

## Activity 1: Postwar Disillusionment

Student Name \_\_\_\_\_ Date \_\_\_\_\_

**Directions (Part 1):** Below are excerpts from articles by Raymond B. Fosdick and Harry Elmer Barnes. Read the excerpts from these documents carefully, using the questions below to guide your reading.

| Question  | Answer |
|---|--------|
| <p>In what sense did Fosdick regard the Treaty of Versailles as a betrayal of the principles for which Americans fought during World War I?</p> |        |
| <p>Why did Barnes believe that U.S. involvement in World War I was a “calamity”?</p>  |        |
| <p>How, according to Barnes, would the war have turned out if the United States had remained neutral throughout?</p>                            |        |
| <p>Why does Barnes think that this “alternate ending” to World War I would have been preferable to what really happened?</p>                    |        |

Excerpt from Raymond B. Fosdick, “The League of Nations as an Instrument of Liberalism,” *Atlantic Monthly* 126:4 (October 1920): 553-563.

*Raymond B. Fosdick was a prominent New York City lawyer with a long history of involvement in progressive causes. Although he favored U.S. participation in the League of Nations, he was among those American liberals disappointed by the 1919 Treaty of Versailles, which brought an end to World War I. He believed that it represented a betrayal of the ideals for which the United States had fought during the war; ideals summarized in Woodrow Wilson’s Fourteen Points address (<http://www.lib.byu.edu/~rdh/wwi/1918/14points.html>).*

...[T]hat the Treaty is marred by clauses of supreme unwisdom, cannot be denied by anyone who followed the work of the Paris Conference and who knows the forces that are moving in Europe today. It is foolish to blink at the facts. Instead of pursuing a healing policy of reconciliation, of 'charity for all,' which alone was worthy of the vast agony of war and of that great army of dead who fought for a better world, the Treaty of Versailles and the other treaties of liquidation reflect too much the spirit of vengeance. They mirror the bitterness, the passion, and the exaggerated fears of those trying months which immediately followed the Armistice. The bill of particulars for this general indictment has been presented too often to need repetition.... The Fourteen Points, on the basis of which the German nation agreed to lay down its arms, and to which the Allies were bound by promises of a solemn character, were in part distorted and in part ignored. The Reparations clauses -- taken in conjunction with similar clauses in the other treaties -- represent a deliberate attempt to strangle the industrial and economic life of Central Europe, reducing her to servitude for a generation. They leave the hundred million people of the beaten races, including Magyars [Hungarians] and Bulgar[ian]s, with no real hope for the future except through revenge, and no inducement to become willing members of a new system of peace. Austria, indeed, is reduced to impotence and penury, and a specific barrier is erected against the only measure that can save her from dissolution -- union with Germany. The Saar Valley settlement [in which France was given control over an area populated almost entirely by Germans] is an experiment of questionable validity, containing the seeds of probable future strife. The annexation by Italy of the Southern Tyrol [another area mainly inhabited by Germans] has nothing to justify it except military expediency. The inclusion within the limits of Czecho-Slovakia of three million Germans is a measure which, like the partition of Hungary and the international control of the rivers of Germany, cannot easily be defended. There are many points in the treaties which can be explained only on the basis of vindictiveness, bad judgment, and unwise compromise.

Excerpt from Harry Elmer Barnes, “Balance Sheet of the First World War”:  
<http://www.greatwar.nl/frames/default-barnes.html>

*Harry Elmer Barnes (1889-1968), was a professor of history at Columbia University and one of the country’s leading historians. The following is an excerpt from an essay he wrote in 1939, entitled “The World War of 1914-1918.”*

It was generally believed in 1917 and thereafter that the intervention of the United States in the World War on the side of the Allies saved human civilization. It was lauded as one of the most noble and fortunate episodes in the history of man on the planet. Today, there is a great deal of skepticism about any such judgment. There is a tendency now to see in American intervention one of the major calamities in modern history—a calamity for the Allies and the United States as well as for the Central Powers.

Let us assume the worst possible result of American neutrality in 1917-18. If we had not gone into the war the worst imaginable result would have been a German victory. But no sane person can very well conceive that the world would be any worse off today if the Germans had won under the Hohenzollerns. We used to picture the horrors of a Germany and a Europe dominated by the Crown Prince [William, son of the German Emperor William II] and his followers. But, compared to Hitler, Mussolini and Company, the Crown Prince and his crowd now appear to be cultivated gentlemen, urbane democrats, and sincere pacifists. A more warlike world than the present could hardly have been created as a result of German victory, and certainly the economic situation in Europe since 1918 would have been far better under a Europe dominated by monarchist Germany.

But there is hardly a remote possibility that Germany would have won the war, even if the United States had not come in on the side of the Allies. Germany was eager to negotiate a fair peace arrangement at the time when [American newspaper owner] Roy Howard's "knock-out victory" interview with British war-secretary Lloyd George put an end to all prospect of successful negotiations. We now know that the Lloyd George outburst was directly caused by his assurance that the United States was surely coming in on the side of the Allies. Had President Wilson remained strictly neutral, there is little doubt that sincere peace negotiations would have been actively carried on by the summer of 1916.

There is every reason to believe that the result of American neutrality throughout the European conflict would have been the "peace without victory," which Woodrow Wilson described in his most statesmanlike pronouncement during the period of the World War. We would have had a negotiated peace treaty made by relative equals. This would not have been a perfect document but it would certainly have been far superior to the Treaty of Versailles.

Had we remained resolutely neutral from the beginning, the negotiated peace would probably have saved the world from the last two terrible years of war. Whenever it came, it would have rendered unnecessary the brutal blockade of Germany for months after the World War, a blockade which starved to death hundreds of thousands of German women and children. This blockade was the one great authentic atrocity of the World War period. In all probability, the neutrality of the United States would also have made impossible the rise of Mussolini and Hitler—products of post-war disintegration—and the coming of a second world war.

Not only was our entry into the World War a calamity of the first magnitude for Europe and contemporary civilization, it was also a serious disaster for the United States.

During the first Wilson administration an impressive program of social reform had been introduced, widely known as "The New Freedom." Had this continued until March, 1921, enormous and permanent improvements might have been made in the political and economic system of the United States. But when Wilson allowed himself to be slowly but surely pushed into war, the New Freedom perished overnight. Reaction and intolerance settled down on the country. Some of those who had earlier warmly supported Wilson's domestic policies were thrown into prison, and many others were bitterly persecuted.

## Activity 1: Postwar Disillusionment

Student Name \_\_\_\_\_ Date \_\_\_\_\_

**Directions (Part 2):** As a member of the National Council for the Prevention of War, you have been asked to create a political cartoon that will encourage people to embrace pacifism. Use the previous documents, as well as the photographs and personal accounts below, as source material for your cartoon.

American Soldiers Burying their dead: <http://www.gwpda.org/photos/bin08/imag0754.jpg>



French Dead: <http://www.gwpda.org/photos/bin03/imag0267.jpg>



Ruined Church of Ablaire St-Nazaire in Artois: <http://www.gwpda.org/photos/bin14/imag1335.jpg>



Donald Hankey, A Student in Arms: <http://www.lib.byu.edu/~rdh/wwi/memoir/Student/Hankey4.html>

*Donald Hankey was a British soldier in World War I. He was killed in action on the Western Front on October 26, 1916.*

...To our destination we gave never a thought. Such is the way of youth. What was the good of worrying? We would take things as we found them. But when we got into Belgium the stern realities of war began to obtrude themselves. The towns which we passed through were half empty. Broken windows, holes in the roof, and here and there the whole front of a house missing, told their story of when the war had swept that way. The people in the villages were no longer genially hospitable. They wore an anxious look, and were obviously out to make money if they could. Our beer was badly watered, and our chocolate cost us more. We did not like Belgium very much.

Finally we came to the trenches themselves, and all around was desolation and ruin. There are few more mournful spectacles than a town or village lately reduced to ruins. The ruins of antiquity leave one cold. The life that they once harbored is too remote to excite our sympathies. But a modern ruin is full of tragedy. You see the remains of the furniture, the family portraits on the wall, a child's doll seated forlornly on a chair, a little figure of the Virgin under a glass case. In the middle of the little square is a little iron bandstand, and you can almost see the ghosts of the inhabitants walking up and down, laughing, chatting, and quarreling, with no sense of the disaster overshadowing them. You wonder what became of them. The girl whose rosary lies on yonder dressing-table and who doubtless prayed every night before that little figure of the Virgin, was she raped by some bloodstained Uhlan [German cavalryman]? Or did she escape in time to relations or friends at a safe distance? And to what purpose were all these homes sacrificed? Why are all these good people scattered and beggared and fugitive? *Cui bono?* [Who benefits?] On the Day of Judgment someone will have to answer. As we thought of the pleasant towns and villages that we had left behind, with their honest, kindly inhabitants, we set our teeth and resolved that, if we could prevent it, the receding tide should never return over the fair lands of France....

The World War I diary of A.W. Miller: <http://udel.edu/~mm/wwi/>

...Just now I am sweating like a horse. I have been digging graves and burying dead men. Some of the bodies stunk fearfully and one was swarming with maggots. War may be glorious alright, but when such a death as this lies in the balance, I can't see where it's really worthwhile.... Nine dead men lay in the grave yard ready for burial. By lifting up the burlap covering them, I could see the bodies. Some

were literally shot to pieces. One poor chap had his head blown off, another had all his teeth shot away, besides other gaping wounds and on most of the rest I could see tattered flesh sticking out of torn clothing and mangled shoes. One chap evidently wasn't killed outright as he had bandaged his head and perhaps crawled in a shell hole, waiting for aid, when the shot came along which finished him...

A Few of my Experiences whilst "On Active Service", by Charles Rooke:

<http://www.duffin.demon.co.uk/family/rooke.htm>

...The artillery barrage opens, of course. This is my first experience of a barrage – the noise was just dreadful. It starts suddenly, as if coming from nowhere in particular. The shells bursting over the German lines looked lovely, but to them it meant something different. Well, an hour of this and the barrage lifts and then off we go. Your life now is in God's hands. First someone on your right, then someone on your left, maybe, falls down, perhaps killed, perhaps wounded, maybe slightly, maybe seriously. It is these times when men pray as they have never prayed before. About 7:30, the village is taken.... The stretcher bearers have now a very busy time, what with our wounded and the Germans as well. The German prisoners who are not wounded have to help carry the wounded down the line....

...Our rest over we go to Ypres. I think everybody has heard of this and every soldier dreads here. I saw sights I cannot describe here: they were too awful and ghastly. There was dead horses, mules, dead men flying everywhere, tanks, guns, crippled, everywhere. My God, what a sight. I shall remember Ypres for all time. Not a house, not a blade of grass or tree anywhere, nothing but black desolation, mud, mud everywhere. God help the poor devil who got lost and fell off the duckboard track. He would invariably be swallowed up in the quagmires of mud. And across this track we had to go every night to work in line. You started out alright. Nobody knew who or how many of us would get back again safe. Sometimes all of us got back safe; sometimes one or more got hit – killed or, if lucky, wounded. I have with my own eyes seen a 5.9" shell drop near some men, and some of them were never seen again. They were nearly blown to pieces. Anybody who has been here will tell you the same. And through this hell hole we went for six weeks. And here we had our 1917 Christmas dinner. The best description of this hell upon earth is by the official list of killed, which, I think you will find, was two hundred thousands killed. Just imagine what that means and what those dear boys have done for you all, in one place alone. And then some people say "How grey your hair has gone." Good God, I should think so too...

## Activity 2: The Quest for Peace

Student Name \_\_\_\_\_ Date \_\_\_\_\_

**Directions (Group 1):** You are a political advisor to the President. It is your job to evaluate the Five-Power Treaty of 1922, trying to determine if it will have its desired effect of making war less likely. Read the following document excerpts and complete the briefing report that follows to give to the President your advice.

Women's International League for Peace and Freedom, "Manifesto on Disarmament," October 1921:  
<http://womhist.alexanderstreet.com/milit/doc4.htm>

*The Women's International League for Peace and Freedom was formed in 1915 in an effort to bring about an end to World War I. During the postwar era the WILPF was a leading advocate for disarmament and other antiwar measures. Although the organization was made up of delegations from many countries, that of the United States was particularly influential; indeed, the president of the WILPF was the prominent American progressive Jane Addams.*

Believing that universal total disarmament is the only sure guarantee of international peace, the Women's International League for Peace and Freedom views with horror the great post-war increase of expenditure on armies and navies in the Allied countries, as shown by the figures below.

|               | 1913-1914  | 1920-1921  |
|---------------|--|--|
| United States | \$316,000,000 [equal to roughly 63 million British pounds]         | \$911,000,000 [equal to roughly 162 million British pounds]      |
| Britain       | 28,416,000 [British pounds]  | 164,745,000 [British pounds]                                     |
| France        | Fr[anc]s. 913,750,000 [equal to roughly 37 million British pounds] | Frs. 4,952,000,000 [equal to roughly 198 million British pounds] |
| Japan\        | Yen 97,454,515 [equal to roughly 10 million British pounds]        | Yen 250,000,000 [equal to roughly 23 million British pounds]     |

When in July the International Congress met in Vienna under the presidency of Miss Jane Addams, the women of 26 nations assembled there were gratified to hear that President Harding had summoned representatives of Japan, Britain, France, Italy and China to meet members of the American Government in Washington to discuss disarmament and Far Eastern questions.

The delegates at Vienna saw in the projected Washington Conference an opportunity given to the three foremost naval powers to lead the way in lessening the wasteful and devastating expenditure on military force which is impoverishing the world and debasing international relations.

They welcomed especially the following words contained in President Harding's Invitation:

“The enormous disbursement on rivalries of armament manifestly constitutes a greater part of encumbrance upon enterprise and national prosperity, and avoidable or extravagant expense of this nature is not only without economic justification, but is a constant menace to the peace of the world rather than an assurance of its preservation.”

The National Sections therefore determined each in its own country to awaken interest in the Washington Conference and to ask its government to support this effort towards disarmament.

The women of the [British Section] of the W.I.L.P.F. therefore venture to approach their representative as the American women are approaching theirs and urge upon them that if the Washington Conference is to result in an agreed immediate reduction in armaments the representatives of [Britain] must give a lead which will inspire the confidence and strengthen the will to peace of the other countries concerned. If to secure this end the nations find it necessary to check an aggressive foreign policy or to withdraw from spheres of influence now occupied or even to abandon designs of enlargement of territory already conceived, we believe that the greatness of the resulting gain in confidence and security will be in proportion to the sacrifice made.

We would recall that the mariners who discovered the New World set sail on an uncharted sea, and yet their voyage was crowned by the opening up of a continent and the enlargement of the resources and the horizons of mankind. We believe that the same reward will wait upon the efforts of those statesmen at Washington who initiate the voyage in search of a New World set free from the burden of armaments and the fear of war.

William E. Borah, “Disarmament,” September 1922:

<http://www.teachingamericanhistory.org/library/index.asp?document=1496>

*William E. Borah (1865-1940) was a U.S. Senator from Idaho, as well as a passionate advocate of disarmament. In the following article, written for Nation’s Business magazine, he argued that armaments were not only dangerous to the cause of world peace, but also to the economic health of the nation.*

The business men of this country must realize, more keenly, perhaps, than anyone else just now, what these armament expenditures and the taxes thereby imposed mean to business of the future. There is little encouragement for men of business capacity to plan and strive for success when they realize, as they must, that their profits are to be taken for taxes, and that those taxes, when collected, are to be expended, not for things which make for wealth and development, but for sheer waste and sterility. We shall not enjoy that resiliency and revival in business which we are entitled to experience in this country until taxes are brought within reason. And taxes can not be reduced until expenditures are brought within reason. And public expenditures can not be reduced until outlays for armaments are brought within reason.

All that is being done and said just now about reducing the expenses of the Government in other departments and along other lines will amount to very little so far as lifting the burden of the taxpayer is concerned, unless we also cut most savagely the expenditures for armaments, for there is where the vast sum of money goes.

Neither can we wait, nor need we wait, until all questions about which nations may hold differing views are settled before we begin to limit our armament expenditures. There are now three nations in absolute



dominance of the seas—the United States, Great Britain and Japan. These three nations are the only nations which are building vast navies. They are now actually engaged in a naval race. They are building navies with, mad speed and piling taxes upon the people at a rate and to an amount never before dreamed of in time of peace, and seldom in time of war. To say that these building programs shall go forward, that these taxes shall continue to be increased, and the burdens under which the people are breaking shall be augmented until all international questions about which nations and peoples may hold different views are settled, is to say that there is to be no disarmament.

Disarmament should not be postponed, or subordinated, or made incident to the settling and adjusting of all international questions. It should be made the controlling, dominating question. It is the most vital problem in the world today. Unless disarmament is effectuated [carried out], there is no possible relief from the economic conditions under which we are now suffering. And any plan, or any program, which makes the question of disarmament a subordinate, or incidental proposition, rather than the main and controlling proposition, will result in the future, as it has in the past, in no relief to the taxpayers and no relief from war.

There are many obstacles to overcome before we can achieve disarmament, or any pronounced limitation of armaments. I do not underestimate the difficulty of overcoming these obstacles. But the obstacle which seems to me the greatest, the obstacle which seems to me the most difficult to master, is one which we will not admit exists, and that is the reliance which we have come to have on force as the only power left on earth with which to govern men....

I understand fully that there may be circumstances and conditions in which an appeal to force is not only necessary but righteous. But to deify force, to make it the dominating factor, to have it ever present, to sit at conference with your finger pointing back over your shoulder to your armies and navies, to intrude into every settlement, and to announce to the world that it is your ultimate reliance, is barbaric—and it is none the less barbaric when it is practiced by professedly Christian nations.

For myself, I refuse to concede that force is the only power left, or that it should be the dominating and controlling power. It cannot be possible. Reason and justice must still have their place in the affairs of the world, and if leaders and statesmen are strong enough to place their reliance upon them, they will go far. I venture to declare, in the face of professional militarists, that no nation can long defy the public opinion of the civilized world—and especially no government can long defy the public opinion of their own people. And if this conference is conducted as an appeal to the public opinion of the world and to the public opinions of the peoples of the respective countries, it will accomplish far more than if it is conducted under the constant threat of dominating armaments....

Conference on the Limitation of Armament, 1922: [http://www.ibiblio.org/pha/pre-war/1922/nav\\_lim.html](http://www.ibiblio.org/pha/pre-war/1922/nav_lim.html)

*A number of treaties were negotiated at the Washington Naval Conference of 1921-22. What follows are excerpts from the Five-Power Treaty, concluded among the United States, Great Britain, Japan, France, and Italy. This treaty was designed to prevent the outbreak of an arms race in the construction of battleships.*

#### **ARTICLE IV**

The total capital ship [battleships, battlecruisers, and aircraft carriers] replacement tonnage of each of the Contracting Powers shall not exceed in standard displacement, for the United States 525,000 tons

(533,400 metric tons); for the British Empire 525,000 tons (533,400 metric tons); for France 175,000 tons (177,800 metric tons); for Italy 175,000 tons (177,800 metric tons); for Japan 315,000 tons (320,040 metric tons).

### ARTICLE XIX

The United States, the British Empire and Japan agree that the status quo at the time of the signing of the present Treaty, with regard to fortifications and naval bases, shall be maintained in their respective territories and possessions specified hereunder:

(1) The insular possessions which the United States now holds or may hereafter acquire in the Pacific Ocean, except (a) those adjacent to the coast of the United States, Alaska and the Panama Canal Zone, not including the Aleutian Islands, and (b) the Hawaiian Islands;

(2) Hong Kong and the insular possessions which the British Empire now holds or may hereafter acquire in the Pacific Ocean, east of the meridian of 110° east longitude, except (a) those adjacent to the coast of Canada, (b) the Commonwealth of Australia and its Territories, and (c) New Zealand;

(3) The following insular territories and possessions of Japan in the Pacific Ocean, to wit: the Kurile Islands, the Bonin Islands, Amami-Oshima, the Loochoo Islands, Formosa and the Pescadores, and any insular territories or possessions in the Pacific Ocean which Japan may hereafter acquire.

The maintenance of the status quo under the foregoing provisions implies that no new fortifications or naval bases shall be established in the territories and possessions specified; that no measures shall be taken to increase the existing naval facilities for the repair and maintenance of naval forces, and that no increase shall be made in the coast defences of the territories and possessions above specified. This restriction, however, does not preclude such repair and replacement of worn-out weapons and equipment as is customary in naval and military establishments in time of peace.

William Howard Gardiner, "A Naval View of the Conference," April 1922:  
<http://www.teachingamericanhistory.org/library/index.asp?document=1498>

*William Howard Gardiner was president of the Navy League of the United States, a civilian organization dedicated to promoting the interests of the U.S. Navy. The following is an excerpt from an article that Gardiner wrote for the magazine Atlantic Monthly, in which he claimed that the Five-Power Treaty concluded at Washington would leave Japan with a significant naval advantage in the Pacific Ocean.*

The conclusion seems unavoidable...that the naval effect of this whole arrangement is not the establishment of a 5-3 ratio of naval power between the United States and Japan with respect to the Far East. On the contrary, it means virtually complete disarmament by the United States in the Far East while Japan—though statistically less heavily armed at home than the United States is at home—is left overwhelmingly armed in the Far East. And about the same thing might be said with respect to Great Britain's power to express naval force in the Far East *vis-à-vis* Japan.

Consequently, in the Far Eastern situation, a region of international interest has been delimited [defined] in which Japan is omnipotent as far as arms go, and in which the other interests [that is, Great Britain and the United States] relatively are powerless. So in the Far East we have a region in which virtually the equivalent of disarmament of all Powers, except Japan, is proposed—a region in which, therefore,

the only reliance will be in the validity of such diplomatic agreements as those in which the advocates of complete disarmament repose [place] so much confidence. Consequently, this region may be looked upon in the immediate future as a localized experiment in disarmament wherein, in spite of Japan's armaments, the world is trying the experiment of relying merely on agreements...

In the light of all the circumstances just stated, or implied, it would seem difficult to support the contention that the naval agreement, *considered by itself*, tends to spread righteousness in the Far East [in other words, to prevent Japan from dominating East Asia and the Pacific]—unless Japan chooses, without forceful compulsion, to bring to a definite end to the general policy she has been pursuing in recent years [that is, a policy of seeking to become the dominant power in East Asia]. And if she does not so choose, it is difficult to see how peace will be maintained in the Pacific—unless the Powers...abandon all responsibility for the maintenance of righteousness in the Far East....

In the light of these treaties it would seem that the great accomplishment of the Washington Conference has been to reach something of "a common understanding with respect to principles and policies in the Far East"—in principle. The value of the entire accomplishment will depend on the spirit with which each and all concerned put these principles into practice. Only as, in the course of years, it becomes manifest [clear] that principle is or is not being put into practice, will it be possible to decide whether America and Britain have been wise in virtually withdrawing their great naval police power from the Far East and in giving to Japan an unchecked opportunity to choose her course....

## Activity 2: The Quest for Peace

Student Name \_\_\_\_\_ Date \_\_\_\_\_

**To:** The President of the United States

**Re:** Effectiveness of the Five-Power Treaty

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**Overview:** (What does the Five-Power Treaty say?)

**My Analysis:** (What do you think about this Treaty, and why?)

**Proposal:** (Do you recommend that the president endorse this treaty? Why or why not?)

## Activity 2: The Quest for Peace

Student Name \_\_\_\_\_ Date \_\_\_\_\_

**Directions (Group 2):** You are a political advisor to the President. It is your job to evaluate the Kellogg-Briand Pact, trying to determine if it will have its desired effect of making war less likely. Read the following document excerpts and complete the briefing report that follows to give to the President about your results.

Robert Lansing, "The Fallacy of 'Outlaw War'," August 16, 1924:

<http://www.teachingamericanhistory.org/library/index.asp?document=1499>

*Robert Lansing (1864-1928) served as Secretary of State under Woodrow Wilson from 1915 to 1921, and was part of the U.S. delegation to the Paris Peace Conference in 1919. After resigning from the administration in 1920 over a disagreement with President Wilson he practiced law in New York City. In the following piece, published in the popular magazine The Independent, Lansing argued that it was silly to talk about outlawing war, because law was meaningless without some sort of government to enforce it.*

Among the more recent proposals for the insurance of world peace is the one calling upon the nations to make war illegal. Certain organizations have raised a standard inscribed with the words, "Outlaw War." And to that standard have flocked many supporters with the same fatuous enthusiasm that made possible the Children's Crusade. The idea has even won favor with some American statesmen who ought to be endowed with sufficient reason to appreciate the utter futility of such a demand. One can forgive and pity hysterical women and illogical sentimentalists adopting such a motto, but for men, chosen to public office presumably because of their superior mental attainments, to subscribe to it and acclaim it causes one to doubt their intelligence.

The effectiveness of any law is the moral or physical sanction which underlies it. Physical sanctions are the common and prevailing means of law enforcement in view of the frailties of human nature. It is the physical might of government which prevents crime and protects the individual in the enjoyment of his natural rights and liberties. Moral sanctions are those imposed by an individual upon himself and depend on his sense of justice and duty to do what is right. In international law, moral sanctions prevail since there is no supernational power to exert physical sanctions. It is then the good faith of nations, their high sense of obligation, and their standard of international morality that give vitality to the law of nations and justify the word "law" being applied to the principles and precepts which have come to be recognized as those which should regulate the intercourse between civilized states.

If, however, a nation does not respond to moral obligation, or if a government is inspired by immoral motives which place its own selfish interests above the rights of others, what remedy is there but an appeal to arms? Is there any other means by which a nation can maintain the rights of itself and of its nationals? It is the only way to prevent an unscrupulous and ambitious neighbor or rival from wresting from it its independence and sovereignty. All the declarations in the world as to the wickedness and lawlessness of war will not prevent the use of force. Submission and passive resistance will not save the

life of a nation if it is invaded by the armies and navies of an enemy seeking its destruction. There is but one way in such a case to preserve the national safety, and that is by matching force against force, by resisting with all the physical might possessed by a nation the invasion of its territory and the infringement of its rights.

War cannot be outlawed, because under certain conditions it is the only means of preserving national life, because it is often the only means of protecting the rights to which a nation and its people are entitled by every principle of justice and morality. The law, which far transcends any man-made law, is the supreme law of self-preservation.

If all nations were moral and responsive to moral sensibilities, there might be something to the cry, "Outlaw War." But, unfortunately for the peace of the world and the welfare of mankind, civilization has not attained so high a plane, nor does such a condition seem imminent. It would mean the millennium, and that is far in the future. Many nations among those which we term civilized show themselves covetous and selfish and disposed to take every advantage in international affairs, provided it will increase their power and prestige. Recent years have given ample evidence of this aggressive spirit which has persisted in human relations since the very dawn of history...

One may deplore the fact that wars take place. One may agree that war is an evil and contrary to the highest ideals of modern thought, but under existing conditions to attempt to abolish it by proclaiming it illegal is utterly futile. And, when these dreamers suggest that it can be accomplished by binding themselves as individuals to take no part in any way in arming their country against attack or in resisting foreign aggression, they assume an attitude as irrational and indefensible as it is unpatriotic. They not only preach a pernicious and dangerous doctrine, but they invite the contempt and ridicule of all thinking men.

Until human nature changes and all nations become uniformly virtuous, war cannot be abolished by mandate. The way to stop wars under present conditions is to remove as far as possible their causes. Mutual confidence and cooperation between nations should be cultivated, friendly and fair economic competition practiced, while diplomatic intercourse should be frank and unequivocal and founded on the immutable principles of justice...

As a civilized nation will never at the present, time admit to the world that it wages an aggressive war, but invariably asserts that it was justified in taking up arms because its rights were threatened, its legal right to make war is declared. Who is to pass judgment on the rightfulness of that declaration and on the legality of the war? Where rests the authority to decide which belligerent is guilty of aggression and deserving of condemnation? How, then, can either party to an international conflict be denounced as employing force illegally and without justification? Only world public opinion and history yet to be written can determine which party was in the wrong, and that an appeal to force was in violation of legal right and moral obligation.

In the face of these actualities, the present cry, "Outlaw War," becomes an absurdity, an empty demand from unthinking though well-meaning pacifists, who ignore real conditions and the application to them of logic and reason, and loudly clamor for something which common sense and rational thought perceive to be as impracticable as it is vain. No man or woman possessing even average intellect will listen seriously to the words, "Outlaw War."

William E. Borah, "Public Opinion Outlaws War," September 13, 1924:  
<http://www.teachingamericanhistory.org/library/index.asp?document=1500>

*William E. Borah (1865-1940) was a U.S. Senator from Idaho, as well as chair of the Senate Foreign Relations Committee. A leading advocate of the outlawry of war, he wrote the following for The Independent in response to Lansing's article.*

I am unable to determine from Mr. Lansing's article whether he wants an end of war or not. But I must presume he does. If so, does he think that he will turn men and leaders from war more readily by recognizing war as a legitimate institution for the settlement of international disputes, or by declaring it a crime and pointing the way to settlement through lawful procedure? Assuming that the principles we contend for were invoked in international law, accepted by the leading nations, with public opinion behind them, would it not seem certain that it would have a staying effect upon all those who appeal to war for the acquisition of territory and to gratify ambition? If we are to prevent war or to reduce the chances of war, every means known, moral, educational, arbitral, legal, must be harnessed for the struggle.

We must bear in mind also that wars seldom come by reason of mass movements. They are the result of selfish policies and personal scheming. "Peoples do not make war," declared Mr. Lansing's great leader [Woodrow Wilson]. The peoples of the different nations were not responsible for the late war. Had the peoples of the different nations been consulted, or even informed of the real facts, there would have been no war. It was forced upon the world with all its attendant sacrifices and misery by a few men.... A code of international law declaring war a crime and making criminally liable those who foment war could be carried out as successfully as any provision of domestic law in the United States. Under our Constitution, Congress may punish violations of international law, and so could other nations.

"Until all nations stand on the same high plane of morality...this talk and discussion of outlawing war is as useless as it is foolish." This has been the plea of timid souls in every great struggle against wrong and injustice, against every great reform in the history of the world. They say: "Wait until nation's stand on the same high plane, wait until the world and the people are all good," but propose to do nothing to bring the nations to the same plane or to lead the people to a higher life. The hoary antiquity of this argument ought to encourage men to leave it undisturbed. It was the argument invoked in the first instance against international law itself, against making piracy a crime, against outlawing dueling. The question is: What do we propose to do to bring these nations to the same high plane? The outlawry of war seems to us to be the one vital, essential, and indispensable first step to attain that end. To treat war as a crime in international law, to remove its legal shield, to shear it of its glory, to educate the world to believe that war is wrong, that force is destructive, that it settles nothing—this is a part of the program to bring the nations to this high plane.

Does the ex-Secretary think that we will make any headway by pursuing the old course and treading the old slippery, bloody paths? For three thousand years we have experimented with his theory and adjusted our minds to this cruel creed of force. We have seen peace schemes and plans and alliances, all recognizing war as a legitimate institution for the settlement of international disputes, all based in the last analysis upon force organized to prevent or minimize war. As a result, we are on the very verge of universal breakdown. Another chapter in Mr. Lansing's philosophy, another "step toward peace" along his way would destroy civilization. With ten million killed on the field of battle, with three hundred billion dollars' worth of property destroyed, with the hospitals from Petrograd to Peking and from Berlin to San Francisco still crowded with the diseased and the insane, with nations more heavily armed now than at the beginning of the late war, with the experts of the different nations industriously scheming for

more deadly instruments of torture and destruction—with all these we seem to be gathering the fruits of the philosophy, the theory, the creed of Mr. Lansing. Is it not time to lay the ax at the root of the tree, to recognize war no longer as legitimate, to declare nations and men criminals who engage in this supercrime? It is the moral and educational and legal foundation upon which all plans and schemes and hopes of peace must rest.

The Ex-Secretary of State seems to have a sensitiveness about being regarded as an idealist. "The way to stop wars...is to remove as far as possible their causes," he says. But in this proposal he suffers himself to ascend to the higher level. Greed is one of the great causes of war. Can we ever remove it? Ambition, love of power, territorial acquisition, are causes of war. Can we ever remove them? Ex-President Wilson declared at St. Louis that commercial rivalry was the cause of the World War. Does anyone expect to remove commercial rivalry? Does anyone desire to remove commercial rivalry? Certainly not. But you can bring men to understand that commercial rivalry must be waged within the compass of established laws and within the rules of reason, that controversies concerning matters of commerce may not be settled by force, that these things should be settled as disputes relative to commercial rivalry in private affairs are settled, under the law and through the courts.

Is there any law upon the statute books which awaited its enactment for the removal of all causes of crime with which the law was intended to deal? Did we remove the cause of piracy before we outlawed it? Have we removed the causes of murder or theft? Certainly not. We pass laws that men may not push causes to the point of violence. There will always be causes for war. There will always be controversies. There will always be ambitious men and blundering criminal diplomats. And the supreme question is: Shall we adjust these matters and restrain the actors by means of and under the influence of law? Shall we settle such controversies by appeal to violence or to law? Shall men who appeal to violence be protected in the belief and the knowledge that they have a legal right to make such an appeal? If we are ever going to reach a time when these controversies and conflicts are to be settled under and through the process of the law, certainly we must begin by outlawing the opposite of law—war. We must repudiate the antithesis of law—violence....

Kellogg-Briand Pact, 1928: <http://www.yale.edu/lawweb/avalon/kbpact/kbpact.htm>

*In 1928 U.S. Secretary of State Frank Kellogg and French Foreign Minister Aristide Briand drafted the following treaty, in which all signatories agreed to renounce the use of war. Eventually more than fifty nations, including all of the world's great powers, signed the document.*

...Deeply sensible of their solemn duty to promote the welfare of mankind;

Persuaded that the time has, come when a frank renunciation of war as an instrument of national policy should be made to the end that the peaceful and friendly relations now existing between their peoples may be perpetuated;

Convinced that all changes in their relations with one another should be sought only by pacific means and be the result of a peaceful and orderly process, and that any signatory Power which shall hereafter seek to promote its national interests by resort to war a should be denied the benefits furnished by this Treaty;

Hopeful that, encouraged by their example, all the other nations of the world will join in this humane endeavor and by adhering to the present Treaty as soon as it comes into force bring their peoples within



the scope of its beneficent provisions, thus uniting the civilized nations of the world in a common renunciation of war as an instrument of their national policy...

#### **ARTICLE I**

The High Contracting Parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it, as an instrument of national policy in their relations with one another.

#### **ARTICLE II**

The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means....

Address by Edwin Borchard, "Renunciation of War," August 22, 1928:

<http://www.yale.edu/lawweb/avalon/kbpact/kbbor.htm>

*Edwin Borchard (1884-1951) was a professor of law at the University of Chicago, and one of the country's leading experts on the subject of international law. He was sympathetic to the idea of outlawing war, but in the following speech, which he delivered at the Williamstown Institute for Politics in the summer of 1928, he claimed that the Kellogg-Briand Pact would ultimately prove ineffective.*

...The original proposition of Mr. Kellogg was an unconditional renunciation of war. The treaty note qualified by the French and British reservations constitutes no renunciation or outlawry of war, out in fact and in late a solemn sanction for all wars mentioned in the exceptions and qualifications. When we look at the exceptions we observe that they include wars of self-defense, each party being free to make its own interpretation as to when self-defense is involved, wars under the League Covenant, under the Locarno treaties, and under the French treaties of alliance. If self-defense could be limited to the terms "to defend its territory from attack or invasion," as suggested by Mr. Kellogg, it would be of some value, but it is understood that no specific definition of self-defense is necessarily accepted.

Considering these reservations, it would be difficult to conceive of any wars that nations have fought within the least century, or are likely to fight in the future, that cannot be accommodated under these exceptions. Far from constituting an outlawry of war, they constitute the most definite sanction of specific wars that has ever been promulgated. War heretofore has been deemed like a disease—neither legal nor illegal. Now by a world treaty, the excepted wars obtain the stamp of legality. This cannot be charged primarily to Secretary Kellogg, whose intentions were of the best, but is a result of the reservations insisted upon by European Powers, which, it is still to be feared, comprehend peace as a condition of affairs achieved through war or the threat of war. The mere renunciation of war in the abstract in the first article of the treaty has but little scope for application, in view of the wars in the concrete, which the accompanying construction of the treaty sanctions. It is idle to suppose that the official construction given to the treaty by all the signatory Powers is not as much an integral part of the treaty as if it had been written into Article I...

## Activity 2: Arms Control and the Outlawry of War

Student Name \_\_\_\_\_ Date \_\_\_\_\_

**To:** The President of the United States

**Re:** Effectiveness of the Kellogg-Briand Pact

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**Overview:** (What does the Kellogg-Briand Pact say?)

**My Analysis:** (What do you think about this Pact, and why?)

**Proposal:** (Do you recommend that the president endorse this Pact? Why or why not?)