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Triin Tark*

Reproducing Terminological Ambiguity: Ethnic Minorities in the Translations of the Estonian 1925 Cultural Autonomy Law

* Independent researcher, triint11@gmail.com

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Abstract

This article discusses the early 20th-century challenges of conveying the concept of »ethnicity« when translating legal texts. To this end, the Cultural Autonomy Law adopted in Estonia in 1925 is analysed by comparing the Estonian original of the law, the English and French translations published in the official journal of the League of Nations, the French draft version, and the unofficial German translation the English published version and the French draft were based on. In doing so, parallels are drawn with other minority-related documents of the League of Nations. The analysis shows that the translators did not aim to maintain the terminological consistency characteristic of the Estonian original. Instead, a diverse set of grammatical choices and vocabulary was employed. The choices made by the League of Nations' officials and translators in this and other cases show that different words were routinely used as synonyms to convey a diffuse concept reflecting the perceived diversity of mostly European societies and the boundaries between the majority and minority communities within a country. The eclectic vocabulary in early 20th-century minority-related legal texts and translations thus requires modern readers to be attentive in assessing the meaning of abstract key concepts in the minority-related legal texts of the League of Nations. The results of the article also suggest the need for greater attention to the connections between historical and contemporary legal terminology concerning ethnic and minority issues.

Keywords: legal translation, League of Nations, ethnicity, cultural autonomy, minorities

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Reproducing Terminological Ambiguity: Ethnic Minorities in the Translations of the Estonian 1925 Cultural Autonomy Law

I. Introduction

Legal texts often need to be translated into languages other than those in which they were initially created, be it due to multilingualism within a country or to the international purpose of the texts, or for an international presentation of particular monolingual legal texts created in a country.[1] Both today and in the past, translating legal texts has therefore been a widespread practice.[2] However, despite being a common practice as such, as a distinct field of research legal translation studies have emerged only in recent decades, which shows that the importance of studying the translation of specific and complex vocabulary in legal texts has long been underestimated.[3] In the wake of the field's growing recognition, several authors have convincingly demonstrated that handling legal texts is a challenging task for the translators. Studies suggest that it is not always easy to achieve a target-language text that conveys the meaning of the source text in the best possible way.[4]

Translating legal texts can be even more challenging than other text types because although they are intended to be accurate and applicable, they also tend to contain abstract concepts with vague meanings.[5] Such a concept, among others, is »ethnicity«, the meaning of which has been continuously discussed by researchers in various fields of study for decades without reaching a commonly accepted definition. Often the concept of »ethnicity« is used interchangeably with the concepts of »race« and »nation« without making a clear distinction.[6] In legal studies, the vocabulary covering this concept has also remained vague, despite the fact that the related societal issues are acute, for instance the need to ensure the collective rights of various social groups (e. g. indigenous peoples) or prevent discrimination.[7] However, relevant scholarly discussions are largely focused not so much on linguistic and semantic aspects, but rather on substantive criteria of how ethnic groups should be delimited and how the belonging of individuals to them should be assessed. In a similar vein, legal historical research has broadly addressed the question of how group boundaries have been drawn by legal means in the past.[8] Focusing on such issues, researchers have rarely provided in-depth analyses of what historical actors had in mind when they used a variety of words (such as *nationality*, *race*, *ethnicity* etc.) to indicate a »community belonging« that was often simply taken for granted.[9] This neglect may prove particularly problematic, because without knowledge of the past meanings of such complex abstract terms, there is a risk of interpreting vocabulary in the historical legal texts through the lens of modern perceptions.

Historical legal texts containing terminology related to community belonging should therefore be discussed in their own social and intellectual context. Particularly in the early 20th century, the phenomenon of what one today could call *ethnicity*[10] had become increasingly important as a social category amidst the rise of nationalism, which had

1 Cao(2010).
2 Šarčević(1997) 1. For historical case studies, see e. g. Dullion (2023); Van Gerwen(2019); Fiocchi Malaspina / Keller-Kemmerer(2014).
3 Biel(2017); Graziadei(2025); Prieto Ramos(2014); Schreiber / Griebel(2021).
4 Cao(2007); Chromá(2014); Del Grosso / Schreiber(2024); Piszcz / Sierocka(2020) 537–539.
5 Griebel(2017); Šarčević(1990).
6 For overview, see e. g. Brubaker (2009); Eriksen (1993); Malešević (2004).
7 Hans / Martinez Jr. (1994); Howard (2008); Pap (2021); Pap (2025).
8 For examples of relevant legal historical research, see e. g. Akande (2024); Bastias Saavedra (2020); Becker (2020); Biersack (2023); Jacobson (1998).
9 For a relatively comprehensive terminological overview in a legal historical case study, see Backhouse (1999) 5–7.
10 To distinguish between terms and concepts, in this article, terms (including those in languages other than English) are marked in italics and concepts in quotation marks.

an impact on legislation as well. Extensive studies of this increasing social and legal importance have been carried out, in particular, with regard to late imperial Austria.[11] However, the significance of this social category is much more evident from the minority treaties and declarations submitted to the League of Nations in the 1920s by several newly formed states in Central and Eastern Europe. These documents and the organisation's minority policy in general have attracted considerable interest from legal scholars and historians, not least because traces of this minority policy are still present in today's international law.[12] Yet while the concept of »minority« has received specific attention in several studies, researchers have rarely asked what kind of minorities the organisation's minority policy was about.[13]

This gap in the otherwise extensive research indicates that the terminological difficulties the League of Nations' officials and translators faced have not received significant attention. This study aims to fill this gap; however, before moving on to the main subject, a terminological caveat is needed. Since the relevant historical vocabulary has been diverse and vague, it does not make much sense to follow it purely for the sake of authenticity. Thus, while recognising that the term *ethnic(ity)* was not nearly as common in the English language a 100 years ago as it is today, either in law or in other areas of life, it might be justifiable to use this word as an umbrella term in this article.[14] This is a practical choice to achieve terminological consistency throughout the article, supported by the fact that in social sciences, the term has now taken root as a mostly useful analytical category[15] that facilitates navigation in the conceptual ambiguity the researcher faces when reading historical sources.

Taking into account the above, this article discusses the challenges of translating the terms related to the concept of »ethnicity« in the League of Nations' minority documentation. To this end, it analyses a distinctive case from the 1920s – the Estonian Law on the Cultural Self-Government of Ethnic Minorities,[16] adopted in February 1925 and published in the English and French versions of the official journal of the League of Nations in June of the same year.[17] This case is particularly interesting, as the translation did not proceed in a linear manner from the Estonian original to the English and French translations and then towards the harmonisation of both translations. The English translation was based on an unofficial German translation of the law published in the Estonian German-language press and, as an intermediate step, on a French draft translation prepared within the League of Nations. The officially published French version, however, was based not on the same French draft, but on a translation sent to the organisation by the Estonian Ministry of Foreign Affairs. The already completed English translation was not harmonised accordingly before publication.

These translations thus offer a unique opportunity to demonstrate how a number of translators of legal texts active in the 1920s navigated the vocabulary of belonging and difference in several languages. For greater depth, the translations of the Estonian Autonomy Law will be compared with other minority documents of the League of Nations by identifying common patterns in the vocabulary the organisation's officials and translators used. This article argues that contrary to the terminologically consistent Estonian original, the translations were characterised by diverse vocabulary that reflects first, the conceptual challenges regarding ethnicity in the early 20th century social thought and second, translators' habitual attempts to reproduce the vocabulary familiar from earlier practice.

II. Development of the Estonian Cultural Autonomy Law

The Estonian Cultural Autonomy Law, which was adopted by the country's parliament *Riigikogu*

11 See e. g. Kuzmany (2023); Stourzh (1985).

12 See e. g. Davy (2022); Kovács (2013); Mazower (1997); Scheu (2022); Weisbrod (1993).

13 For a few studies focusing on terminology, see e. g. Adorjáni / Bence Bari (2019); Dyroff (2020).

14 For historical terminology, see e. g. Kertzer / Arel (2002) 12; Lorenz (2008) 36–41; Malešević (2004) 1–2.

15 For reflections on the term, see e. g. Brubaker (2002); Hale (2004); Malešević (2004).

16 Hereinafter the Cultural Autonomy Law or Autonomy Law. The translation of the full title of the law is as literal as possible here, using the term *ethnicity* to ensure the terminological consistency. Note that the published English translation has a slightly different title.

17 Riigi Teataja (1925a); League of Nations – Official Journal (1925); Société des Nations – Journal Officiel (1925).

on 12 February 1925, was a rather unique solution to interwar Europe's challenging minority problem, attracting international interest both in the short and long term.[18] When preparing the law, Estonian politicians did not invent this new solution completely from scratch, but took as their model the non-territorial national-cultural autonomy introduced in late imperial Austria, where these ideas, however, mostly remained the subject of theoretical discussions and were only implemented as local electoral experiments.[19] This meant that Estonian politicians, when they began to prepare the autonomy model for a young nation state with different social conditions compared to a multi-ethnic empire, did not have many good practical examples in constructing its basics. Partly due to the novelty and unfamiliarity of this autonomy model, and partly due to the specificities of Estonian society, the development of the Autonomy Law turned out to be a long process full of tension.

The main initiators of several drafts discussed in parliament were politicians of the Baltic German Party, who, as representatives of an ethnic group living dispersed across the country, were most interested in establishing a non-territorial autonomy model. The political elites of other large minority groups – Russians, Swedes and Jews – also showed considerable interest in cultural autonomy and supported the German politicians in their efforts to prepare drafts for the future Autonomy Law, even when lacking parliamentary representation themselves. While in the end only Germans and Jews managed to establish their cultural self-governments, achieving cultural autonomy as such was thus largely the collective effort of minority elites.[20] Estonian majority politicians, however, were not particularly interested in establishing such non-territorial cultural autonomy, not least because the German-speaking elite had held political power in the Estonian area for centuries preceding the country's independence and had lost this power only recently, after the Estonian Declaration of Independence of 1918 and the successful Independence War against Soviet Russia, which ended in 1920. In independent Estonia, where Estonians now possessed the political power, the German minority was still perceived in society and among politicians as a potential threat to the survival of the Estonian state and people.[21] Among other fears, a belief was spread in Estonian society that the German minority elite was aiming to assimilate Estonians, and the planned cultural autonomy was perceived as a potential means for that. These fears were not significantly reduced by the fact that, according to the 1922 census, Estonians made up nearly 90 % of the country's population and Germans less than 2 %.[22] Thus, the issue of membership in future cultural self-governments became one of the central topics in the preparation of the law, which in turn had its implications on the conceptualisation of ethnicity.

The main interest of Estonian majority politicians was that Estonians or, more precisely, persons who were considered to be Estonians according to a logic that was taken as a given, would not express the wish to be affiliated with ethnic minorities – primarily Germans – by becoming members of the cultural self-government of a particular minority. Their main aim was therefore to come up with provisions that would restrict the recruiting possibilities of any future German cultural self-government. With this aim in mind, politicians' perception of who these Estonians were who were to be prevented from becoming Germans was based on the belief that belonging to a certain ethnic group is an objective, fixed characteristic based on descent. In other words, if someone's ancestors were known to be Estonian peasants, then that person must also be Estonian, regardless of his or her linguistic and cultural background or self-identification. Yet as the discussions progressed, a seemingly opposite understanding of the nature of ethnicity was developed, one that emphasised an individual's freedom of choice in determining their ethnic belonging.

18 Housden (2005); Smith (2016).

19 Kuzmany (2016); Kuzmany (2020).

20 For more detail about the preparations of the law, see e. g. Aava (2023); Alenius (2007); Kuldkepp (2022); Vasara (1995).

21 See e. g. Rohtmets (2011). This process, which also took place elsewhere in Central and Eastern Europe and had its impact on the work of the League of Nations as well, has been referred to as »ethnic reversals«. See Riga / Kennedy (2009).

22 About these social controversies, see more Tark (2022).

It was not that Estonian majority politicians evolved a sincere desire to recognise personal freedom of choice or that this freedom of choice necessarily had to be important in terms of cultural autonomy. While Article 20 of the Estonian Constitution did indeed provide for unrestricted ethnic self-identification,[23] belonging to an ethnic group should not have been determined through cultural autonomy because first, the latter did not exist when the Constitution was adopted and second, it was far from foreseeable that all minorities would receive and use the opportunity to establish their cultural self-governments. Nevertheless, politicians started experimenting with this constitutional provision. They decided that the most appropriate tool for limiting the German minority elite's ability to recruit members for their future cultural self-government was voluntary registration, as this would prevent Germanised Estonians from automatically becoming members of such self-government. However, since the pressure from German politicians to achieve mandatory membership was strong, a convincing argument was needed as to why voluntary registration was appropriate and, what is most important here, more legitimate. Article 20 of the Constitution offered a suitable argument, but for it to be convincing, belonging to the cultural self-government and belonging to the respective ethnic group had to be perceived as the same thing.[24] As a result, »ethnicity« *(rahvus*[25]*)* was defined in the explanatory memorandum of the law (but not in the law itself) as a cultural community in the form of a cultural self-government – and belonging to this could, of course, only be voluntary, according to the Constitution.[26]

In addition to »ethnicity«, the text of the law contained two other key concepts that were used throughout the law in consistent terminology: »ethnic minority« *(vähemusrahvus)* and »national register« *(rahvusnimekiri)*. These intertwined concepts were no less controversial than »ethnicity«. The law defined ethnic minorities as communities of individuals that are included in a national register of a cultural self-government. However, not every ethnically definable community in Estonia was covered by this definition, but only those that met the conditions set out in the law, that is, had at least 3000 members.[27] Accordingly, an individual could only associate him- or herself with a cultural community whose size exceeded the prescribed minimum number. If constitutional freedom of ethnic self-identification had indeed been relevant here, as the explanatory memorandum of the law claimed, then this freedom would have been significantly restricted. The Regulation on the Maintenance of National Registers adopted in June 1925 added further confusion to the definition of key concepts. According to this regulation, individuals who wished to be included in a national register were required to provide documentary proof of their objective affiliation with the relevant ethnic minority, that is, the desired ethnicity had to be recorded in their identity documents.[28] Thus, belonging to an ethnic minority was determined by the ethnicity record in an identity document and not necessarily by one's self-identification, which the officials may not have taken into account when filling in the documents. As a result, the concept of »ethnic minority« did not merely mean a cultural community delimited by a respective national register, but an objectively delimited ethnic group based on individuals' documented belonging to this group.

These attempts of politicians to define the three key concepts of »ethnicity«, »ethnic minority« and »national register« are important in order to understand that the terminological consistency finally achieved in the adopted law did not mean conceptual unambiguity. Rather, the text of the law that finally reached the translators' desks reflected political games and compromises on the one hand, and the gathering of two opposing views on the nature of ethnicity under one term on the other. Thus, when analysing translations, it would be rather misleading and meaningless to ask whether and to what extent the translations were »correct«, as it is not obvious what the »correct« meanings of the terms were in the original law. Instead, there is more reason to focus on the choices and options that translators had in the course of their work.

23 Constituent Assembly (1924).

24 For the related discussions in parliament, see Tark (2025).

25 Here and below, the Estonian words *rahvus* and *vähemusrahvus* are written in modern spelling, which differs from earlier spelling in that the letter *w* is replaced by *v*.

26 Riigikogu (1925) column 212.

27 §§ 8 and 9.

28 Riigi Teataja (1925b).

III. Translation of the Autonomy Law

Soon after the adoption of the Estonian Cultural Autonomy Law, information about this globally unique model of autonomy reached the League of Nations, whose officials showed considerable interest in the novel solution to minority issues. The League of Nations had good reason to be this interested. On the one hand, the organisation had made the situation of minorities a key issue in assessing the suitability of the new Central and Eastern European states to participate in international relations as equals with old states, but on the other hand, activist groups consisting mainly of German minorities in these countries also constantly kept the minority issue at the forefront with their consolidated activism and petitions to the League of Nations.[29] During the preparation of the Cultural Autonomy Law, Estonian diplomats had tried to convince the League of Nations – by referring to the minorities' right to autonomy, among other arguments – that the Estonian state had already done more for minorities than the organisation required.[30] The Estonian minority policy together with the planned Autonomy Law was therefore already well known to the organisation's officials, but the latter may also have been under the influence of the German minority activists in Estonia, represented by Ewald Ammende, the Secretary General of the European Nationalities Congress[31] from 1925 until his death in 1936, who specifically drew attention to the newly adopted law in his correspondence with the League of Nations.[32]

It is evident from the documents and correspondence of the League of Nations that by mid-March 1925 at the latest, the idea emerged in the organisation to translate the law and publish it in the official journal of the League of Nations »to give greater publicity to it«.[33] The director of the Minorities Section of the League of Nations, Erik Colban, expressed this idea to the Estonian Foreign Minister Kaarel Robert Pusta at a meeting on 17 March, and Pusta was quick to agree to this plan. It also appears from internal communication within the League of Nations that the intention of the organisation's officials was to publish the law with a note that it had been translated and published at the request of the government of the Republic of Estonia.[34] Colban, however, was at odds with this intention; in his view, the Estonian Autonomy Law should have been the first of this kind of documents concerning minority policies of specific countries to be published at the instigation of the League of Nations. In the future, according to this plan, similar legislation or other relevant documents should have been published together with the related petitions submitted by minorities.[35]

The translation process, which took place simultaneously with the correspondence between the parties involved, was relatively quick, considering that the translation was already published in June, but difficult. The translations and the organisations' internal communication show that this was clearly a rushed process, in which neither the quality of the translations nor the consistency of the different language versions was a priority. The signs of haste are already evident from a note written by Colban on 20 March, that is, a few days after the meeting with Pusta.[36] Why the League of Nations acted in haste is not immediately clear from the relevant documents. The apparent reason suggested in Colban's note was the need to have the first French and English drafts completed by the time a confirmation letter was sent to Pusta in early April, but this does not explain why there was a need to rush this correspondence. It cannot be ruled out that the organisation wanted to introduce the above-mentioned new publishing practice focusing on minority documentation as quickly as possible.

For the translation of the Estonian Autonomy Law into French and English, the initial plan of the League of Nations' secretariat was to use an existing, unofficial German translation as an intermediate version. This plan was hampered by the Estonian Ministry of Foreign Affairs, which intervened in the translation process. When the League of Nations' officials shared the French draft with the

29 Davy (2022); Mazower (1997); Smith / Germane / Housden (2019).

30 League of Nations – Official Journal (1923).

31 The organisation was founded to represent the minorities of European countries and operated from 1925 to 1938. For more detail, see e. g. Smith / Germane / Housden (2019). About Ewald Ammende, see Housden (2014).

32 LNA (1925a).

33 LNA (1925c).

34 This misleading note was indeed added to the published English and French versions.

35 LNA (1925c).

36 LNA (1925b).

ministry, Pusta pointed out in his correspondence with the organisation that this translation was not fully satisfactory. Therefore, the ministry sent its own French translation, which differed significantly from the version prepared by the organisation.[37] Consequently, the French version published in the official journal of the League of Nations was the one submitted by the Estonian Ministry of Foreign Affairs, with only slight adjustments; the final version published in English was, however, largely based on the unofficial German version and the French draft translation. The published versions are thus quite confusing, since a note attached to the published English translation claims that it was based on the French version prepared by the Estonian Ministry of Foreign Affairs. The comparison of the translations, however, shows that this statement was not entirely true. The inconsistency of the translations together with the misleading note makes it clear that the desire to publish as soon as possible outweighed the need to harmonise the versions.

The unofficial German translation that the League of Nations translators relied on had been published in the German-language Estonian newspaper *Revaler Bote* twice: first on 6 February 1925, that is, before the final redactional reading of the law in parliament, and again on 23 February 1925.[38] The first of these was the one that Ammende sent to the League of Nations, and therefore there is reason to believe that this was the one that was used for the French and English translations. While the authors of this German translation are not known by name, they were apparently individuals belonging to the local German-speaking community, thus fluent in both German and Estonian, and presumably able to grasp the nuances of abstract concepts in both languages and to choose translation equivalents that were deemed suitable at the time. Therefore, one can reasonably assume that their translation conveyed the essence of the law sufficiently clearly to the local German-speaking community, most of whom were also able to understand the original version of the law if they had a need or wish to read it. However, that does not mean that the German translation was also suitable to convey the meaning of the law clearly enough to those not native in either Estonian or German and unfamiliar with the local social conditions.

The League of Nations' translators, who translated the German version first into French and then the French version into English, were apparently without any knowledge of Estonian, which made them incapable of checking their translations against the original. They were thus dependent on their knowledge of German – which may have been sufficient or only rather basic. In terms of the native languages and cultural background of these translators one may assume that they were native in French or English, given that these were the two official languages of the organisation, and accordingly the secretariat considered it appropriate to employ translators and interpreters with native French and English skills and was reluctant to hire translators of other languages.[39] It is clear that the educational backgrounds as well as the levels of translation skills of these anglo- or francophone translators could not possibly have been sufficient to handle numerous other languages and cultural environments different to those which they grew up in and which they were used to.

It is not obvious, however, that the translations would have been of higher quality if all those involved had been more skilled, taken enough time during the process and carefully considered the equivalents to all the words that conveyed complex concepts. Furthermore, unambiguous conceptualisation of ethnicity would have been rather unlikely even if native Estonian speakers had been involved in the translation, given the controversial preparation of the law. For every involved party, expressing the concept of »ethnicity«, both within one language and across several languages, posed difficulties that were not possible to overcome simply with more time and expertise.

IV. Translation patterns

The comparative analysis presented here is based on four versions of the Estonian Cultural Autonomy Law. These are: the Estonian original as published in the Estonian official journal *Riigi*

37 LNA (1925e).
38 Revaler Bote (1925a); Revaler Bote (1925b).
39 Ikonomou (2019).

Estonian	rahvus (12) rahvuslik (1) rahvaesitaja (1)	vähemusrahvus (61)	rahvusnimekiri (5) nende liigete nimekirjad (1)
German	Nationalität (9) Minorität (1) Volk (2) völkisch (1) Volksvertreter (1)	Minorität (22) völkisch (18) völkische Minorität (12) *omission* (7) Minderheit (1) Minoritätsvolk (1)	Nationalregister (5) Register ihrer Glieder (1)
French I	nationalité (9) minorité (1) *omission* (2) minoritaire (1) l'intermédiaire (1)	minorité (27) minoritaire (19) minorités ethniques (8) *omission* (5) minorité nationale (1) nationalité minoritaire (1)	registre de nationalité (4) registre de leur nationalité (2)
French II	nationalité (12) minorité (1) représentant (1)	minorité (54) *omission* (5) ethniques (1) minorités nationales (1)	registre de (la) nationalité (5) registres de leurs membres (1)
English	nationality (8) minority (1) *omission* (2) peoples (1) racial (1) representative (1)	minority (43) racial minority (12) *omission* (3) racial (3)	national register (5) registers of their members (1)

Table 1: Key terms appearing in the original version of the Estonian Cultural Autonomy Law and their equivalents in other language versions. The number in parentheses indicates the frequency of the corresponding word or phrase.

Teataja; the German version published twice in the newspaper *Revaler Bote*; the French draft prepared by the League of Nations and sent to Estonian Foreign Minister on 5 April 1925 (hereinafter French I) as well as, most importantly, the French published version prepared by the Estonian Ministry of Foreign Affairs (hereinafter French II); and the English published version – both the French and English versions as they appeared in the official journal of the League of Nations.[40] Across all of these translations, the concepts of »ethnicity« and »ethnic minority«, which were presented with relatively consistent terminology in the Estonian original version, are conveyed with the help of a variety of linguistic means, turning the translations into an eclectic collection of grammatical choices and words.

Table 1 provides a general overview of how the key concepts of »ethnicity« and »ethnic minority« were conveyed and, for comparison, the related concept of »national register« in the different language versions of the law. The table demonstrates the terminological consistency of the Estonian original, with a few morphological exceptions concerning the word *rahvus*, and in one case a paraphrase of »national register« in a wording which could roughly be translated as »the lists of their members«. However, as the table shows, the eclecticism of the translations goes far beyond these few deviations.

Table 1 shows that, in addition to the frequent omission of concepts in all translations, which can be at least partially explained by the inevitability arising from the structure of languages, the translators employed a variety of translation equivalents to *rahvus* and *vähemusrahvus*. The term *rahvusnimekiri*, however, is translated consistently in all versions by using the word stem *nation-*. Three specific patterns deserve closer attention: first, the tendency to treat the German *völkisch*, the French

40 Revaler Bote (1925a); Revaler Bote (1925b); LNA (1925d); RA (1925); League of Nations – Official Journal (1925); Société des Nations – Journal Officiel (1925).

§	Estonian // German // French I // French II // English
1, 2, 9, 13	vähemusrahvus // völkische Minorität // minorité ethnique // minorité // racial minority
4	vähemusrahvus // völkische Minorität // minorité ethnique // ethnique // racial minority
11	vähemusrahvus // völkische Minorität // minorité nationale // minorité // racial minority
12	vähemusrahvus // völkisch [...] Minorität // minorité // minorité [...] nationalité // minorities [...] racial
18, 19, 27	vähemusrahvus // völkische Minorität // minorité // minorité // racial minority
30	vähemusrahvus // völkisch [...] Minorität // minoritaire, minorité // minorité // minority [...] racial
31	vähemusrahvus // Minoritätsvolk // nationalité minoritaire // minorité // racial minority

Table 2: *Völkisch-ethnique-racial* pattern by section in all language versions.

ethnique and the English *racial* as equivalents; second, a relatively frequent use of the word stem *nation-* that is common beyond the phrase »national register«; and finally, the tendency – particularly in the English version – to use the words *racial* and *national* as synonyms.

The first of these three translation patterns, hereinafter referred to as the *völkisch-ethnique-racial* pattern, is clearly evident from Table 2. The table shows that this is a common pattern, although there are also several deviations from it. Namely, the French word *ethnique* appears generally in the translation prepared by the League of Nations, but only once in the version prepared by the Estonian Ministry of Foreign Affairs. The word *racial* and the phrase *racial minority* in the English translation clearly corresponds not to the French version by the ministry on which the English translation was allegedly based, but to the German version. This makes it clear that the English translation was adapted from the German version and not necessarily from the French version of the Estonian Ministry of Foreign Affairs, contrary to the claims in the comments on the published translation. Patterns visible in Table 3 also confirm this fact.

Table 3 presents the use of the word stem *nation-* in all translations and in many variations. While in most cases, this word stem has been used to convey the concept of »national register«, there are many other occurrences of it as well. *Nation-* occurs abundantly as an equivalent to the Estonian *rahvus* in those sections where the concept of *»national register«* is mentioned, as particularly eloquently demonstrated by section 9, but also in other parts of the law. Probably the translators of both the English and the French versions, being dependent on the German term *Nationalregister*, created a new similar term for both languages with its literal translation. Since this term was used repeatedly throughout the entire law, it might

§	Estonian // German // French I // French II // English
5	rahvus // Nationalität // nationalité // nationalité // *omission*
7	vähemusrahvus // Minorität // minorité // minorité nationale // minority
8	rahvus // Volk // *omission* // nationalité // peoples
9	rahvus, rahvusnimekiri // Nationalität, Nationalregister // nationalité, registre de nationalité // nationalité, registre de nationalité // nationality, national register
10, 15, 18	rahvus, rahvusnimekiri // Nationalität, Nationalregister // nationalité, registre de nationalité // nationalité, registre de nationalité // nationality, national register
11	rahvus, rahvusnimekiri // Nationalität, Nationalregister // nationalité, registre de nationalité // nationalité, registre de nationalité // nationality, national register
12	rahvus, rahvusnimekiri // Nationalität, Nationalregister // nationalité, registre de nationalité // nationalité, registre de nationalité // nationality, national register
17, 19, 21	rahvus, rahvusnimekiri // Nationalität, Nationalregister // nationalité, registre de nationalité // nationalité, registre de nationalité // nationality, national register
31	rahvus, rahvusnimekiri // Nationalität, Nationalregister // nationalité, registre de nationalité // nationalité, registre de nationalité // nationality, national register

Table 3: Occurrence of the word stem *nation-* by section in all language versions.

have been cognitively easy to transfer the corresponding word stem to other contexts outside of this phrase as well. In doing so, the translators used this word stem mostly as an equivalent to the Estonian word *rahvus* but only rarely to the word *vähemusrahvus*. The latter has usually been transformed into a mere minority by omitting references to ethnicity in all translations.

Particularly striking, as Table 3 also demonstrates, is the fact that the English translators treated the words *racial* and *national* as synonyms to convey the same meaning. As sections 11 and 31 show, this seemingly confusing translation choice could occur even within the same section. Typically, these cases reflect the language usage of the German version – wherever the German version presents *völkisch* and *national* in parallel, the words *racial* and *national* are used in the English version, respectively. Thus, it appears that in the eyes of the German translators, the words *Volk / völkisch* and *Nation / national* had in principle the same meaning, and the English translators, in turn, mechanically adopted this pattern, possibly without considering whether the equivalents to one and the other word also have a comparable degree of the same meaning in English.

At first glance, these translation patterns seem like a sign of negligence and haste, especially considering the background information related to the translation process. Indeed, the rush to publish undoubtedly left its mark on the quality of the translations. However, as will be explained in the following part of the article, there was more behind this. The League of Nations' specific minority vocabulary, the habits of the translators, and the inadequate standards for translating legal texts at the time all had an impact on the end result.

V. The impact of habits, tradition and lack of translation standards

By now, the translation of legal texts has been thoroughly analysed, which has led to the emergence of translation standards and the refutation of previously implicit assumptions underpinning the translation process.[41] Until the second half of the 20th century, however, legal translation was driven by the belief that a translation was a mere derivative work, the creation of which did not require theoretical or methodological reflections.[42] Thus, at the time a number of more or less professional translators with different linguistic, cultural and educational backgrounds began working on the Estonian Cultural Autonomy Law, there was a variety of personal and often implicit translation principles in place instead of written rules and standards – for example, as a study on earlier decades has shown, some translators may have considered it important to translate as literally as possible, while some others aimed to focus on content instead of sentence structure.[43] At the same time, the profession did not require the translators to ensure terminological consistency in their translations, but allowed them to use whatever vocabulary seemed appropriate in the organisational setting they were working in.

By 1925, the League of Nations already had a cadre of experienced officials and translators who had acquired relevant vocabulary from working with the organisation's earlier documentation of minority policy, which they could now apply to translating the Estonian Cultural Autonomy law. This transfer of vocabulary was not self-evident, because the conceptual background of the Estonian Autonomy Law was not comparable one-to-one to the common conceptual framework of the League of Nations' minority protection system. Nevertheless, even if officials and translators working in the organisation were aware of such subtle differences (which is doubtful), they were interested in placing the Autonomy Law in a broader context of minority issues, and this consideration may have been one of those factors that motivated them to apply their usual vocabulary instead of trying to find suitable and consistent equivalents to the original terminology.

Although translators had established vocabulary at hand during the translation process, this vocabulary itself had emerged from a challenging situation and was far from unquestionable. The League of Nations, in developing its minority protection system, had encountered difficulties not only for political and diplomatic reasons, which arose from

41 See e. g. Cao (2010); Griebel (2017).
42 Graziadei (2025).
43 Fiocchi Malaspina / Keller-Kemmerer (2014) 218.

the clash of interests between the organisation, states and representatives of minority groups. Rather, one of the main reasons that made the situation of the League of Nations challenging was the fact that in societies, legislative bodies and other institutions, among politicians, diplomats and laypeople, there was only a vague understanding of those communities that had become so important as social categories by the beginning of the 20th century and were often taken for granted.

To provide a wider perspective: even one of the greatest sociologists at the time, Max Weber, was struggling when, in the last years of his life, he wrote the essay »Ethnic Groups«, which was published posthumously.[44] Weber had noticed some specific structures in social reality that he sought to make sense of, although he did so without much success – later researchers of his work have found in it much to doubt, including in his conceptual foundations.[45] Weber was, of course, not the only one who discussed this hard to explain and complex form of social organisation. In addition to his (at the time) rather unique work, the concepts of »race« and »nationality«, which are also central to this article, were occasionally discussed elsewhere. According to these discussions, »race« was not necessarily always perceived in this phenotypic sense as it usually is today, but rather as an inherent and heritable trait that plays an important, if not fundamental, role in the formation of nations as political communities.[46] Yet most of the people who lived in the midst of this early 20th-century social reality and were forced to feel the social difference and boundaries between communities did not have the intellectual capacity of Max Weber and other thinkers to reflect deeply on all social complexities, nor the willingness to do so. These people, including the officials and translators of the League of Nations, had thus only acquired the relevant vocabulary for their work and everyday life, but not its subtle meanings.

Since the League of Nations had placed the minority issues of the new Central and Eastern European countries at the centre of its activities, this inevitably led to a wealth of relevant documentation. The most important documents were the minority treaties and declarations submitted by these countries since 1919, the creation of which began to produce and reproduce the vocabulary for classifying minorities. Classification was necessary because the officials and translators of the organisation were aware that the minorities they were talking about were not a uniform amorphous mass everywhere that could be referred to simply as »minorities«. Thus, a vocabulary was needed that would somehow convey the essence of the variety of these minority groups in different countries.

Four examples help illustrate the established practice of the League of Nations in classifying minorities with the help of particular linguistic means: the Greek Minority Treaty (1924), the Albanian (1922) and Lithuanian (1924) Minority Declarations, and the treaty on the administration of Upper Silesia concluded between Germany and Poland in 1922 with the participation of the League of Nations.[47] These examples reveal some important patterns. First, the term *national*, in the sense of social and cultural differences within a state, was almost never used. Instead, minorities were usually classified by way of *racial*, *linguistic* and *religious* categories in English, and as *de race*, *de langue* and *de religion* in French.[48] Second, in some cases it appears that the word *ethnical* was used as a synonym for *race / racial* in English and, equally, the word *ethnique* as synonym for *race* in French, whereas the choice of one or the other word seems to have largely depended on whether it should appear as a noun or an adjective in a particular sentence. This means that in both languages the word stem *ethnic-* was generally used with the same meaning as *race / racial*. Third, the French *ethnique* and *race* appeared as having the same meaning as the German *völkisch* and *Volk* in the Upper Silesian

44 Weber (1922). The essay was originally written in German and has been published under the titles »Ethnische Gemeinschaften« or »Ethnische Gemeinschaftsbeziehungen«.

45 Banton (2007); Winter (2000).

46 See e. g. Knoles (1917); Newbigin (1917).

47 League of Nations – Treaty Series (1922); League of Nations – Treaty Series (1924a); League of Nations – Treaty Series (1924b); Reichsgesetzblatt (1922).

48 Such terminology is also evident from an overview of League of Nations' minority protection system by Rosting (1923).

Treaty.[49] And finally, it appears that the League of Nations' officials classified minorities predominantly as *racial* (*ethnique* in French and *völkisch* in German), while language and religion were significantly less common as a basis for classification.[50] Thus, it was precisely this intangible form of difference that was the main basis for classifying minorities.

It is doubtful that the tradition of using these key terms in legal texts in the described way was invented only in the era of the League of Nations. It is much more likely that this tradition dates back to the late imperial Austrian »nationality question«, as it has been called in the literature.[51] As, for example, the 1909 English translation of the late imperial Austrian Constitution shows, the term *race* was used as the equivalent to the German term *Volksstamm* in the translation of legal texts already back then, that is, years before the creation of the League of Nations.[52] Thus, this old translation suggests that the League of Nations' officials and translators adopted a translation pattern that had already been in use for a long time. In this case, they had even less reason to take into account the subtleties of the meanings of the words they used, since the vocabulary was established and seemed to successfully fulfil its function.

Looking at the development of the League of Nations' vocabulary from such a long perspective, one can notice two terminological patterns that cast doubt on the functionality of this vocabulary. On the one hand, *Volk* in German and *race* in English and French were indeed deeply rooted in legal language as a basis for classifying differences between communities. While these words have acquired a negative connotation today, the former because of its extensive use in Nazi ideology and the latter as a reference to phenotype and its alleged correlation with individual qualities, they did form the main vocabulary for structuring society at the time. On the other hand, however, there is also a clear appearance of the word stem *ethnic-* roughly in the same meaning, not only in English and French, but also in German, as the title of the aforementioned essay by Weber indicates. In the long term, after World War II, *ethnic-* largely replaced the previously common words *Volk* and *race*.[53] Thus, these two patterns together show that a slow terminological transition was already taking place in the 1920s. This transition, in turn, contributed to the blurring of the boundaries between concepts and left plenty of room for arbitrary interpretations.

The vagueness of terminology became evident, for example, in connection with the so-called Upper Silesian school dispute that took place in the second half of the decade. Commenting on a decision of the League of Nations' Permanent International Court of Justice that largely revolved around the question of whether belonging to a community should be objective or subjective, the notable German minority advocate Carl Georg Bruns analysed the different meanings of the words. He pointed out that the concept of »race« (Bruns used *race* and *Rasse* as equivalents) had a dual meaning – physical or anthropological (*physisch* or *anthropologisch*), which was an objective characteristic, or ethnological *(ethnologisch)*, which could only be subjective. Bruns argued that in this case, only the latter made sense as a parameter for determining belonging, since any possible physical differences between Germans and Poles were not sufficient to classify the individuals. Therefore, according to Bruns, parents should have complete freedom to choose their children's native language and, accordingly, the language of instruction (in this particular case, the right of parents to send their children to a German-language school was under discussion).[54] According to later interpretations, however, the court had tried to find a middle ground between these two extremes, shifting the focus of the argument to language proficiency and emphasising the limitations of subjectivity.[55] At the same time, the court did not pay significant attention to the subtleties of the vocabulary it employed to mark ethnic boundaries, unlike Bruns did in his interpretation.

Völkisch and *racial* were words the equation of which may have seemed natural to the League of Nations' officials and translators at the time, but, as

49 Reichsgesetzblatt (1922) 271–277.
50 See also Davy (2022) 142.
51 See e. g. Adorjáni / Bence Bari (2019).
52 Dodd (1909) 69–74. For original law, see Reichsgesetzblatt (1867). See also Salzborn (2009) 67, which, when quoting the 1909 translation, prefers to use the word *tribe* as the equivalent.
53 For the German term *Volk* / *völkisch*, see e. g. Hare / Link (2019). For *race* and *ethnicity* / *ethnique*, see e. g. Banton (2015); Billinger (2007); Dami (1970); Krieg-Planque (2005).
54 Bruns (1928) 703–704.
55 Eser (2010) 429.

the Upper Silesian school dispute suggests, this equation was far from self-evident. The German *völkisch* allowed for freedom of interpretation to the extent that the German minority activists in Central and Eastern Europe were able to justify a subjective sense of belonging. This interpretation was beneficial to them, since in many new countries the German minority had historically held a high social position that facilitated the linguistic and cultural assimilation of members of other ethnic groups. After World War I, such assimilation was crucial for maintaining the size and strength of their communities.[56] By interpreting the word *völkisch* in this subjectivist way, the translators of the Estonian Cultural Autonomy Law into German were also comfortable with using it as the equivalent to the Estonian *rahvus*. However, it is not obvious that the word *race* as a common equivalent in English and French would have offered the same wide scope for interpretation as Bruns argued for, considering that this term was usually perceived as conveying an ambiguous and inexplicable, but nevertheless inherent characteristic, which thus could not be subjective.

These vague and sometimes contradictory connotations of the terminology used in the League of Nations' legal texts on minority issues finally call into question the common practice of replacing, mechanically and without explanations, the word *racial* with *ethnic* or *national* (or even both within the same study) in the relevant scholarly literature.[57] While seemingly intuitive and unproblematic, this practice is not merely anachronistic but obscures the many ways in which words had their impact on the organisation's minority policy – but not necessarily the other way around. In some cases, such lack of attention to terminology by researchers may have led to at least partially distorted argumentation.

In particular, the absence of the word stem *nation-* in the sense of denoting a difference between specific groups within a state in the League of Nations' minority documentation may have caused confusion. Researchers have usually implied that this absence had to be the result of a conscious political choice to avoid the »nationality question«.[58] However, the translations of the Estonian Cultural Autonomy Law show that this word stem was widely used as an equivalent to *völkisch*, *ethnique* and *racial*. Thus, based on the analysis of this law, it is worth emphasising that while avoiding the »nationality question« may have been an important consideration in shaping the organisation's minority protection system, this did not necessarily lead to a politically motivated vocabulary. What appears to be much more important is the fact that in minority treaties and declarations, *national* usually appears in the sense of citizenship. A typical formulation tends to be »nationals who belong to racial, religious or linguistic minorities«, which suggests that a double meaning of the word *national* could not be allowed.[59] Since citizenship was only rarely mentioned in the Estonian Autonomy Law, it gave translators more freedom to use *racial* and *national* in parallel and as synonyms. The translators would have been much more careful in their choice of words if there had been a general requirement to avoid the term *national* in the sense of difference within a state.

The translations of the Estonian Cultural Autonomy Law thus indicate that the officials and translators of the League of Nations were trapped by habit rather than guided by political and ideological considerations. This shines an entirely different light on the League of Nations' minority protection system, compared to current scholarly literature. If the vocabulary used to classify minorities did not necessarily correspond to the specific nature of minorities but rather reflected the peculiarities of the organisation's bureaucracy, then it would be worth raising the questions of whether and to what extent the eclectic and vague vocabulary influenced the failure – or conversely, success, if one would like to

56 In addition to Estonia and Poland, similar developments also occurred, for example, in the areas of today's Czechia. See e. g. Kladiwa (2015).

57 See e. g. Adorjáni / Bence Bari (2019); Kovács (2013); Weisbrod (1993).

58 Adorjáni / Bence Bari (2019) 11–12; Riga / Kennedy (2009).

59 Davy (2022) 142. See also the overview by Rosting (1923), in which *nationality* is exclusively used in the sense of citizenship.

evaluate it that way – of the League of Nations' minority policy, and to what extent the modern legal vocabulary, taken over from the League of Nations with only minor changes, is a more adequate means for describing social difference.

VI. Conclusion

Translations of the Estonian Cultural Autonomy Law of 1925 into German, French and English suggest that it was challenging for the translators to find suitable equivalents when translating abstract vocabulary related to ethnicity. The Estonian words *rahvus* and *vähemusrahvus*, which were used terminologically consistently in the original version of the law, were mediated into other languages through various lexical and grammatical means, including the omission of the key concepts and the usage of inconsistent equivalents. The most significant translation patterns to emerge from this process are the equivalency between the German *völkisch*, the French *ethnique* and the English *racial*; the frequent use of the word stem *nation-* in all three target languages, which also makes this translation to some extent different from the League of Nations' other minority-related documentation; and finally – particularly in the English version – the use of the words *racial* and *national* as synonyms.

The translations of the Estonian Cultural Autonomy Law demonstrate that in the 1920s, there were similar difficulties in distinguishing between the concepts of »race«, »ethnicity« and »nation« as there are today. However, these days theorists and practitioners can build their argumentation on decades of knowledge and familiarity with ethnicity as an important social category as well as on experiences with numerous discussions on the meaning of relevant concepts and terms, including the wealth of documents resulting from the League of Nations' minority policy. A 100 years ago, this basis of difference, so frequently taken for granted, was only gaining increasing importance under the influence of nationalism and the emergence of new states in Central and Eastern Europe. From this geopolitical inevitability, the League of Nations, building on the historical terminological tradition of recent decades, developed a specific minority vocabulary. Officials and translators could then routinely apply this vocabulary when drafting minority treaties and declarations and, when necessary, in translating such legal texts like the Estonian Autonomy Law.

Given this context, the results of this article highlight, first, that conceptual ambiguity stemming from a lack of understanding of the nature of minorities and ethnicities contributed to the formation of an eclectic vocabulary. Second, the terminology used by the League of Nations was not necessarily either considered in depth or politically motivated, but rather it was a constant reproduction of habitual vocabulary transferred from earlier legal texts. And third, this analysis also shows that the meaning of abstract concepts was constantly subjected to instrumental interpretations. This was especially the case in connection with the dichotomy between subjective self-identification and the objectivity of ethnic belonging prevalent in legal discussions at the time, both locally, as during the preparation of the Estonian Cultural Autonomy Law, and internationally, as demonstrated by the Upper Silesian school dispute that reached the court of the League of Nations.

Lastly, the article highlights the importance of linguistic expressions of the social and political thought that contributed to the development of minority-related terminology in the League of Nations. It shows that analysing the inconsistency and diversity of vocabulary can be a useful tool for discussing the relevant legal documents and their translations. Furthermore, considering that the legacy of the League of Nations' minority policy, including (to a degree) its terminology, lives on in contemporary international law and political discussions on minorities and ethnicities, scholarly research into the past terminological issues has a broader significance for understanding vocabulary that was and is often taken for granted and is still used today in various legislative acts.

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