing records, of the 2,400 Nama prisoners from the war against the Germans that began in 1904 who were sent to the concentration camps, only 500 were alive when the camps were closed in April 1907, and only 248 of those remained alive by 1909. The Herero who were imprisoned earlier, starting in 1904, died in similar numbers, although official statistics did not begin to be recorded until April 1906. See David Olusoga and Casper W. Erichsen, *The Kaiser’s Holocaust: Germany’s Forgotten Genocide* (London: Faber and Faber, 2010), 229–30.

⁵¹ *Ibid.*, 264.

⁵² Quoted in Susan Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (Oxford: Oxford University Press, 2015), 33.

international order completely; thus he supported the idea of gradual reforms, instituting mandates over colonial territories, with “advanced powers” serving as trustees.

On the subject of colonies, then, Versailles “dealt only with colonial issues that arose directly from the war, largely those related to former German and Ottoman possessions outside Europe.” With respect to these territories in Africa (such as South West Africa), the Middle East, and the Pacific, the League of Nations instituted a Permanent Mandates Commission, which was “to receive and examine the annual reports of the Mandatories and to advise the [League of Nations] Council on all matters relating to the observance of the mandates.”⁵³ Article 22 of the Covenant of the League of Nations gave “advanced nations” the power to govern colonies and territories that were relinquished by the defeated – Germany and the Ottoman empire – and that were deemed to contain “peoples not yet able to stand by themselves under the strenuous conditions of the modern world.”

The mandate system that dealt with colonies and territories from the defeated powers was a part of the most significant institutional instrument of international structural justice that came out of Versailles – the Covenant of the League of Nations – and this institutional innovation certainly enjoyed pride of place in the Treaty of Versailles (Part I), establishing the terms of international order following World War I. Leaders of the colonized expected that their grievances could be taken to the League of Nations for international adjudication, a hope not supported by the colonial powers that dominated the Versailles peace process, and eventually the operation of the League. For example, while a British commission to investigate “colonial disturbances” in Egypt in December 1919 viewed such matters to be “an imperial issue” to be negotiated between colonized and colonizer, Egyptian activists expected their conflict with Britain to be recognized as “a conflict between equals that should be adjudicated by the international community [at the League of Nations] on the basis of Wilsonian principles.”⁵⁴ The final text of the Covenant of the League of Nations, however, did not include the term “self-determination” and offered little of substance to colonized and subjugated populations seeking

⁵³ The Mandates Commission was very much “an imperialists’ club,” containing many retired colonial governors, ministers, or high officials. *Ibid.*, 61.

⁵⁴ Manela, *The Wilsonian Moment*, 156.

mutually affirmable terms of international political association. The Paris Peace Conference thus failed to redress one of the most constitutive and consequential structural injustices in the international system.

These emerging terms of international structural justice set the terms of interactional justice between agents. Article 22 classified mandate territories into three separate groups according to their degree of advancement; thus, under the terms of Versailles, South West Africa became a Class C mandate and was placed under the control of the Union of South Africa.⁵⁵ As Robbie Shilliam has noted, this decision at Versailles involved a rejection of another proposal that, if adopted, might have kick-started the decolonization of international order. The rejected proposal was made by Marcus Garvey's Pan-African Universal Negro Improvement Association (UNIA), which petitioned the League of Nations in 1922 to place the mandated German colonies in Africa under its control.⁵⁶ The settling of accounts for the Herero and the Nama in South West Africa thus did not result in their independence from all colonial powers or racial domination, only from German colonial rule. The solidarity forged by a doctrine of white supremacy also ensured that the transfer of power from Berlin to Pretoria protected the German settler colonial population and the influx of Afrikaners by maintaining "the standing of the white race."⁵⁷ Thus, in less than a decade, in 1926, the British and South African governments ordered that the Blue Book be destroyed as part of a postwar reconciliation

⁵⁵ For a thorough critique of the mandate system and the imperial origins of international law, see Antony Anghie, *Imperialism, Sovereignty and the Making of International Law*, 115–95.

⁵⁶ Robbie Shilliam, "What about Marcus Garvey? Race and the transformation of sovereignty debate," *Review of International Studies* 32, 3 (2006): 379–400 at 380. The UNIA represented a potential path toward decolonizing international and transnational social structures, although Garvey acknowledged that there were internal tensions in the Pan-African political project, proclaiming that "Black capitalists could be as exploitative of the 'menu people' as their white counterparts." *Ibid.*, 398.

⁵⁷ Olusoga and Erichsen, *The Kaiser's Holocaust*, 258; and Pedersen, *The Guardians*, 116. Another example of the assertion of white supremacy in shaping the League of Nations occurred early on, in February 1919, when the League framers rejected a "racial equality clause," proposed by Japan, the only nonwhite country recognized as a "great power" at Versailles. At the same time, it should be acknowledged that imperial Japan was not motivated by any commitment to a contemporary notion of universal racial equality but primarily by its insecurity as a great power in a Eurocentric international order. See Naoko Shimazu, *Japan, Race and Equality: The Racial Equality Principle of 1919* (New York: Routledge, 1998).

effort to integrate better the German-speaking white settler population of the territory within the new South African mandatory colonial project.

The League Covenant envisaged the mandate system to institute international oversight of colonial administrations, as a way of guaranteeing “the principle that the well-being and development of such peoples form a sacred trust of civilisation” (Article 22). Yet as historian Susan Pedersen documents in her thorough examination of the mandate system, “mandatory oversight was supposed to make imperial rule more humane and therefore more legitimate; it was to ‘uplift’ backward populations and – so its more idealistic supporters hoped – even to prepare them for self-rule. It did not do these things: mandated territories were not better governed than colonies across the board and in some cases were governed more oppressively; claims by populations under League oversight for political rights were more often met with repression than conciliation.”⁵⁸ Thus, while the “mandate principle” for the governance of colonial possessions of the defeated powers held possibilities for independence, “with the league controlled by imperialist powers, the mandate system became not much more than a shadow of what it was intended to be.”⁵⁹ Not surprisingly, the disappointing outcomes of Versailles fed “a growing sense of estrangement from the Western-dominated international society.”⁶⁰

V German Alienation from the Postwar International Order

Faced with the devastation wrought by the First World War, cynicism about societal values as well as political and social institutions – domestic and international – was pervasive.⁶¹ The experience of world war not only produced alienation between warring parties but also agents’ structural alienation from domestic and international social/political orders, from the domestic patriarchal family to the “family of nations.”⁶² According to some international relations scholars, the alienation between belligerents produced by a brutal

⁵⁸ Pedersen, *The Guardians*, 4. On the miserable plight of the Bondelswarts (Nama) under South African mandatory rule, see her Chapter 4 (112–41).

⁵⁹ Manela, *The Wilsonian Moment*, 25 and 61. ⁶⁰ *Ibid.*, 186.

⁶¹ This section is drawn from my “Shame, guilt and reconciliation after war,” *The European Journal of Social Theory* 11, 3 (August 2008): 367–83.

⁶² Martel, “A comment,” in *The Treaty of Versailles: A Reassessment after 75 Years*, 635.

and lengthy war explains why the architects of Versailles pursued hard-hearted justice at the expense of reconciliation: "There was little sentiment among the victors for reconciliation with the beaten foe. The impulse was rather to punish him, to place burdens upon him that would prevent his recovery or delay it for an indefinite period . . . Too many of the participants were unreconciled and bent solely upon the most Draconian forms of punishment against the Germans or the Austrians or the Turks."⁶³ But were the architects of Versailles irreconcilable with Germany and bent on its destruction?

Marc Trachtenberg has documented that while strict justice might have dictated that Germany should pay to rebuild the areas it had devastated, French leaders understood that this "would completely crush [Germany] and reduce her to a state of economic bondage which would strip away from humanity all hope of a lasting peace." French leaders posited that French security would best be achieved through "economic collaboration" with Germany, and that "the surest way of re-establishing between the two countries a peace worthy of the name is by working to join together their material interests."⁶⁴ No matter how devastating the consequences of war, then, reparative claims against Germany had to be limited, not only practically but also morally, by considerations of a future international order that included both Germany and France.

While French policy makers ultimately conceived of reparations as part of a conciliatory project, Germans at the time were uniformly convinced of the injustice of Versailles.⁶⁵ One source of alienation was the Versailles peace process itself. No direct oral discussions were admitted between the Allied and German delegations, and at the signing of the treaty, the two German delegates, denied seats at the table, were "ushered in and out of the hall like criminals escorted to and from the dock."⁶⁶ E. H. Carr wrote of the "unnecessary humiliations" of the process, which "fixed in the consciousness of the German people the conception of a 'dictated peace'; and they helped to create the

⁶³ Gordon A. Craig and Alexander L. George, *Force and Statecraft: Diplomatic Problems of Our Time*, 2nd ed. (Oxford: Oxford University Press, 1990), 50–51.

⁶⁴ Trachtenberg, *Reparation in World Politics*, 18, 100, and 158.

⁶⁵ Eric D. Weitz, *Weimar Germany: Promise and Tragedy* (Princeton, NJ: Princeton University Press, 2007), 38.

⁶⁶ David A. Welch, *Justice and the Genesis of War* (Cambridge: Cambridge University Press, 1993), 128.

belief, which became universal in Germany and was tacitly accepted by a large body of opinion in other countries, that the signature extorted from Germany in these conditions was not morally binding on her.”⁶⁷ Indeed, it was not the old imperial regime but representatives of the new democratic German government who, on June 23, 1919, declared that “yielding to superior force and without renouncing in the meantime its own view of the unheard of injustice of the peace conditions . . . it is ready to accept and sign the peace conditions imposed” by the Allied delegation at Versailles.⁶⁸ Neither the process nor the terms of interactional justice set out in Versailles fostered feelings of guilt and shame among the vanquished about Germany’s role in precipitating the war; instead, feeling victimized at Versailles, Germans became preoccupied with expressing their rejection of the peace.

This story about Versailles precipitating the failure of reconciliation, and causing subsequent violent political conflict, however, is too simple. Such an interpretation obscures the deep political divides and contestations that pervaded German postwar politics. Between 1918 and 1933, political conflict within Germany included differences in political responses to the perceived injustices of Versailles. Eric Weitz’s study of the Weimar Republic reveals that Germany at war’s end was teeming with calls for radical political and social transformation. The revolution of 1918–1919, started by sailors in Kiel, gained popular momentum in its call “for an immediate end to the war, the removal of the Kaiser and his generals, and a new, democratic government.” The experience of defeat after a brutalizing war that killed 2 million German men and wounded 4.2 million more created the political conditions for great transformations.⁶⁹

The Weimar democratic revolution, however, was incomplete as it left in place entrenched conservative elites who remained stalwart enemies of the fledgling democracy.⁷⁰ The revolution in Germany exposed deep political divisions among the vanquished that promised to precipitate a thorough and critical self-examination, but influential parts

⁶⁷ E. H. Carr, *International Relations between the Two World Wars (1919–1939)* (London: Macmillan, 1965), 5 and 46.

⁶⁸ Finch, “The peace negotiations with Germany,” 554. Finch was assistant technical advisor to the American delegation at the peace conference.

⁶⁹ Weitz, *Weimar Germany*, 18.

⁷⁰ See also Hans Mommsen, *The Rise and Fall of Weimar Germany*, trans. Elborg Forster and Larry Eugene Jones (Chapel Hill: University of North Carolina Press, 1996), 76.

of the conservative elite were able to subvert this politically painful and potentially transformative process by uniting Germans against Versailles. Any account of the reasons for the failure of reconciliation after World War I thus must include the established conservative elite's denial of defeat and hostile attitude toward the democratic republic; it was the self-serving strategy of this conservative elite to magnify the flaws of Versailles and popularize the interpretation of Versailles as a "ritual of humiliation." In this light, the flaws of Versailles served as a convenient excuse for conservatives to resist the painful examination and repudiation of Germany's authoritarian and militarist traditions.

It is also important to remember that although Germans of the entire political spectrum considered Versailles to be deeply unjust, they differed on how to respond politically to the "humiliation." By 1925, for example, the Weimar government under the conservative Gustav Stresemann had chosen a policy of "fulfillment": Germany would meet its treaty commitments while negotiating their revision. By September 1926, Germany had gained admission to the League of Nations, and in August 1928, Germany became part of the initial group of states to sign the Kellogg–Briand Pact, renouncing war as a means of resolving political conflicts.⁷¹ Ultimately, however, the failure of established conservatives to relinquish their dreams of empire and great-power status fed their illusions of a betrayed military and their permanent hostility toward the "traitorous" democracy.

Weitz argues that the mistake made by the Social Democrats in the revolution after World War I was "their refusal to challenge the social and economic bases of elite power in the army, churches, economy, universities and state bureaucracy." In pandering to the political right, the Weimar democrats chose a strategy that would yield dire antidemocratic consequences in the 1930s when political, social, and economic conditions deteriorated with the onset of the Great Depression. While the National Socialist and other radical movements were politically marginal in the 1920s, Nazi propaganda about rectifying the "national shame" started to achieve significant political results only with the aid of two other factors: "the support of the established Right and the Depression."⁷²

Conservative elites sought to displace the pain of a shameful defeat by vilifying the Weimar Republic and exploiting contemporary

⁷¹ Weitz, *Weimar Germany*, 205 and 109. ⁷² *Ibid.*, 349 and 359.

political and economic crises to effect its overthrow. The hideous transformation of German politics by the National Socialists thus required the complicity of the reactionary conservative elites who continued to aspire to “an authoritarian system domestically and a revival of Germany’s great-power status internationally.” In this vein, Weitz argues that the rise of National Socialism was “a counterrevolution” against the postwar democratic transformations effected under the Weimar Republic. With the help of reactionary conservatives, the National Socialists thus effected another kind of internal revolution that spelled permanent irreconciliation with the postwar international order.⁷³ In this sense, Germany’s estrangement was primarily structural and directed at the international status order that deprived it of one of the major markers of great-power status.⁷⁴ The historical record thus significantly refutes assessments of Versailles as a punitive and humiliating peace imposed by irreconcilable victors on the vanquished. The problems of the war’s estrangements also lay elsewhere.

VI Anticolonial Struggle: From Interactional to International Structural Reconciliation

The case of Weimar Germany shows that agents may be alienated not only from each other but also from the social and political institutions and orders that accord their status and rights and mediate their activities. Problematic structures and practices of international organization may also contribute to sustaining some agents’ problematic views of what ambitions they can legitimately pursue and what constraints merit respectful compliance. While German colonial ambitions had various internal drivers,⁷⁵ German conservative elites did not continue to dream of empire *despite* the postwar international order but partly because of it. As Shogo Suzuki has explained, European international society was “Janus-faced” and, even after Versailles, required cordial relations based on respect for international law between

⁷³ *Ibid.*, 357–58.

⁷⁴ On the significance of status-respect in international relations, see Reinhard Wolf, “Respect and disrespect in international politics: the significance of status recognition,” *International Theory* 3, 1 (2011): 105–42.

⁷⁵ See Bradley Naranch and Geoff Eley, eds., *German Colonialism in a Global Age* (Durham, NC: Duke University Press, 2014).

“civilized” states and the “adoption of coercive policies towards ‘uncivilized’ states as an inherent part of a ‘civilized’ state’s identity.”⁷⁶

Many subjugated peoples in the colonial international order of the early twentieth century hoped that the terms of Versailles which dealt with the defeat or collapse of empires by recognizing the independence of Poland, Ireland, and Czechoslovakia, for example, would be applied more generally to all subjected colonies and territories.⁷⁷ Chinese political reformer Kang Youwei praised Wilson’s plan for a League of Nations, believing it to be a fulfillment of the Confucian ideal of *datong*, or universal peace.⁷⁸ But Versailles did not establish an international order that would vindicate these aspirations. Despite the March First protests against Japanese colonial rule that took place in Seoul and, subsequently, the entire peninsula, in 1919, the question of Korea, and the validity of its annexation by Japan in 1910, did not even get raised at the official peace negotiations, given the decision by the victorious great powers to limit the peace conference to dealing with “only questions emanating directly from the war.”⁷⁹

Even within that limit, however, Chinese aspirations for self-determination were effectively eclipsed at Versailles. The most prominent test of the principle’s application in Asia was in the case of Shandong Province, a German-controlled territory that was captured by Japan early in the war. China sought the province’s return to Chinese sovereignty, but the British and French governments were committed to honoring their secret wartime agreements with Japan to recognize the latter’s seizure of Shandong as legitimate, in return for its participation in the Allied war effort. The decision of the Big Three – Lloyd George, Clemenceau, and Wilson – to accept the Japanese claim to Shandong at the end of April 1919 sparked the May Fourth student demonstration in front of Tiananmen (the Gate of Heavenly Peace) that became a mass protest movement against the terms of the postwar colonial international order. Thus, China became the only represented state at the Paris Peace Conference not to sign the treaty, when its two delegates were prevented from attending the official signing ceremony

⁷⁶ See Shogo Suzuki, “Japan’s socialization into Janus-faced European international society,” *European Journal of International Relations* 11, 1 (2005): 137–64 at 139.

⁷⁷ For Korean aspirations, see Manela, *The Wilsonian Moment*, 207.

⁷⁸ *Ibid.*, 108–9. ⁷⁹ *Ibid.*, 166.

on June 28, 1919, by Chinese students outraged about the Shangdong decision.⁸⁰

As discussed earlier, although the victorious powers did not overtly adopt a policy of annexation of the colonies and territories in Africa, the Middle East, and the Pacific that had been under the sovereignty of the defeated powers, they also did not institute an international regime that recognized the self-determination claims of such groups.⁸¹ The League of Nations Permanent Mandates Commission that was to supervise these colonies and territories came to exhibit deep contestations and contradictions over the terms of international structural reconciliation. This was most apparent in the petition process established in 1923 by the League of Nations Council, which enabled populations subjected to mandatory rule to protest the conduct of countries that were mandatory powers, and to assert their claims as peoples entitled to political independence.⁸² Such protests and petitions from the mandated territories were subject to discussion by the Mandates Commission, distributed to all state members of the League of Nations, and publicly accessible to the world.⁸³ The mandate system, however, was structurally limited as a mechanism for fostering any conciliatory dialogue between subject populations and their mandatory power, since according to the mandatory powers and the Mandates Commission, the system “was a contract between the mandatory power

⁸⁰ Ibid., 181. In fact, Japan did return the territory to China in 1922, under pressure from the US (216).

⁸¹ One exception was the Mandate for Palestine, made effective in September 1923. The Mandate incorporated Britain’s Balfour Declaration of 1917, which obligated the mandatory power to “secure the establishment of the Jewish national home” as well as “the civil and religious rights of all the inhabitants of Palestine.” This dual but uneven obligation, toward establishing Jewish nationhood in Palestine, but only recognizing the civil rights of Palestinian Arabs in the territory, “reflected the great disparity in political leverage between the two populations.” Not surprisingly, Palestinian Arabs, who made up 89 percent of the population in Palestine in the 1920s, came to be alienated from the new international order that adjudicated their claims in these unequal terms. See Natasha Wheatley, “Mandatory interpretation: Legal hermeneutics and the new international order in Arab and Jewish petitions to the League of Nations,” *Past and Present: A Journal of Historical Studies*, 227, 1 (2015): 205–48 at 215–16. Thanks to Laila Parsons for her assistance with this reference.

⁸² A case of North American indigenous peoples attempting to assert their claims to international standing at the League of Nations is discussed in Chapter 6.

⁸³ Pedersen, *The Guardians*, 83.

and the League, not between the League and the local population.” While key figures of the Mandates Commission tried to uphold mandate principles as a check against France and Great Britain, the two main mandatory powers, their efforts were ultimately limited by these imperial powers that were deeply resistant to international oversight on their plans.⁸⁴ Through the various conflicts that arose over the interwar years, “the Commission, the mandatory powers, and the mandated populations struggled to shape the principles and character of the new mandates regime. The programme that emerged was at once paternalistic and authoritarian, rhetorically progressive and politically retrograde – a programme perfectly tailored to the task of rehabilitating the imperial order at its moment of greatest disarray.”⁸⁵

According to the argument forwarded in this chapter, these political struggles were not only struggles for justice, and not merely struggles for interactional reconciliation between the subjugated and their colonizers, but they also represent emerging struggles by agents about the terms of their reconciliation with the emerging international and global order. As Pedersen has noted, petitioning allowed petitioners “to enter and speak in a multi-vocal, international arena” and “was one of the key mechanisms (publicity being another) through which a previously binary relationship – colonizer, colonized – was triangulated.”⁸⁶ This “internationalization” of colonial conflicts exposed the international structural foundations of colonial relations and practices. Through various conflicts brought to the Mandates Commission and the League of Nations in the 1920s and 1930s, subjected populations expressed their rejection of the colonial structures of international order. At the same time, dissident political movements in the colonies, while varied in their view of the political alternatives, were typically led by many who were educated and socialized in the West, and therefore sympathetic with Western, democratic, liberal, as well as imperial and racist values.⁸⁷ Yet in failing to address the fundamental structural injustice

⁸⁴ Petitions had to be submitted through government channels of the mandatory power and were considered “receivable” only if they did not call the terms of the mandate itself into question. Although “between 1925–1939 the Commission submitted some 325 separate reports” to the League Council, most petitions “did not normally win the petitioner redress.” See *ibid.*, 85–86 and 91.

⁸⁵ *Ibid.*, 111. ⁸⁶ *Ibid.*, 94.

⁸⁷ In discussing Egyptian, Indian, Chinese, and Korean anticolonialists, Manela observes, “The notions of racial and civilizational hierarchies that served as a

and source of structural alienation of the colonial international system, Versailles ensured another century of international and transnational political conflict over the terms of justice and reconciliation between peoples in international relations. Indeed, although anticolonial struggles failed in 1919, “political programs and organizations committed to self-determination became more powerful and more pervasive than before.”⁸⁸

VII Conclusion

In the aftermath of World War I, a defeated but intransigent Germany was not so much relationally unreconciled to the victor states, as structurally unreconciled to the terms of the new international order that, while depriving Germany of its colonies, continued to validate colonialism as a marker of great-power status. As the historical record shows, the main failure of the architects of Versailles with respect to justice was not in being too harsh on demanding German accountability; rather, it was in the failure of the Allied powers to commit to various components of structural and distributive justice. First, they failed to achieve justice in the distribution of war costs among themselves, which exacerbated the interactional justice issue of war reparations to be paid by Germany. The lack of commitment by the victors to structural justice and reconciliation in Europe resulted in a continent that was unprepared to defend against an unrepentant Germany that was increasingly unreconciled to its status in the international order. To the extent that the architects of Versailles failed, it was in their inability to agree on, and effectively implement, terms of structural and distributive justice that would have enabled the economic recovery of Europe in a way that could check a defeated but unreconciled Germany.

Second, a related structural failure of Versailles was its architects’ shallow commitment to transform the international order in response to demands for equality, inclusion, and self-determination by colonized

central legitimating tenet of the imperial order in international affairs were not at the time limited to Europeans alone.” See Manela, *The Wilsonian Moment*, 153. On anticolonial politics based on equality and inclusion in the French empire, see Adria K. Lawrence, *Imperial Rule and the Politics of Nationalism: Anti-Colonial Protest in the French Empire* (Cambridge: Cambridge University Press, 2013).

⁸⁸ Manela, *The Wilsonian Moment*, 221–24.

peoples. While US president Woodrow Wilson and other Allied leaders proclaimed that the new international order would be based on the principle of self-determination, and while German colonial atrocities in South West Africa served as a justification for depriving the country of colonies, Versailles left a structurally unjust colonial international order intact. In denying equal standing to make claims of self-determination or inclusion to the colonized, Versailles and its institutional product, the League of Nations, were, in a significant sense, failures in terms of correcting a fundamental structural injustice of the international system. This failure continued and deepened the alienation of colonized groups and peoples from the interstate order established and dominated by Western powers and provoked and shaped the course of anticolonial and anti-imperial political struggles that occupied much of world politics in the twentieth century and that continue to shape contemporary trends in global political conflict in the twenty-first century.

The conclusion of World War II heralded the development of liberal institutions of settling accounts, focused predominantly on victims and perpetrators of internationally wrongful conduct, including aggression, war crimes, and crimes against humanity. Justice as settling accounts involves two principles: accountability of those responsible for wrongdoing and reparation of those who suffered undeserved harms or losses. But who can claim to be a victim? And what does it mean to give victims their due? The next chapter tackles these thorny questions as they relate to conditions and experiences of international and transnational political catastrophe, including those that involve violent anticolonial and anti-imperial conflict.