

*Stephen Wertheim, "The Rise and Fall of Public Opinion as the Linchpin of International Order, 1870-1940: A Genealogy of the Concept"*

For international lawyers and politicians from 1870 to 1940, —international public opinion□ underpinned international law and international order. This faith died by World War II. The realist school of international relations, and the related turn to pragmatism in international law, repudiated old nostrums about public opinion. But the realists and pragmatists misunderstood what they were rejecting. They assumed —public opinion□ had been meant literally, as the momentarily expressed preferences of an aggregated public. In fact, —public opinion□ had been defined *against* the literal meaning. It meant the calm, rational judgment of elites — in effect, the intuitions of those who invoked it.

This paper sketches a genealogy of the concept of —international public opinion□ as employed by Anglo-American explicators and architects of international society. It divides this history into three phases. The first, from 1870 to 1914, was a legalistic era in which liberal international lawyers claimed —public opinion□ both enforced and legitimated international law.

The —opinion□ they cherished was not mass preferences but rather accumulated custom, as they interpreted it. In the second phase, during World War I, the principal drafters of the League Covenant redeployed the language of —public opinion□ in support of international organization. Like the lawyers, they meant —public opinion□ paternalistically, not literally. But now the main interpreters of public opinion would be politicians in League councils, not lawyers or judges. By claiming the mantle of —public opinion,□ the League’s creators occluded competing schemes for

international organization advanced by legalists and radicals — schemes that were either more serious about collective security or more literal in their embrace of public opinion. Finally, in the interwar period, the political conception of —public opinion□ was operationalized through the League, but confidence in international opinion was destroyed by the Italian invasion of Ethiopia in 1935 and the rise of scientific opinion polling. Just as —public opinion□ acquired a fixed meaning, it was spurned. The new generation saw no alternative but to base international order on force, not law or opinion.

*Ananda V. Burra, "Contested to the End: Colonial and Anti-Colonial Anxieties in the Late League of Nations"*

[Ms. Burra is working on a new abstract that will better reflect what she said at the meeting.]

*Hussein D. Alkhazragi, "The British Mandate in Iraq or Squaring the Circle: How to Reconcile*

*British Interests with the Nationalists' while Adhering to its International Obligations?"*

The Mandate system instituted under the auspices of the League of Nations was one of the most important innovations of the international system set up at the end of the Great War. This system stemmed from several concepts that imposed themselves at the Paris Peace Conference of 1919, such as the refusal of direct annexation and new territorial conquest, the necessity of fostering the Open Door policy, and the new ideal of self-determination.

This paper explores the consequences of this new international legal framework on British foreign policy in Iraq. The British faced very strong opposition towards the Mandate idea from Arab nationalists. As a consequence the British government reverted to a formal kind of colonial relationship with the newly elected government of Iraq. In order to defuse nationalist agitation, the British imposed a treaty on the Iraqi government that subordinated the newly created kingdom to the imperial interests of the British Empire. They ingeniously maneuvered to obtain the endorsement of their policy by the Council of the League of Nations, surmounting strong criticisms from both League officials and legal scholars. The resulting legal instrument was unique in the history of the Mandate system because it incorporated, in the terms of the Mandate, an unequal treaty governing the relations between the British Empire and Iraq. The first part of this paper reviews the steps that led to the conclusion of the Anglo-Iraqi Treaty of 1921 and its acceptance by the League of Nations as a replacement for the original Mandate of Mesopotamia in 1924. The paper then examines how this development was received both within the League's officials and legal scholars. It argues that, despite criticisms based on legal formalism, the Iraqi Mandate was closer to the spirit of the Covenant than was any other Mandate's charter.

*Natasha Wheatley, "On the Meaning of the Palestine Mandate: Legal Hermeneutics and the*

*New International Order in Arab and Jewish Petitions to the League of Nations"*

Did the Mandate system of the League of Nations represent a powerful regime of international legal oversight? Or was it merely a —fig leaf□ for empire, barely masking the selfinterested

land-grab of the Allied Powers after World War I? New work on the League has revived interest in this old question. This paper examines the issue from a different angle, focusing on the perspectives of those who came under the jurisdiction of the Mandate system. The petitions of Arabs and Jews to the League's Permanent Mandates Commission offer a window into attitudes towards the authority the Mandate for Palestine and thus, by extension, towards the authority and legitimacy of the Mandate system itself.

Petition writers from Palestine emphatically took up this new international legal system on its promises of transparency and its commitment to govern in the interests of the governed. They afforded the Mandate for Palestine the attention that a binding instrument deserved. Arabs and Jews *used* the Mandate — read it carefully, spoke through it, employed its language, and invoked its authority against the British mandatory government as well as one another. These petitions let us analyze the Mandate system as a lived political practice, an internationalized and ritualized form of legal claim-making.

This paper thus positions the text of the Mandate as the site of conflict and offers a history of the reading of that document. The struggle in Mandate Palestine played out in contests over legal interpretation — a wrestle for the meaning of the Mandate. The paper shows how political crises in Palestine (especially the 1929 disturbances) provoked different interpretive strategies, revealing changing assessments of the Mandate's authority. While some petition writers began to look outside the text of the Mandate for the ultimate source of their rights, exposing new doubt about the Mandate's power and efficacy, others approached the text with a renewed hermeneutic zeal, convinced that a sound interpretation of the ambiguous text would cloak their case in legal certainty.