

THE OUTLAWRY OF WAR

A Constructive Policy for World Peace

BY

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Editor THE CHRISTIAN CENTURY

WITH AN AFTERWORD BY

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THE OUTLAWRY OF WAR

TO
SALMON OLIVER LEVINSON
AUTHOR OF THE PROPOSAL FOR THE
OUTLAWRY OF WAR
AND ITS INDEFATIGABLE APOSTLE
THIS BOOK IS DEDICATED WITH
GRATITUDE AND AFFECTION

PUBLISHER'S NOTE

IN the first edition of *The Outlawry of War* the invaluable contribution by John Dewey appeared as a Foreword. Professor Dewey's statement presupposes that the reader of his words is already acquainted with the text of the book. It is in reality an Afterword. In this and subsequent editions it appears in its more appropriate place at the end of the volume.

PREFACE

THIS is called a preface only because it is placed at the front of the book. It is in reality the author's final word. It registers certain of his reactions upon reading his own chapters. Having finished the writing, I am impressed by the fact that I have nowhere tried to stir up the reader's emotions with a realistic description of the horrors of actual war—of past wars or of future wars. And yet we must not turn away from those writers who try to keep alive in our memory and imagination the terrific experience of suffering, devastation and waste which the world so lately passed through and which, alas, it is all too prone to forget. But such description has been no part of my purpose in writing this book.

My study of the movement against war, and my ardent sharing in it for many years, have left upon me the impression that until the appearance of the proposal for the outlawry of war, the peace movement was lacking in a comprehensive and clear insight into the nature of the thing it was out to destroy. War has been approached in a sort of mystical mood. Its essential nature has not been thoughtfully considered and objectively defined. As a consequence the peace movement has been

characterized by an almost blind empiricism. Lacking the chart and rudder of a reasoned understanding of war, our peace programs have represented reactions to a sort of obscurantist stimulus just to do *something*, with the result that they have for the most part gone wide of the mark or have confused the essential issue by dragging in irrelevant controversies which preclude agreement and inhibit decisive action.

If this book has any merit at all, it will be found, I think, in four theses: one, that the problem of war must be disentangled from all other controversies, and, thus isolated, brought directly before the nations for a yes or no decision; a second, that war is an *institution*—legal, established, sanctified, and supreme; a third, that it can be abolished only by disestablishing it, by casting it out of the legal system of the nations in which it is entrenched; and the fourth, that its disestablishment can be made effective only by establishing in its place an institution of peace *conceived not under political but under juridical categories*. This can be done only by a basic change in international law. A general treaty renouncing war as a means of settling international disputes would crystallize in legal form the moral will of the civilized peoples of the world.

I am not an isolationist. I have tried to deal frankly with existing international mechanisms, but this must not be interpreted as stubborn irreconcil-

ability. In my treatment of the league my purpose is constructive; I aim at unity not dissension. Candid discussion of this sort is, in my judgment, an absolute prerequisite to the junction of the peace forces. I look forward to the day when the present tension over means and mechanisms will be resolved, and when some such adjustments as are suggested in these pages may be made, so that the United States will be left with no reason for remaining outside the reconstituted league of nations. Not the least of the motives underlying this book has been the hope that it might contribute to such a consummation.

As to the technique for abolishing war, herein presented, I confess that on re-reading the chapters a fear has arisen in my mind lest I have laid myself open to the charge of attempting to fit out a complete and rigid mechanism which I desired to superimpose upon the reader's mind. Such an intention, in fairness to myself, I must utterly disclaim. I have tried to anticipate and explore many contingencies, and to indicate how they could be met. Perhaps I have gone into more detail than was necessary. Whether I have or not, I ask the reader to believe that my mood was in no sense a dogmatic one. I have only desired to complete as far as possible my own *visualization* of a world from which war had been banished. I am not wedded to my own imaginings. And yet I dare to hope that my humble attempt to anticipate questions may not be in vain, even though

I may not have anticipated the exact form in which they will arise or the exact answer which they will finally receive.

On one point, however, my conviction—I may as well confess it—approaches the intensity and fixity of dogma. That is, that any proposal in the name of peace, which makes any terms whatever with war, which compromises with or tolerates it in any form or guise, is foredoomed to futility.

If we are to abolish war, the first decisive thing to do is to outlaw it!

This book has been written in response to a widespread public demand for an authentic and comprehensive exposition of the proposal to outlaw war. My confreres among the pioneers in this approach to the war problem have seemed to lay upon me the task of responding to this demand. I have drawn freely upon the fragmentary literature of the movement—scattered articles and published addresses by Mr. Levinson, Senator Borah, Professor Dewey, the Rev. John Haynes Holmes, Colonel Raymond Robins, Judge Florence E. Allen, the Rev. M. V. Oggel, and others—but despite my substantial indebtedness to these sources, the statements made and the positions taken must be attributed to the author alone, who accepts sole responsibility for them.

CHARLES CLAYTON MORRISON.

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President Woodrow Wilson's mind and came out in formulas of moral authority which our citizenry could not resist. We were to fight a war to end war, to crush militarism, to establish social justice, and to make the world safe for democracy. With the most naïve conception of the real causes of the war, and with not the slightest doubt that our allies would accept their victory in the same temper as that in which it was presumed we would accept it, our people plunged into the conflict heart-whole in their unselfish devotion to the great ideals which their President inscribed on the nation's banner.

I. EUROPEAN SYSTEM REJECTED

The disillusionment since the armistice has been tragic. Historical scholars having access to data which were concealed during the conflict have constructed a picture of the European situation in 1914 wholly different from that which our soldiers carried in their minds as they went forth to fight. The feeling that we were deceived, that it was not really the kind of conflict we thought it was, that in truth it was not our war at all, that our vast emotion over it was misdirected, and that the high moral consecration of our people was irrelevant to the ends we thought our victory would achieve, has been permeating steadily the public mind of America, resulting in just such spiritual havoc as sudden and profound disillusionment always brings. Any considera-

tion of America's course in international affairs since the war will be blind and unjust which fails to take into account this fundamental transformation of mood.

Woven in with these disclosures about the war has been the revelation of the nature of the peace as embodied in the treaty of Versailles. I do not refer alone to the spoils taken by the allies, to the redrawn boundaries, to the enormous reparation demands, to the coerced acknowledgment of war guilt on the part of Germany, or to the many other features of a victors' peace. I refer more particularly to the covenant of the league of nations which was accepted by President Wilson, and offered to America by him, as compensation for the flouting of those principles of the fourteen points upon which the allies had promised Germany that the peace would rest. The league, America was told, would be the instrument of ameliorating the unavoidably harsh terms of the treaty. The league would make war impossible, and with war outside the pale, the injustices of the treaty could be cured in due time; meanwhile they could be endured.

Hardly less disillusionizing than the post-war discovery of the truth about the war itself has been the post-Versailles discovery of the truth about the covenant of the league. America, still under the magic spell of war-time idealism, was in the way of accepting the league with the same kind of emotional

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naïveté as that which characterized her acceptance of the war. The fact that the league was offered as the peace usufruct of the war gave it a strong appeal to the conscience of our people, and having no critical point of view from which to examine its pretensions, many naturally felt that an organization professing so lofty an aim should have the fullest cooperation of this government, particularly so when our aim in the war was peace; and the league was the only product of the war which even professed to have anything to do with peace. These impulses were further greatly strengthened by our President's close participation in the creation of the league. Thus began the struggle, in the senate of the United States and in the forum of a popular referendum, between those who accepted the apologetic for the league and those who thought they saw in it only another diplomatically constructed simulation of peace behind whose plausible façade the age-old militaristic game would continue to be played.

The result of this struggle the world knows. The United States declined to enter the league. Of the merits of the controversy or the wisdom of the decision it is not my present purpose to speak. In other chapters we shall enter as far into a candid consideration of the league as may be necessary for our purposes. For the present it is sufficient only to be reminded of the mood in which large numbers of our people regarded the league. They identified it with

the very cause of peace itself. Accepting the interpretation of the league's sponsors at its face value, almost the entire leadership of America's peace sentiment allowed all their eggs to be put into that one basket. The cause of peace was to stand or fall with the fate of the league. With its rejection by the senate it steadily slipped away from popular attention, and its full eclipse in American politics came about when the party of Woodrow Wilson definitively refused to include it in its platform of 1924. Since that time it has ceased to be a thing of any vital concern to American political thinking, and various peace organizations, while still under the spell of it, have found it impracticable to keep it at the front of their programs.

It was a disconcerting experience to American internationalism when the league failed to convince the public opinion of this country. But the peace groups turned to the Permanent Court of International Justice, established by the league in 1921, as offering the minimum of attainable relationship with the league system. President Harding, under the advice of Secretary Hughes, had given his approval to the proposal to adhere to the court, with certain reservations plausibly intended to make sure that by adhering to the court the United States would not thereby create any legal relation to the league. President Coolidge, who in 1919 and 1920 had been an open advocate of our entering the league with mild reser-

vations, in accepting his predecessor's mantle adopted the advocacy of such adherence to the court. The entire organized leadership of the self-conscious peace sentiment in the country, including many church headquarters' groups, mobilized their forces behind the resolution to adhere. Every attempt was put forth to make the court seem congenial to American ideals and pride. It was contended that the court had no organic connection with the league of nations. It was also contended that the court was really an American idea and an American policy. The contribution made by Mr. Elihu Root to the constitution of the personnel of the court was magnified by the court's proponents so as to seem like a stroke of genius, if not a divine revelation. The fact that two other of Mr. Root's recommendations, each incomparably more significant than the first, were rejected by the league was discreetly ignored. The court was pictured as the consummation of a generation's efforts by the United States against the hitherto unwilling governments of Europe on behalf of the substitution of law for war. The agitation among what might be called the professional peace advocates was intense. The people in general took only the most remote interest in the debate. Yet the organized headquarters of the peace societies and the churches persuaded the President and the senate that the court was backed by overwhelming public opinion.

The result of this contest also all the world knows.

The resolution of adherence passed the senate in January, 1926, but with five reservations attached, the effect of which would be, as President Coolidge later approvingly said, to reconstruct the court in one or two vital respects. Indeed, the reservations were of such a drastic nature as to make it necessary, practically, to join the court afresh each time we desired to take a specific case to it. The passage of the resolution of adherence, even with these reservations, was hailed as a great victory for world peace by the groups who, sentimentally identifying the court with the cause of peace itself, had been chiefly responsible for bringing pressure to bear upon the administration and the senate.

But it was a hollow victory. The reservations, instead of safeguarding America, were taken as a reflection upon the character of the court. The "polite gesture" which the President urged as the chief value of adherence turned out to be anything but polite. It was grudging and suspicious. The "tiny step" which we were urged to take toward a peaceful world proved to be in reality a step backward, at least in its effect upon public sentiment. For no sooner had the resolution of adherence passed the senate than the electorate was aroused in opposition. This was registered at the polls in the defeat of a number of senators who had conspicuously supported the resolution of adherence, and in the change of front of other senators. It became clear