The Outlawry of War.
Chas. C. Morrison.

Introduction: Foreword by John Dewey.

Commonplace that steam & electricity ... world interdependent. We take for granted -- interdependence a blessing. Not necessarily a good .... a condition of good not ---. an achievement of good, & also condition -- new evils. To be sure -- barriers of old ... impossible to cooperate, but also ... ... fight & exploit.

So this economic integration fraught with danger. There is

the so-called cultural internationalism, ... fruit of noble emulation in sciences & arts, one manifestation ... international mind. Unfortunately ---- mostly sentiment & ineffectual idealism — a satisfaction to feeble cultural enough ---- but without signif. achievement to ... credit.

Thus ... question of liberating & making articulate ... intern. ... two sides: utilizing ... econom. interdepend. & ... intern. mind function ... world affairs.

It is submitted ... outlawry of war ... only means ... transmuting ... internationalism ... in both ... phases into power for good.

like air we breathe . . . institution of war . . bound up . . . facts . . present relations of nations. Constant threat & incubus. Almost ~~suffo~~ impossible . . . . . ~~sidot~~ interdependence . . . become . . . if . . . war system removed.

Furthermore lifting . . war burden . . . enable <u>international mind</u> . . become <u>working reality</u> . it will have a career of action . . . will mean . . . emancipation from jealousies, fears & hatreds.

Chap. I.

In 1st. chapt. ---- "Present Crisis of the Peace Movement in America" Mr. M. shows how disillusionment resulting ---- Treaty of Versailles ---- futile -- efforts -- organizations --- awaken ---- interest ---- public -- League, World Court, General Protocol ---- disarmament -- unresponsiveness ---- league system --- hardening effect --- peace idealism in general & left --- plans stranded ---- popular indifference & cynicism. Moreover --- peace advocates --- state of frustration, so that

--- where to turn. But now
--- begins to dawn --- possibility
-- war .. rid of without -- joining
the League; indeed that ---
joining --- deferred ----
something fundamental about
war. Hug --- seeking to
isolate war problem from
the problems connected ---
world political organization
-- realize .. new motive
force --- movement.

Outlawry of war ---
recognized as -- one proposal
-- supplies adequate motive
force, for lose sense of aims

— ----- consists in this. —
that it is a direct, frontal attack
upon the institution of war
by the united will of the nations
without involving any nation
in any political or military al-
liance whatsoever.

Outlawry proposal took
form ... mind ... S.O. Levinson
--- two years before L. of N. ...
... Given 1st. public interpreta-
tion -- article -- New Republic ...
March 9, 1918. After -- making
public covenant -- revealed
---- nothing to change legal
& institutional status of war ...
Levinson -- -- away ... league

idea ..... pamphlets &
articles .. 1918 - 1926 ....
essence & program of
outlawry of war .. Idea
first ... attention .. public ....
Senator Borah's resolution
in .. Senate .. 1923 and
since .. attention focused as
... only vital & promising peace
program before American mind,

C. II. What is Outlawry?

Mr. M. first asks... "Must war remain with us until we attain a millennial state of the world"? Until nations ---renounced large measure... -- sovereignty ... interests -- world welfare & created planet-encircling superstate? Until brotherhood of man .. realized? Discouraging if this were so. Nations jealous .. sovereignty - .. no sign .. abandon it.

On ... other hand if .. imagine .. nations, without structural change

holding intercourse -- basis
peace & order, what do we see
- - - - - where war now stands?
Clearly we see -- court - world
court, adjudicating - - - between
nations by -- application of
law which nations -- recognize
as law. Instead -- going to
war -- going to court.
War can not be effectually
disbanded - - - but law - not --
arbitration - - - armaments - - -
- alliances - - - league - - over-
whelming force - - - - - center.
Some way - - - no elimination
causes - - - removed. - impossib

Even if causes ... today ...
fresh causes -- tomorrow.
War always -- been
Supreme Court -- nations
--- setting up -- international
court of law with war sys-
tem still entrenched --- help
somewhat, but .. suffer ---
appeal -- higher court -- military
force.

Therefore ... required that
-- court set up & code of laws -
accepted or ratified by nations.
Here must be <u>world court</u> &
<u>world code</u>. Codification --
intern. law -- sine qua non.

But - as well - the primary statute -- code -- war a public crime. What has vitiated ------ war recognized juridically as a righteous & legal resort.

But where is obligation - to take disputes -- & - or respond to summons - ----? What to prevent -- scrap of paper?

Only one way imaginable -- breath of life & power -- into - system - for all nations -- pledge one another, in - universal treaty -- renounce ---- immemorial right to resort to war --- disputes

— accept — jurisdiction — court — covered by — code & abide by — decisions — only — plighted word of the nations, backed by united public opinion of the world — can give reality & power to a court of world peace.

C. III. Initiating Authority.

In — chapter two. Morgan maintains that U.S. — nation upon whom duty — initiating — falls. U.S. less encumbered — political & military entanglements — — — & less obsessed by fear of attack — — — —

Moroni in view -- repudiation - league idea by U.S. -- negative attitude --- other peace projects ---- incumbent on her ... initiative in making sound peace proposal after own.

What would response of other nations --- initial proposal? He thinks even ... reluctant governments --- compelled --- public opinion. Peoples -- war weary yearning for peace proposal --- simple & understandable & utterly free --- obfuscating complexities --- plan devised within war system,

Ho says, "To think that they would reject such a yes or no proposal is, it seems to me, to betray an ignoble conception of Humankind."

C. IV. A Treaty to Outlaw War.

When .. substantial no. of parliaments .. made their declarations .. contemplated that an international Conference of all civilized nations .. called by America or .... nations for .. purpose formulating .. adopting .. great treaty pledging ... out-

lawery of war, and ....
for a convention of leading
jurists .... all civilized
nations, to formulate &
codify international laws of
peace.

Read "minature" treaty
which crystalizes & illumine the
proposal to outlaw war - p. 61.

What kind of disputes submitt-
ed? - ... ? According to
draft treaty - purely internation-
al disputes. Domestic policies
... not within jurisdiction.
Who decides ---- suit ...

complaining nation --- juris-
diction of court? -- Court
itself - - - - in ind. specific
case

What determines -- court's
decision - - - - jurisdiction?
It is determined by -- code.

Who then decides - - -
into code as — international?
The makers of the code - - .

And who are makers: --
-- code? -- nations themselves
- - - code. -- approval or
ratification -- code -- part
of treaty outlawing war. In
renouncing --- go to war

-- nations know in advance what is to be the scope of the jurisdiction of the court --
--- commit ultimate settlement ... disputes.

In case disputes not covered -- code nations -- agree --
... not go to war ....

So summarize purpose of project - War has now all law on its side. There is no law on the side of international peace. The method is for society to put the law on the side of peace and -- war outside the law

The formidable brilliant stated by Mr. Levinson — h. 23.

Selections elucidating details.

1. Are there precedents for such a radical measure?
p. 97.
Other institutions outlawed — duelling, slavery. read p. 102.

2. World Court versus the League.
p. 123 & p. 127

3. Question of sanctions for enforcement
p. 178, 184, 187, 204

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Commonplace that steam & electricity have ... world interdependent. Interdependence not necessarily a good ... a condition of good not ... achievement of good — is also condition of new evils — barriers of old made it impossible to cooperate but also impossible to fight & exploit.

If this economic internationalism is fraught with danger, what about internationalism ... fruit of noble emulation in science

o art? What about what we call the "international mind"? Mostly sentiment & ineffectual idealism — a satisfaction to people cultivating enough to have it but without ... significant achievement to its credit.

Thus the question of liberating & making articulate .. internationalism has two sides: utilizing for good economic interdependence & making possible .. international mind to function effectively in control of world affairs.

It is submitted that outlawry of war is only means of transmuting existing internation-

alism in both these phases into -- power for good

Like air we breathe institution of war - bound up with all the facts of present relations of nations. A constant threat & incubus. Almost impossible to realize what economic interdependence would become if heavy hand of war system removed.

Furthermore lifting of war burden will enable international mind to become working reality - it will have a career of action - will mean

to large extent emancipation from jealousies, fears or hatreds.

Chapt. I.

In his first chapter entitled "The Present Crisis of the Peace Movement in America" Mr. M. shows how the disillusionment resulting from the terms of the Treaty of Versailles rendered futile the efforts of American peace organizations to awaken the active interest of the American public in

the League, World Court, the Geneva Protocol and the League Conferences on disarmament. The unresponsiveness of the American political mind to the league system had a hardening effect on peace idealism in general and left all peace plans stranded high & dry on the banks of popular indifference and cynicism. Moreover it left the numerous groups of peace advocates in a state of pathetic frustration, so that now they do not

know where to turn. But there now begins to dawn upon the mind of peace advocates the possibility that war may be gotten rid of without America's joining the league; indeed, that America's joining the league may wisely be deferred until the nations in the league join with the United States in doing something fundamental about war. They are seeking to isolate the war problem from the problems connected with

a world political organization. They realize that a new nature force is needed in the peace movement.

The outlawry of war is coming to be recognized as the one proposal which supplies an adequate motive force, for the essence of this proposal consists in this, that it is a direct, frontal attack upon the institution of war by the united will of the nations without involving any nation in any political or military entanglement whatsoever.

The outlawry proposal took birth in the mind of its author, Mr. S.O. Levinson, nearly two years before the league of nations came into existence. It was given its first public interpretation in an article in the New Republic by Mr. Levinson on March 9, 1918. After the making public of the covenant of the league revealed the fact that the peace settlement had done nothing to change the legal & institutional status of war, Mr. Levinson turned

away from the support of the league idea and in a number of pamphlets articles published from 1918 to 1926 has set forth in considerable detail the essence ~~of~~ and program of the outlawry of war. The idea was first brought to the attention of the public as a whole by Senator Borah's resolution in the Senate in 1923 and has since had attention focused on it as practically the only vital & promising peace program before the American mind.

C. II. What is Outlawry?

He first asks: "Must war remain with us until we are able to attain a millennial state of the world? Until nations have surrendered large measures of their former sovereignty in the interests of world welfare and created a planet-encircling super state?" It would be discouraging if this were so. The nations are jealous of their sovereignty, & no sign that they intend to abandon it.

On the other hand if we can imagine the nations, without

any structural change holding intercourse with one another on the basis of peace & order, what do we see standing in the place where war now stands?

Clearly we see a court, a world court, adjudicating disputes between nations by the application of law which the nations themselves recognize as law. Instead of nations going to war we see nations going to court.

War cannot be effectually displaced by ~~[illegible]~~ but law — not by arbitration, nor

cutting down of armaments, nor by military alliances, nor by a political league, nor by overwhelming force concentrated in a single world center

Some say there can be no elimination of war until causes of war are removed. That is impossible. Even if the causes of war that exist today were removed, there are bound to arise fresh causes tomorrow.

~~The~~ War has always been the Supreme Court of the nations. The setting up of an international court of law with the war

opposition still intended in the world may help somewhat, but it would suffer constantly from the danger of an appeal being taken to a higher court of military force.

Therefore, it is required ~~not~~ ~~along~~ that a court be set up & a code of law accepted and ratified by the nations. There must be a world court & a world code. Codification of international law is a "sine qua non". But the primary statute of the code should make war a public crime. What has initiated

all attempts at world peace hitherto. that war has been & is still recognized juridically as a righteous & legal resort.

But where is the obligation for a nation to take disputes to this court or to respond to the suggestions of the court on the complaint of another nation? We know nations have a way of reducing solemn treaties to scraps of paper. There is only one way imaginable by which the breath of life

of power can be breathed into the system — for all the nations solemnly to pledge one another, in a universal treaty, that they renounce forever & unconditionally the unmeaning right to resort to war for the settlement of international disputes, that they will accept in good faith the jurisdiction of the court in all disputes covered by the code & will abide by it decisions. It is only the pledged word of the nations, backed by united public opinion of the world that can give reality & power to a court of world peace

C. III. Initiating Outlawry

In this chapter Mr. Morrison maintains that the United States is the nation upon whom the ~~for~~ duty of initiating the outlawry of war most obviously falls. The U.S. is less encumbered by political & military ~~alliances~~ entanglements with other nations and is less obsessed with the fear of attack than are other nations. Moreover, in view of the

repudiation of the league idea by the U.S. and her negative attitude towards other peace projects in Europe, it is clearly incumbent upon her to take the initiative in making a sound peace proposal of her own.

What would be the response of the other nations to the initial proposal? He thinks even the most reluctant governments would be compelled to accept by pressure of public opinion. Peoples are war-weary & yearning for some peace

proposal to be presented to them simple & understandable & utterly free from the obfuscating complexities inherent in any plan devised within the war system. He says, "To think that they would reject such a yes or no proposal is, it seems to me, to betray an ignoble conception of mankind."

C. IV A Treaty to Outlaw War.

When a substantial number of parliaments have made their declarations, it is contemplated that an international

conference of all civilized nations will be called by America or by any other nation or nations for the purpose of formulating & adopting a general treaty pledging the nations to the abandonment & outlawry of war; and providing for a convention of the leading jurists of the world, representing all civilized nations, to formulate & codify the international laws of peace.

Real "miniature" treaty, which crystallizes & illumines the proposal to outlaw war — p. 61.

What kind of disputes would be submitted to this court? According to a draft treaty - purely international disputes. Domestic policies of nations not within its jurisdiction.

Who decides whether or not a suit brought by a complaining nation is within the jurisdiction of the court? The court itself decides its jurisdiction in each specific case.

What determines the court's decision as to whether it has jurisdiction? It is deter-

mined by the code.

Who then decides which disputes go into the code as purely international? The makers of the code decide.

And who are the makers of the code? The nations themselves make the code. Its approval or ratification of the code are part of the treaty outlawing war. In renouncing the right to go to war, the nations know in advance what is to be the scope of the jurisdiction of the court to which they will commit the ultimate settlement of international disputes.

In the case of disputes not covered by the code the nations will agree that they will not go to war over them.

To summarize the purpose of the project - War has now all the law on its side. There is no law on the side of international peace. The method is for society to put law on the side of peace and to put war outside the law.

This principle is brilliantly stated by Mr. Levinson - p. 93.