

# THE OUTLAWRY OF WAR—THE NEXT STEP IN CIVILIZATION

BY  
RAYMOND ROBINS  
Social Economist, New York City



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WE do not half appreciate the costs of the Great War. Ten million dead on battlefields; five million permanent cripples; hundreds of billions of wealth destroyed; pestilence, famine and unemployment; world propagandas of mass hatred and fear; anarchy and the force-spirit over-riding with ruthless violence constitutional liberty and due process of law in all lands—these are some of the visible fruits of the World War.<sup>1</sup>

We do not half appreciate *the menace of the next war*. For the first time in human history, the scientific mind, the trained intelligence of the chemist and the engineer have been devoted to the development of the most effective means for wholesale human slaughter. Each nation is being equipped with invisible and odorless poison gas that is instantaneously deadly; with fleets of bombing airplanes controlled by wireless. We are now able to destroy whole populations in a night. There are no longer any non-combatants. Old and young, women and little children, animals and the fruitful earth itself, now suffer a common devastation and ruin under the action of modern war. The

last war left the nations of Europe bankrupt—victors as well as vanquished. *War has become national and international suicide!*

### THE WAR SYSTEM—ENEMY OF MANKIND

The last ten years—covering four years of the greatest slaughter of life and destruction of property in human history, together with the aftermath of six years of an even more terrible so-called peace—has torn the mask from the hideous face of War, and revealed the war system as the supreme enemy of the human race. Right minded men and women can no longer think of war as an honorable profession, nor as the path to true glory or national greatness. Six years after the close of the “war to end war” and to “make the world safe for democracy,” there are more armaments and standing armies, more hatred and force and fear in Europe than in 1914—and less democracy than there has been in fifty years and less trust in democracy than there has been for a century. The war system is now known to be the arch murderer of the youth of the nations, the poison in the cup of brotherhood between the peoples of the earth, the forerunner of pestilence and famine, the paralysis of industry and the suicide of commerce—the great common oppressor and menace of the human race, crucifying Christ afresh on every battlefield.

What is this Monster War? It is the product of the legal institution, the war system, organized and maintained in every nation of the earth. The war institution is today just as legal as marriage or the home, as the church or the

<sup>1</sup> Colonel Robins referred to *Security Against War*, by Frances Kellor (The Macmillan Company, New York) as the most comprehensive study of the organization and activities of the League of Nations and the Permanent Court of International Justice, as well as of the movement for the outlawry of war that has yet been published. He also referred to the pamphlet, *The Codification of American International Law*, issued by the Pan-American Union, Washington, as containing a fundamental codification outline, and project 30 of this proposed code as the first genuine step toward the outlawing and overthrow of the war system yet taken in the history of diplomacy.



school. We tax ourselves heavily to prepare for war, diplomats expect and plan for war, munition makers and imperialists seek war, territory and oil, honor and fame, wait on the exercise of this war institution—and it is the *only* method today for compelling a settlement of disputes between the nations of the earth. So long as the war system remains a legal institution we will have wars. Propaganda is the organized lying of the war system and annexations are the organized stealing of the war system. So long as the war institution remains *legal*, it gathers force from day to day and year to year; and when it begins to function, the war system outlaws civil society, betrays and corrupts all the principles of Christianity and civilization, and sweeps all the petty devices of mere pacifists and those who seek to regulate and control its ruthless force and destructive violence before its juggernaut car as leaves are swept before a cyclone.

Wars of liberation—revolutionary struggles such as our own in 1776—are all illegal. Every patriot in revolt against tyranny is guilty of the capital crime—treason. All wars of aggression or conquest are legal. Why was the Kaiser never brought to trial? Because he is guilty of no crime known to international law. War-making is the legal exercise of sovereignty—"the King can do no wrong." If as an individual citizen I assault and kill a human being I am guilty of murder. If as a king or a diplomat I start a war that kills ten million lads I am guilty of no crime known to the law of nations.

What then is the answer? Is there no escape from war? Is this after all a Devil's world? Must the nations of the earth every so often engage in the wholesale slaughter of their finest youth and destruction of the fruits of the patient thrift and toilsome labor of long years? Must civilization finally com-

mit suicide? Is humanity doomed and Christianity an iridescent dream?

#### OUTLAWING WAR

Humanity is not helpless. This is God's world! We can outlaw this war system just as we outlawed slavery and the saloon. We can make war a crime under the law of nations, and substitute law for war in compelling the settlement of international disputes. Human society has overthrown other powerful legal institutions that had grown to be a menace to human welfare. Piracy, the international slave trade, the code duello, the slave system, the liquor traffic—all were legal institutions, all were as old as history—all have been outlawed and their exercise made a public crime, in the progress of mankind from barbarism up to liberty and security under law. The history of civilization in the structure of social control has been the history of the invasion of the realms of force and violence by public law.

Always the successful method for the liberation of society from the effects of an outgrown legal institution has been to outlaw the institution and to make its exercise a public crime. Never has the attack been upon causes. There are just as many causes for duels today as there ever were, just as many persons who would like to get human labor without paying for it, just as many thirsts for liquor as ten years ago; but there are no duels, no human slavery and no legal saloon in the United States. Institutions that are outlawed and their operation made a public crime die out of the life of the world. That is the verdict of history.

This is the answer to the supreme problem and menace of war in our civilization today. The war system and the war institution must be outlawed by international agreement and war must be made a crime under the law of

nations. This is the first step in the effective "war against war."

Whenever in the history of human progress a legal institution is outlawed, if such institution is exclusively performing any necessary function, then that function must be provided for in some other institution. The war system is the only legal method today for compelling a settlement of international disputes. So long as there is increase and diminution in populations, growth and decay in the genius and adventure of nations, new discoveries of natural resources and changes in the routes of travel and trade, there will continue to arise questions between nations that will have to be settled somewhere. In six thousand years of human history there have been only two methods for *compelling* a settlement of disputes between human beings. The one, force and violence—assault between individuals, war between nations; the other, decrees of courts operating under public law. Therefore we demand as the second step in the outlawry program to realize a warless world the codification of international law to provide for the legal settlement of all international disputes, and its codification on the principle of equality in justice and right between all nations great and small. The third step in the outlawry program is the establishment of an international tribunal with affirmative jurisdiction under a definite international code to hear and determine all questions that may arise between the nations and that are not settled by conference or arbitration—each of these steps to be worked out in international conferences and ratified by the people of the nations participating in such conferences.

#### THE METHOD

How will the outlawry program campaign be developed?

*First.* Work to create an informed

and definite public opinion in America and throughout the world demanding the outlawry of the war system in all lands. Keep to the main point and do not be diverted by easy bypaths and ineffective blind alleys. Always in the struggles to liberate mankind from institutions that have become a menace to human welfare, there have been three types of minds and efforts—often in conflict with each other—seeking the same end:

- (1) Those intense individualists who believe that social institutions can be overthrown alone by moral suasion, individual protest and personal martyrdom. Such persons believe that they could persuade all men not to own slaves, or not to drink liquor, and by this means destroy slavery and the liquor traffic.
- (2) Those practical hard-headed men, of little faith, who believed that the institution of slavery or the saloon, by reason of their ancient history, general acceptance and seeming necessity in the past, must therefore continue indefinitely, and that all that can be done is to ameliorate the evils of such institutions by this or the other improvement in their operation or limitation of their exercise. Such persons thought that slave owners should be required to feed their slaves well, provide sanitary quarters, allow them one day's rest in seven and give them some moral instruction; that the saloon should be heavily taxed, limited as to hours and days for operation and restricted to certain localities; and that this was all that could be done

to relieve the acknowledged wrongs of either institution. Opposed only by the efforts of these persons and methods, slavery and the saloon grew in wealth and power.

- (3) Those who, having studied and understood the power that legality gives to an institution, especially when coupled with exclusiveness of function in meeting a social need, have organized the collective power of public opinion and of bringing pressure to bear upon the officials of public authority, have succeeded in outlawing the institution, making its operation a public crime, and gathering up its social function into some other institution or institutions that do not menace the public welfare. This last mind and method has outlawed slavery and the saloon and it will outlaw the war system in this generation.

*Second.* Bring this informed and definite public opinion for the outlawry program to bear upon those officials with power in all governments; through votes, demonstrations, letters and resolutions demanding the calling of an international conference to provide and submit to the people of every nation for ratification:

- (1) A mutual treaty outlawing the war system and making war a crime under the law of nations.  
 (2) An international code for the legal settlement of all disputes

between nations based on the principle of equality in justice and right between all peoples great and small.

- (3) A statute providing an international tribunal with affirmative jurisdiction to hear and determine all disputes arising between the nations in accordance with such international code.

Born in the creative mind of a great Chicago lawyer, in collaboration with the foremost international jurist of a Roosevelt cabinet, this outlawry program has now spread to all civilized nations. Senator Borah, the moral and intellectual leader of the Senate of the United States; Professor John Dewey, the philosopher educator of America; and Judge Florence Allen of Ohio, the only Supreme Court judge among the women of the world, are some of our outstanding leaders in this great cause. The Methodist, Baptist, Presbyterian, Lutheran, Unitarian and Congregational communions have joined in their support of this fundamental movement for the peace of the world.

Let us enlist in this great crusade. Two generations ago the slave system was the issue; one generation ago the saloon system was the issue; today the war system is the issue. Christian civilization and the war system cannot both survive. Let us unite to outlaw war, and liberate mankind from the age-long thralldom of the sword, thus proving that the countless dead upon the battlefields of the Great War did not die in vain.