

Eastern Illinois University

The Keep

Undergraduate Honors Theses

Honors College

2018

"The Path to Peace is Paved with Laws": Salmon Levinson and Outlawry

Ava I. Gillespie

Follow this and additional works at: https://thekeep.eiu.edu/honors_theses



Part of the [Peace and Conflict Studies Commons](#)

**“The Path to Peace is Paved with Laws”: Salmon Levinson
and Outlawry**

BY

Ava I. Gillespie

UNDERGRADUATE THESIS

Submitted in partial fulfillment of the requirements of obtaining

UNDERGRADUATE DEPARTMENTAL HONORS

Department of History along with the Jack and Sandra Pine Honors College at Eastern Illinois
University
Charleston, IL

2018

I hereby recommend this thesis to be accepted as fulfilling the thesis requirement by obtaining
Undergraduate Departmental Honors.

4/24/18
Date

THESIS ADVISOR

4/24/18
Date

THESIS COMMITTEE MEMBER

4/24/18
Date

HONORS COORDINATOR

4/24/18
Date

DEPARTMENT CHAIR



Salmon Levinson

**“The Path to Peace is Paved with Laws”: Salmon Levinson
and Outlawry**

Ava I. Gillespie
2018

Chapter One

This thesis examines the interwar peace movement of outlawry and its founder Salmon Levinson. Many peace movements that emerged in the years following World War I. People were desperate for lasting peace after the carnage of the Great War. One movement that is often ignored or given only little interest is outlawry. The other popular movements of the time, such as the push for the League of Nations and disarmament, generally receive more attention from scholars studying peace and the success of movements to prevent war. The example focused on when outlawry is considered is the Kellogg-Briand Pact, a treaty that was the result of an international attempt to remove the legality of war. This thesis argues that the outlawry movement was a complex and realistic peace effort that had the support of not only powerful politicians, but also the support of the general public.

Salmon Levinson, a Chicago lawyer, created outlawry, with the help of many allies. He spent years refining the belief that war could come to an end if war was made illegal and steps taken to ensure warmakers were held accountable. He did help to bring about the Kellogg-Briand Pact, which was a success for the outlawry proponents, despite its inability to prevent World War II. Outlawry was a highly idealistic peace plan, operating under the belief that laws were the ultimate power that would put an end to war. However, this thesis seeks to prove that outlawry was important to understanding the environment in the interwar years and how the effects of World War I created a world ripe for peace movements. This thesis also shows the power that one individual can have and how it just takes one idea to change the world.

This chapter considers the effect of World War One, the League of Nations, the attempts at disarmament, and Levinson's views of the other peace movements. The international stage was flooded with peace activists following the conclusion of WWI, with many bringing their

own concept of how to achieve peace. Some supported the League of Nations, which the Treaty of Versailles created as an organization dedicated to the foundation of a lasting peace. This chapter will show how the League became an unsatisfying solution for Levinson and many other desperate for a peace plan. The inadequacies of the League left the field open for other peace activists' plans. The disarmament movement also found a base in the interwar years, with many believing the way to peace was by limiting arms internationally. However, this chapter will demonstrate the limitations of the disarmament movement and how it struggled to navigate basic issues about the clashing interests of various nations. Salmon Levinson will be introduced in this chapter. We learn how his disillusion with the League and disarmament led to his introduction of outlawry as the strongest peace plan. Indeed, the failures and distrust of the League and disarmament provided vital space for outlawry to grow and gain momentum in the race for a successful peace movement.

World War I was unlike anything anyone had ever seen before, creating a new world order that could only emerge from a global conflict. When the war began, it was meant to be a “war to end war,” and people believed that it would be the last battle between nations leading to lasting peace.¹ The Great War was launched to right wrongs that were both real and imagined, with the belligerents bringing destruction that had been unprecedented and on an unimaginable scale.² The United States began as a neutral nation in 1914, but it too eventually would be brought into the global conflict, with President Woodrow Wilson leading the country into its first total war.³ While the war was fought in Europe, everyone in the United States would be a part of

¹ Robert Ferrell, *Peace in Their Time: The Origins of the Kellogg-Briand Pact* (New Haven: Yale University Press, 1952), 12.

² Oona Hathaway and Scott Shapiro, *The Internationalists: How a Radical Plan to Outlaw War Remade the World* (New York: Simon & Schuster, 2017), 104.

³ Ferrell, 11.

the war effort, whether through building ammunitions, fighting, driving ambulances, or caring for wounded after they returned. Philip Kerr, a British politician, recalled in 1929 the atmosphere immediately following the war: “It is what may happen when war breaks out, not the direct aggression of others, that most nations worry about and arm against.”⁴ By November 11, 1918, the world was weary of war and rejoiced at the peace brought by the Allies, hoping that the Armistice would be the start of a peaceful world and the end of global conflicts.⁵ At the end of WWI, 8 million combatants were dead and roughly 3.5 percent of the European population had died due to the war.⁶ With the battlefields quieted, the focus of the Allies turned from war to peace and how to organize a world that had been seen destruction it never could have imagined. Out of the chaos and drive for peace came four important peace issues: The World Court, the League of Nations, disarmament, and militarism, all of which would be a focus in the years following the Armistice.⁷ WWI would have many repercussions that were felt for years to come, but one of great importance would be Levinson’s introduction to the world stage and his work for a legal world peace.

Salmon Levinson is not a name that is widely known. Although he started a peace movement whose efforts would result in a multi-national anti-war treaty, Levinson chose to do most of his work behind the scenes, letting others promote his ideas. Levinson’s grandfather fled Germany in the late 1840s to escape the Prussian militarist regime. Levinson’s father moved to Noblesville, Indiana with his family.⁸ Salmon came from a prosperous, middle-class family, who

⁴ Philip Kerr to Salmon Levinson, 23 May 1929, Box 26, Folder 3, Salmon Levinson Papers 1905-1998, Special Collections Research Center, University of Chicago Library, Chicago IL (Hereafter Levinson Papers).

⁵ Ferrell, 3.

⁶ Hathaway and Shapiro, 104.

⁷ Ferrell, 15.

⁸ John Stoner, *S.O. Levinson and the Pact of Paris: A Study in the Techniques of Influence* (Chicago: University of Chicago Press, 1942), 1.

were the only Jewish members of the Noblesville community.⁹ His father ran a dry goods store and was a source of advice for public officials, including congressmen, who would come to talk over speeches and get pointers.¹⁰ Salmon Levinson went to the University of Chicago and Yale before getting his law degree from Lake Forest College, then he moved to Chicago and worked at his uncle's law firm. After facilitating a large settlement in a particular case, Levinson became a junior partner at his uncle's firm of Moses and Newman, but he and a coworker, Benjamin V. Becker, would organize their own firm in the coming years.¹¹ Unknown to him at the time, Levinson's journey to become a lawyer would lead him to become an important player in the peace movements following WWI and he would be at the center of a forward thinking, legalistic anti-war campaign.

Levinson's work as a young lawyer would help him to build an understanding not just of law, but of the innerworkings of people and governmental interactions. In an article, "The Legal Status of War," written in 1918, Levinson explained that his experience in law had been, "largely in dealing with problems arising from conflicts of interest due to industrial breakdowns and a consequent need for reorganization."¹² In 1908 Levinson had helped to reorganize the properties controlled by George Westinghouse, as well as having a part in reorganizing the Frisco and the Chicago & Eastern Illinois railroads.¹³ The fees that Levinson earned from work and investments in the companies he reorganized would serve as the basis for the fortune he later spent so freely in his peace work.¹⁴ Levinson did not realize that when he began his law work that it would lead

⁹ M.W. Childs, "A Chicago Lawyer's One-Man War Against War," 14 April 1929, Box 29, Folder 11, Levinson Papers.

¹⁰ Stoner, 2.

¹¹ Stoner, 6-7.

¹² Salmon Levinson, "The Legal Status of War," 9 March 1918, Box 29, Folder 9, Levinson Papers.

¹³ Childs, "A Chicago Lawyer's," Box 29, Folder 11, Levinson Papers.

¹⁴ Stoner, 8.

him to become a peace activist, but all the practice he had as a lawyer would allow him to create a strong peace plan.

While he had spent the first few years of the 1900s reorganizing struggling business ventures, Levison had never given much thought to international affairs until he observed, at the beginning of WWI, that the war was affecting the US stock market.¹⁵ However, once Levison was aware of the financial impact of the war, he came to be convinced that international relations were not different from industrial relations; in both, one had to convince the parties to act rationally and to persuade them not to make a bad situation worse.¹⁶ Levinson said his financial law background convinced him that “the problem of adjusting large conflicting corporate interest is not essentially different as a human problem from that of the adjustment of conflicting national interests.”¹⁷ After Levinson decided to enter the discussion about finding a solution to war, he would say in 1922 that he was motivated by “hatred of war and love of peace both as economic and moral propositions” but he was not willing to accept just any solution for peace.¹⁸ Levinson would not be the only person to step into the world of international politics because of WWI. It was a crowded field full of passionate voices supporting their own agenda. Levinson quickly found that international relations had a tradition of compromise that he was not willing to accept.

As Levinson experienced his awakenings to the bitter realities of international conflict and the potential of lasting peace, the League of Nations, President Woodrow Wilson’s hope for the world, seemed to be failing. It was a complex organization that took months of compromise and adjustments to establish as an international organization. There were diplomats from various countries who all had the interest of their nation at heart, and from the beginning, there were

¹⁵ Ferrell, 31.

¹⁶ Hathaway and Shapiro, 107.

¹⁷ Levinson, “The Legal Status,” Box 29, Folder 9, Levinson Papers.

¹⁸ Salmon Levinson to William Borah, 17/18 July 1922, Box 3, Folder 16, Levinson Papers.

qualms about the true neutrality and usefulness of the League. Thomas Knock wrote *To End All Wars: Woodrow Wilson and the Quest for a New World Order* focusing on President Wilson and his contribution to the creation of the League of Nations. The president was well known as a major designer of the League of Nations, his Fourteen-Point plan for peace being a famous stepping-stone to the League's Covenant. While Knock recognizes the failings of the League, he shows the strategies and plans that were behind the foundation of the League and how they became distorted in the attempt to satisfy all world players and parties involved in negotiations. In the beginning, Wilson came up with a four-point program for the League: 1) no nation shall ever again be permitted to acquire an inch of land by conquest, 2) recognition of the reality of equal rights between small nations and great, 3) munitions of war had to be manufactured entirely by the nations and not private enterprise, and 4) necessity of an association of nations, bound together for the protection of each, so that any nation breaking this bond would be bring war and punishment upon itself.¹⁹ In laying out what Wilson's original focus points for the League Knock demonstrates how much the plan changed in the negotiations and how that burdened the League's ability to function as a peacekeeping organization. In Wilson's mind, the League would make arbitration compulsory and decisions binding; it would hold out absolute guarantee of territorial integrity and political independence while also supporting self-determination; and disarmament would be a serious priority that was integral to the success of the whole system.²⁰

Wilson had high hopes for what the League could accomplish. But, Knock shows why the League proved unable to follow through on so many of the original goals in its Covenant. In

¹⁹ Thomas Knock, *To End All Wars: Woodrow Wilson and the Quest for a New World Order* (Princeton: Princeton University Press, 1992), 35.

²⁰ Knock, 153.

its design “The Covenant was both definite enough to guarantee peace and elastic enough to provide for readjustment, its powers subject to ‘those who exercise it and in accordance with the changing circumstances of the time,’” but it was also doomed to fail without strong enough support or power, concludes Knock.²¹ In his study, Knock focuses primarily on President Wilson and how his life and political career lead to, and maybe hindered, the formation of the League of Nations and its ensuing failure to stop continued war.

The League of Nations, when created in 1920 at the Paris Peace Conference, was a controversial organization that found allies and enemies in all places. People often took issue with the Covenant and felt that the League failed in its ultimate goals to put an end to war and serve as a peacekeeping organization. A 1919 article, “Conflicting Interests at the Peace Conference,” written by American journalist J.C. Walsh, argues “The Peace Conference is popularly supposed to be engaged in so remaking the world that in future there will be nothing to go to war about” which is indicative of the hope the world had at the thought of a peace agreement that the world powers were negotiating.²² However, despite the hope for a lasting peace, the secrecy that was surrounding the peace conference made the populations watching nervous. Many of the governments which sent delegations to the conference were not forthcoming as negotiations were taking place. Walsh writes about the various possibilities for such secrecy—England, in particular, eager to extend its imperial system, France and Italy seeking to gain new territory, Greece trying to restore the Byzantine Empire, Rumania seeking to become a secondary power, and even the Serbs and Croats already in a quasi-conflict with Italy.²³ Walsh conveys both the hope and distrust the world population had for the peace

²¹ Knock, 233-234.

²² J.C. Walsh, “Conflicting Interests at the Peace Conference,” *America* 20, no. 18 (2/8/1919): 438.

²³ Walsh, 440.

conference and how the seeds of doubt were in place before the League of Nations even took full form. An organization that came to being with mixed reactions would already have to fight to prove its worth, and the League had to work against many handicaps to fulfill any of the peacekeeping goals set forth in the Covenant.

Even years after the creation of the League of Nations, the world was still waiting for the organization to follow through on some of the promises that had been made at its founding. League designers had planned for it to hold a powerful and respected position in international relations as the peacekeeper that kept the world from war. Swiss diplomat Max Habicht gave a speech in 1939 called “Successes and Failures of the League of Nations” in which he provided his immediate insights on the League of Nations up to that point. Two years after its inception, Habicht explained, the League created the World Court at The Hague, consisting of fifteen permanent judges appointed to settle legal disputes between nation-states, open to any sovereign state wishing to use it.²⁴ Habicht recognized, however, that the biggest danger did not come from conflicts over the rights and obligations of states, but instead from disputes over the change of rights and obligations, or the changing status quo of states.²⁵ The League did not have the power and backing to follow through on the attempts made to settle disputes, or in some cases, the League did not act fast enough to be able to come to a settlement. League members realized that the League could only be helpful in “settling disputes and organizing international cooperation whenever the immediate interests of all partners are parallel” and considering they seldom were parallel, the League was left without much success.²⁶ Habicht acknowledged some League successes, such as keeping an eye on the mandatory territories created by the League Covenant.

²⁴ Max Habicht, “Successes and Failures of the League of Nations,” *Vital Speeches of the Day* 5, no. 22 (9/1/1939): 703.

²⁵ Habicht, 703.

²⁶ Habicht, 704.

He also cited some failures, such as the League's inability to protect some 40 minorities created through peace treaties and its failure at achieving military or economic disarmament.²⁷ Sharp debate then ensued about the League. Some did not agree with the League and the Covenant that created it, and others believed that it was too strong or that it was not strong enough. Either way, the League hardly put an end to peace movements following WWI, instead its presence encouraged people like Levinson to push for his own ideas in the wake of the League's controversy.

Another aspect that is important to understanding the League of Nations and its connection to peace movements is to examine how emerging internationalism affected the League's ability to function across national lines and connect countries with different agendas. Historian Mark Mazower's study, *Governing the World: The History of an Idea*, traces the progression of internationalism from before the first world war all the way to the more modern creation of the United Nations. "Internationalism, in its modern sense as a movement of cooperation among nations and their peoples, was moving from the realm of marginal ideas into the mainstream," wrote Mazower, referencing the international work that became prominent as the League of Nations was founded.²⁸ The influence of the ideology of internationalism can best be seen in the attempts to establish a World Court in cooperation with the League of Nations. American diplomat Elihu Root, who won the Nobel Peace Prize in 1912, believed that it was not possible to have legislation or an international police force control people, but instead that an international court was the best way to ensure peace.²⁹ Many of the people who took part in creating the League of Nations believed peace was rooted in international law creation and the

²⁷ Habicht, 703.

²⁸ Mark Mazower, *Governing the World: The History of an Idea* (New York: Penguin Press, 2012): 23.

²⁹ Mazower, 91.

establishment of a strong international court that would interpret and lay down the law. However, those same people were discouraged when in the League Covenant, the court had practically disappeared and international law was hardly mentioned.³⁰ While Mazower's focus is on internationalism, specifically the world court, he also outlines other weaknesses in the structure of the League of Nations. The assembly looked like a legislature, but had no lawmaking capabilities; the secretariat was a weak coordinating body with no powers independent of the League's members; and the League had no standing forces or any machinery for enforcing peace past the commitment of its members to submit disputes to arbitration.³¹ Mazower introduces another way to study the League of Nations by using internationalism to understand the structure of the League and how it led to disputes, making way for people like Levinson to step in with their own, powerful peace plans.

Levinson followed the proceedings at the Paris Peace Conference with interest; he was already an active member of international peace movements, and he waited with the rest of the world to see what would come of the global peace conference. However, from the start, Levinson had concerns about peace negotiations. In 1918, he wrote "I am so afraid that the Versailles conference will end, so far as the League of Nations is concerned, in some 20th century rhetoric, which may be an improvement upon the diction used in the 19th century but when the test comes there will be a laugh on the "radicals" again."³² Levinson did express early hope for the League, concluding in 1919, "the plan brought home by the President is the best scheme for a League of Nations that has been tendered to the World," a sentiment echoed by many peace activists who saw Wilson's Fourteen Points as a valid peace plan.³³ However, Levinson's distrust of

³⁰ Mazower, 138.

³¹ Mazower, 136.

³² Salmon Levinson to John Dewey, 28 December 1918, Box 15, Folder 23, Levinson Papers.

³³ Salmon Levinson to Philander Knox, 21 February 1919, Box 26, Folder 9, Levinson Papers.

diplomacy and politicians combined with his strong faith in the legal processes soon led him to discount the League because of its lack of legal language or foundation.³⁴ In June of 1919, Levinson wrote, “If a real plan to abolish and outlaw war were put to Clemenceau, Orland and Makino, it would get no votes from these imperialists and militarists” making it clear that he felt that the League had not met his expectations and he put some of the blame on the men who made it.³⁵ He viewed the League Covenant as an “alliance plus...a constitution without power and a system without machinery” and that despite all of the work put into the League, too much time had been spent pleasing the different national powers.³⁶ Levinson was hardly alone in opposing US membership in the League—many congressional leaders shared his distrust of the organization—so the United States would not become a member of the League of Nations.

Advocates of the League would work to counteract the objections to the League, but problems were so varied that they could never convince enough people to change position. Levinson would stand by his position against the League, writing in 1923 that even if affirmative jurisdiction over justiciable disputes were added to the makeup of the court created by the League, that there would still be two major issues with the League. Levinson wrote that a code needed to be created. Without such a code, the Court would remain arbitral and the nations would distrust it, as there would be no limiting constitutional principles. He also insisted that the code would have to outlaw war in order to be successful.³⁷ He recognized the danger of the League as it existed, writing in 1924, that,

...to control the world by force with the real power in the hands of three or four nations coupled with a potential threat to United States that unless she becomes

³⁴ Stoner, 101.

³⁵ Salmon Levinson to Philander Knox, 19 June 1919, Box 26, Folder 9, Levinson Papers.

³⁶ Stoner, 49.

³⁷ Salmon Levinson to William Borah, 17 March 1923, Box 4, Folder 1, Levinson Papers.

member of League and submits to councils jurisdiction we may find ourselves in war with all League nations automatically against us.³⁸

All while working and refining his own peace plan, Levinson felt the pressure of the League supporters, who were working as hard as he to secure backing for their organization. In a letter he received in 1923 from William Hard, one of his allies, Hard lamented, “the drive to get us into the League is at this very moment extremely vigorous and extremely dangerous and is taking every form and using every argument necessary in order to trick us.”³⁹ Levinson’s peace plan then would help them to fight the League and its malicious influence. However, it was not just the movement to get the United States into the League of Nations that pressured Levinson as he tried to promote his own peace plan. The disarmament movement had found some support in the League’s Covenant, and it used its public support to push an agenda of peace through decreasing armaments.

Part of the League of Nations Covenant dealt with disarmament. An article existed in the Covenant promoting in vague terms disarmament, but not laying out an idea as to the how and when. Historian Andrew Webster’s article ““Absolutely Irresponsible Amateurs”: The Temporary Mixed Commission on Armaments, 1921-1924,” examines the League of Nations committee designated to temporarily deal with the issue of disarmament and its implementation. Disarmament, Webster asserts, “touched at the very heart of every interwar debate over international and national security” making it a very important goal for the League of Nations to pursue.⁴⁰ The Temporary Mixed Commission on Armaments was created in 1921 after discussions at the first League Assembly revealed that had been little to no progress at any

³⁸ Salmon Levinson to William Hard, 3 October 1924, Box 20, Folder 15, Levinson Papers.

³⁹ William Hard to Salmon Levinson, 3 June 1923, Box 20, Folder 15, Levinson Papers.

⁴⁰ Andrew Webster, ““Absolutely Irresponsible Amateurs”: The Temporary Mixed Commission on Armaments, 1921-1924,” *Australian Journal of Politics and History* 54, no. 3 (2008): 373.

disarmament goals.⁴¹ The TMCA was supposed to be made up of private citizens, unrestrained by formal instructions from governments, and therefore it could set forth ideas that could be too problematic politically if presented from official representatives.⁴² However, as Webster points out, there were immediate problems with the commission from the beginning, stemming from the membership. The TMCA was to include: six people competent in political, social and economic matters; four economic experts from the League's Economic and Financial Commissions; and six experts from the Governing Body of the International Labour Organization, consisting of three employers' representatives and three workers' representatives.⁴³ It proved impossible to get nations to agree on non-political members being appointed, and the French and British even insisted that members from the military commission on disarmament be included in the TMCA, tying it to the political effort for disarmament.⁴⁴ Because of the various missteps and outside intervention, the TMCA was unable to achieve much in terms of disarmament. The focus of the commission was also hampered by the absence of the United States, Germany, and Russia from the League. Plus, many members were concerned with whether Germany has disarmed as the Treaty of Versailles demanded.⁴⁵ With so much outside influence and very limited power, the TMCA did the best that it could to encourage disarmament and come up with plans that the differing governments might accept. Webster explores the failures of the disarmament movement, and specifically the group within the League that was tasked with the issue and how the League's influence over the commission left it with little room to succeed.

⁴¹ Webster, TMCA, 374.

⁴² Webster, TMCA, 373.

⁴³ Webster, TMCA, 375.

⁴⁴ Webster, TMCA, 375.

⁴⁵ Webster, TMCA, 377.

Disarmament was not a complete failure, but many peace activists felt that the world was not ready for disarmament and that there were many diplomatic and international issues that halted the progress of lowering armaments. So disappointing was the League, the organization was permanently tainted, even for historians. Andrew Webster notes few studies provide comprehensive examinations of the League since most scholars dismiss it for its shortcomings.⁴⁶ Scholarly literature on the interwar efforts for international disarmament has focused on the inevitable failure of the movement due to unchecked nationalism of the League's members.⁴⁷ During the early 1920s, the disarmament initiative by the League was handled by three bodies: the all-military Permanent Advisory Commission on Armaments established 1920, the primarily civilian TMCA established 1921, and the Disarmament Section of the League's Secretariat.⁴⁸ Inspired by the work of these various commissions, some people saw disarmament as a way to create a more stable international state system with peaceful interactions encouraging an international community, but that belief in disarmament was quickly dashed by the commissions inability to accomplish anything of importance.

Despite the many committees dedicated disarmament, it was impossible to keep national interests out of the work which created constant pressure for those working towards disarmament. One of the persistent issues surrounding arms limitations was that some people saw disarmament as a tool to increase their own national security through collaboration over disarmament reducing threats.⁴⁹ In the second Assembly of the League, one of the members said: "I wonder whether it is not the very armaments of nations which create conflicts. In any case

⁴⁶ Andrew Webster, "The League of Nations, Disarmament and Internationalism," in *Internationalisms: A Twentieth-Century History*, ed. Glenda Sluga (Cambridge: Cambridge University Press, 2017), 143.

⁴⁷ Webster, "The League of Nations," 142.

⁴⁸ Webster, "The League of Nations," 152.

⁴⁹ Webster, "The League of Nations," 145.

they create distrust, and perpetuate the atmosphere of mutual fear among nations, which is the most profound and fruitful cause of international crises.”⁵⁰ This sentiment seems to express well the League’s naïve desire to achieve disarmament regardless of the individual desires of various nations. There were various ways the League sought to progress in the disarmament movement. Their initiatives included: controlling the international arms traffic, regulating private manufacture of armaments, mandating open publication data on national armaments, imposing caps on national budgetary expenditure on defense, and prohibiting the use of poison gas in wartime.⁵¹ One successful initiative was to provide open data on national armaments. The Disarmament Section of the Secretariat prepared an annual *Armaments Yearbook*, compiled from open sources, that described the strength and equipment of the armed forces of more than 60 countries, along with the size of their defense budgets and their industrial production in materials of military use.⁵² In his contribution to the book, Webster recognizes that disarmament operated internationally, and it did not fail or succeed in a vacuum.

As activists watched the League of Nations stumble, many found themselves allying with the various peace movements emerging at the time as alternatives, such as the disarmament or outlawry movements. While Levinson was always focused on his plan to outlaw war, he did not work without appreciation of or contact with the disarmament movement. Like supporters of the movement to disarm, Levinson saw the advantages to a world with fewer armaments; he just believed that disarmament had to be folded in with outlawry: it could not stand alone. WWI had disrupted the planned meeting the Third Hague Conference, now key figures pushed for the conference to be called in 1920 in order to create and codify international law. Among other

⁵⁰ Webster, “The League of Nations,” 141.

⁵¹ Webster, “The League of Nations,” 154-155.

⁵² Webster, “The League of Nations,” 157.

reforms, proponents of a meeting wanted the conference to touch on disarmament. Similar to the League's Covenant, supporters of disarmament wanted laws that mandated "national armaments shall be reduced to the lowest point consistent with domestic safety and with the necessities of international requirements."⁵³ However, people like Levinson realized that disarmament would be impossible while war was still prominent in the structure of how nations interacted.

Levinson hoped that eventually the world would be able to turn to disarmament and come to a point where international relations were strong enough to rule without the aid of armaments. In a letter Levinson received in 1929, it read "if war is not outlawed, each side must and will ask for those armaments which it thinks will give it victory when the war comes."⁵⁴ This letter reflected his beliefs as well that more peace work had to take place before disarmament could be implemented. Throughout Levinson's work as a peace activist, he stood by the belief that disarmament would have to come after the efforts to outlaw war and create an international code. In a speech promoting outlawry in 1924, Levinson said "the inherent difficulty of procuring disarmament is the virtual impossibility of getting a general agreement among nations so long as the war system is the lawful and authoritative method of settling disputes."⁵⁵ He recognized the importance of disarmament, but believed it would be difficult to get the powerful nations of the world to agree to lowering armaments while war remained an integral part of the global system. Philip Kerr wrote in a letter in 1929 that for the outlawing of war to work effectively it had to be "coupled with a reduction of armaments to the level at which they cease to threaten the existence of neighbors."⁵⁶ Levinson never forgot how important disarmament was in combination to his goal of outlawry. In 1924, he declared that "Disarmament is the crying need of the world, but

⁵³ Salmon Levinson, untitled writing about Third Hague Conference, n.d. Box 29, Folder 6, Levinson Papers.

⁵⁴ Philip Kerr to Salmon Levinson, 23 May 1929, Box 26, Folder 3, Levinson Papers.

⁵⁵ Salmon Levinson, Outlawry of War analysis with Q&A, 11 January 1924, Box 29, Folder 7, Levinson Papers.

⁵⁶ Philip Kerr to Salmon Levinson, 23 May 1929, Box 26, Folder 3, Levinson Papers.

disarmament cannot effectively take place until we smash the war system.”⁵⁷ From the moment that he conceived of his plan for peace, Levinson felt that outlawry had to be the absolute focus of the drive for a permanent peace, even as he recognized the importance of other movements like disarmament.

⁵⁷ Levinson, Outlawry of War analysis, 11 January 1924, Box 29, Folder 7, Levinson Papers.

Chapter Two

This chapter examines Levinson's outlawry plan and the different aspects that comprise outlawry. He spent years revising his plan and making it as clear as possible. This chapter then examines the evolution of what outlawry grew to be in Levinson's eyes. It examines the term outlawry itself, and how Levinson came to use and define his movement. The chapter also explains the three aspects of outlawry in the legality of war, the definition of war, and the establishment of an international court and code. The plan of outlawry was complex as there were many different parts that Levinson was constantly reworking to make clearer and prevent his points from being misapplied or misused. This chapter seeks to explain his plan and differentiate it from the movements supporting the League of Nations and disarmament as explained in the first chapter. Chapter Two also shows the boundless work Levinson put into his peace plan to make it the most comprehensive and intelligent proposal that was circulating in the years following World War I.

Salmon Levinson was late coming onto the scene of international politics. Indeed, he had not always been concerned with the matters of other countries. However, in the wake of postwar chaos, he quickly developed a program that focused on laws and the legality of war which he would refine in his years working toward peace. His plan was different than the other plans emerging at the same time—disarmament proposals, the League of Nations, or other variations—as Levinson's did not assume the legality of war as the existing plans did and he did not work under the premise that war was legitimate.⁵⁸ Levinson saw his plan as separate from the League because it was not based on the power of alliances or qualities of force, but instead was to be a peaceful organization of civilized nations ruled by law and a comprehensive code, both of which

⁵⁸ Hathaway and Shapiro, 109-110.

would be administered by a world court.⁵⁹ As he outlined it, Levinson's outlawry plan included: a general treaty with civilized nations to abolish war by making it a criminal offense; establishing a code of international law based on equality of nations and justice; and an international court with independence and affirmative jurisdiction.⁶⁰ An article in 1929 considers the term "outlawry," which Levinson coined to promote his peace plan. "The term "outlawry" is just the right one—it was a piece of profound and shrewd insight to clothe the idea in a term so precise and yet so picturesque," read the article.⁶¹ Levinson would repeatedly explain his plan and why it was the strongest way to peace, but it was the introduction of the term "outlawry" itself that would allow Levinson to come to the world stage as a major player in the peace game.

Levinson outlined how to achieve peace, but he realized that he would be fighting an uphill battle to gain the support he needed for outlawry. In 1921 he told his friend William Hard that he had come to the conclusion "it is impossible to get governments as at present constituted to take any interest in the outlawry of war" because he knew that many governments were concerned with only what would benefit them the most following WWI.⁶² It was Levinson's strong commitment, and belief, that outlawry was the right way to achieve peace that kept him going, even if he felt that he did not have the support of governments. In a letter to Senator William E. Borah (R-ID), a citizen from Kansas wrote, "all who are really interested in civilization agree, and have long agreed, that war is the most stupendous wrong that the human race has devised, and yet they continue to approve and employ it."⁶³ Feelings such as those expressed in the letter to Borah were at the center of Levinson's movement, as he wondered at

⁵⁹ Salmon Levinson to William Borah, 12 June 1923, Box 3, Folder 16, Levinson Papers.

⁶⁰ Salmon Levinson, Definition of Outlawry, n.d. Box 29, Folder 6, Levinson Papers.

⁶¹ "The Nobel Prize," editorial from *The Manchester Guardian*, 9 March 1929, Box 39, Folder 6, Levinson Papers.

⁶² Salmon Levinson to William Hard, 20 December 1921, Box 20, Folder 15, Levinson Papers.

⁶³ Citizen of Lawrence, Kansas to William Borah, 3 May 1923, Box 4, Folder 2, Levinson Papers.

how war was able to survive into the modern world. According to his close friend Unitarian minister and peace activist John Haynes Holmes, Levinson once said that “war exists pragmatically as a means of settling disputes between nations, and persists in spite of all its destructive horrors, because it is the only existing means of settling such disputes” and war as a solution to conflicts was what Levinson wanted to banish.⁶⁴ It would be important for Levinson’s goal of outlawing war for the world to see that problem with the legality of war, and how changing laws would be the most effective way to avoid another war.

Levinson discovered, in his years working toward outlawry, that many people did not look at war as legal or illegal: they simply saw it as something that was bad and should be regulated so there would not be a repeat of WWI. In 1921, he wrote, “Civilization has been marked in its upward trend out of savagery into its present condition by the evolution of law and courts to supplant methods of violence and force.”⁶⁵ As society modernized, Levinson concluded, it turned to courts and law as the solution for violence. “Civilization has outlawed every form of violence for the settlement of human disputes except only wars between nations,” he explained.⁶⁶ In these two parallel comments on civilization and how it handles violence, Levinson explained that citizens could move past war, and, to him, it was a wonder that somehow war between nations had escaped the use of laws to rid the world of violence. Levinson recognized that one of the ways that war has been able to survive was due to its integration into the very makeup of society, making it difficult—but not impossible—to do away with international war. “War is an institution. An institution is a custom not contrary to law established over long periods among peoples and races,” he wrote in 1921, explaining that

⁶⁴ John Haynes Holmes, Memo, n.d. Box 68, Folder 4, Levinson Papers.

⁶⁵ Salmon Levinson, Doctrine of the Outlawry of War, 1921, Box 29, Folder 10, Levinson Papers.

⁶⁶ Salmon Levinson, Outlawry of War Epitomized, n.d. Box 29, Folder 6, Levinson Papers.

although war had a long history, it was not immune to the new power that he felt law was achieving in the twentieth century.⁶⁷ Levinson questioned how, especially after WWI, anyone would not want to outlaw war. In his pamphlet introducing *Outlawry to the American public*, he wrote,

Whatever values wars may have had in the past, these last years have shown modern war to be so terrible an instrument, so far reaching in its destruction and the results of that destruction, that its use in our closely interdependent present-day civilization jeopardizes the very life of that civilization.⁶⁸

World War I convinced Levinson that international war should not be able to exist legally, because it was from the law that he believed that war drew its strength. “War, instead of being allowed to remain legal, should be declared illegal. War instead of being legally honorable, should be declared legally criminal,” explained Levinson of the ideas at the very center of his outlawry vision.⁶⁹ It was in the legality of war that Levinson thought the first attacks against the war system needed to take place, and he would spend years advocating for laws against war.

As a lawyer, it follows that Levinson would become most concerned with the legality of war and how war operated as a system under the guise of international law. In an article written in 1918 called “The Legal Status of War,” Levinson asserted, “In one case as the other, we want not laws of war, but laws against war, just as we have laws against murder, not laws of murder.”⁷⁰ Here Levinson makes clear his basic approach to making laws concerning war. He truly believed that part of the danger that war held was that it appeared a perfectly legitimate solution to problems under the law. In a conversation with Lord Cecil of Great Britain, Levinson

⁶⁷ Salmon Levinson, *Doctrine of the Outlawry of War*, 1921, Box 29, Folder 10, Levinson Papers.

⁶⁸ Salmon Levinson, *Outlawry Pamphlet*, n.d. Box 29, Folder 8, Levinson Papers.

⁶⁹ William Hard quoting Salmon Levinson in a radio address, 23 March 1925, Box 20, Folder 15, Levinson Papers.

⁷⁰ Salmon Levinson, “Legal Status,” 9 March 1918, Box 29, Folder 9 Levinson Papers.

said, “so long as war remains a lawful institution and the available right for settlement of disputes real, fancied or imperialistic, so long will war surely break out in the world.”⁷¹ This view that war would persist while it remained legal would be Levinson’s constant argument as he tried to convert people to the premise that outlawry was the best peace option available. In a memo he produced about the principles of outlawry, Levinson wrote “war will continue to dominate and control international relations unless...it is deinstitutionalized and de-legalized by a new basic international law of peace.”⁷² Levinson had believed, along with much of the world, that the ending of WWI would also be the end of global wars and the destruction they wrought. However, he watched as the League failed to live up to its promises of peace, and how other peace movements like disarmament were unable to gain the traction they would need to succeed in securing peace. “Has the crusading promise made to our boys, dead, wounded and unwounded, been made to the ear, only to be broke to the hope?” he wondered, echoing the sentiments of many people disappointed by the peace proceedings following WWI.⁷³ In 1923, Senator Borah wrote, “The world has lately passed through a baptism of blood and practically all the troubles now with us are the result of that war.”⁷⁴ These such sentiments would create a space for Levinson to disseminate his outlawry plans. Levinson would bring to the world’s attention the legality of war and would spent years convincing the population that the way to peace was through the law as it offered the only absolute solution.

An important aspect of Levinson’s outlawry work was how he understood war and how he saw the term used or referenced in different nations. His theory, that was at the foundation of outlawry, was: war as an institution for settling controversies should be declared by the nations

⁷¹ Transcript of conversation with Salmon Levinson and Lord Cecil, n.d. Box 29, Folder 11, Levinson Papers.

⁷² Salmon Levinson, memo on principles of outlawry, n.d. Box 29, Folder 6, Levinson Papers.

⁷³ Salmon Levinson, untitled, n.d. Box 29, Folder 11, Levinson Papers.

⁷⁴ William Borah to Fairmont Alumnae, 15 May 1923, Box 4, Folder 2, Levinson Papers.

of the world to be illegal, and that any territorial changes resulting from war would have no legal value.⁷⁵ Levinson, in his definition of outlawry, was always hesitant to define the different types of law and explain why some were different or may be more accepted than others. He did write,

A war between nations is, and always has been perfectly legitimate... This is not true of a war within a nation, a war of liberation, a revolutionary war; for this is high treason, whereas a war of aggression and conquest remains immune from legal attack.⁷⁶

Levinson wrote in a letter to Philip Kerr in 1929 that the phrase “defensive wars” was “an old, subtle, mischievous, outworn, but in a sense typical, international term,” all of which reflected his dislike of attempts made to distinguish between different types of war.⁷⁷ He also took issue with those who would constantly argue that war was inherently tied to the right of self-defense, and that to go on the offensive against attack came under the same right as defending one’s nation. In his memo outlining outlawry, Levinson retorted, “The inherent right of self-defense should not be confused with the subtle and manipulated distinction between an offensive and a defensive war.”⁷⁸ The distinction between a defensive war, offensive war, and self-defense would be a source of consistent criticism brought against Levinson’s outlawry. Thus, Levinson frequently made this case. For instance, in a talk about outlawry in 1924, Levinson reiterated, “The right of self-defense by a nation, does not constitute war any more than the individual right of self-defense constitutes murder.”⁷⁹ In another instance where Levinson was writing about the supposed differences between wars, he explained, “a man defending himself against an attack is

⁷⁵ Stoner, 194.

⁷⁶ Salmon Levinson, Outlawry Brief, n.d. Box 29, Folder 6, Levinson Papers.

⁷⁷ Salmon Levinson to Philip Kerr, 16 March 1929, Box 26, Folder 3, Levinson Papers.

⁷⁸ Salmon Levinson, memo on principles of outlawry, n.d. Box 29, Folder 6, Levinson Papers.

⁷⁹ Salmon Levinson, Outlawry of War analysis, 11 January 1924, Box 29, Folder 7, Levinson Papers.

not a duelist and a nation defending itself from attack or invasion would not be doing an act of war,” here again referencing claims that outlawry prohibited self-defense.⁸⁰ There were certain aspects of outlawry that Levinson had to constantly defend or reinterpret so people understood his aim of harnessing the law to delegitimize war as a whole.

Levinson created a plan for outlawry that he felt could answer all of the concerns and qualms that might be raised, while also setting up a system that could develop with changing times, with a focus on a court of peace. He wrote in a pamphlet about outlawry that, “war has been and still is a sacred institution used by nations as a court, a cruel, destructive court,” but it was the idea that war acted as a sort of international court that Levinson found troubling.⁸¹ When crafting outlawry, Levinson split his idea into three important points: Outlawry specifically, an international code, and a global court.⁸² Writing to Borah in 1922, Levinson claimed, “our proposition is one to cover merely the inevitable disputes that, so long as human nature is as it is, will arise among the nations and must get settled somehow, either by war or by law,” explaining the necessity of the court.⁸³ Levinson also wrote that the outlawry proposal included the “application of the system of comprehensive laws and a real court to the field of international controversies,” and that it would operate under the assumption of peace, not war.⁸⁴ He understood that while he did not want to specify the difference between aggressive and defensive war, he could not stop others from trying to make the distinction. In terms of enforcement, Levinson wrote in 1923 that the “international court might be given summary jurisdiction to hear and decide whether a given attack by one nation on another is justified or provoked,” which

⁸⁰ Salmon Levinson, memo on principles of outlawry, n.d. Box 29, Folder 6, Levinson Papers.

⁸¹ Salmon Levinson, memo on principles of outlawry, n.d. Box 29, Folder 6, Levinson Papers.

⁸² Ferrell, 34.

⁸³ Salmon Levinson to William Borah, 2 December 1922, Box 3, Folder 16, Levinson Papers.

⁸⁴ Salmon Levinson, Outlawry Brief, n.d. Box 29, Folder 6, Levinson Papers.

would satisfy those who felt there had to be support against attack.⁸⁵ He believed in the power of the court, but knew that it was only after war was outlawed that “a real court can be erected with judicial power over the legitimate law suits of the nations and their grievances and disputes,” and that it was the two points of his program combined that would lead to a lasting peace.⁸⁶ Levinson put most of his effort and work into refining outlawry and firmly establishing his points for the program, such as the international court.

Levinson knew that creating an international court would be no small task; he would have to compete with the interests of powerful countries and leaders who felt that they knew what was best for the world. In 1921 he wrote that the use of force of arms to settle disputes between nations was largely due to the lack of courts and laws in the international field.⁸⁷ Levinson was constantly working to make the world court the best that it could be, admitting in 1928 that “the effort should be made to improve the instruments of arbitration and judicial procedure,” all in the attempt to replace war entirely.⁸⁸ The very heart of the organization of the world court, Levinson believed, should be based off on the Supreme Court of the United States, specifically in the way it held jurisdiction over disputes between states without the use of force.⁸⁹ In explaining this idea, he wrote that the Supreme Court “in decrees and judgments against States is supposed to have no power and has never exercised any power to enforce them,” yet the States carried out the decisions in over forty cases without any force needed.⁹⁰ Just as the states do in the United States, Levinson’s plan counted on “all nations shall agree to abide and be bound by and in good faith to carry out the orders, decrees and decisions of such Court” and the cooperation between

⁸⁵ Salmon Levinson to William Borah, 5 January 1923, Box 4, Folder 1, Levinson Papers.

⁸⁶ Salmon Levinson, Outlawry of War analysis, 11 January 1924, Box 29, Folder 7, Levinson Papers.

⁸⁷ Salmon Levinson, Doctrine of the Outlawry of War, 1921, Box 29, Folder 10, Levinson Papers.

⁸⁸ Salmon Levinson to Philip Kerr, 3 July 1928, Box 26, Folder 2, Levinson Papers.

⁸⁹ Salmon Levinson, Definition of Outlawry of War, 1924, Box 29, Folder 11, Levinson Papers.

⁹⁰ Salmon Levinson, Memo Re Outlawry of War, n.d. Box 29, Folder 6, Levinson Papers.

nations allowing the court to function well.⁹¹ Levinson borrowed elements of his plan from working courts, such as the US Supreme Court, and applied them to the international court he was building in order to create a high-functioning judicial system.

In describing the court that would accompany outlawry, Levinson laid out specifics of how the court should be run and operate effectively as a global institution. While the court would be closely modeled on the US Supreme Court and much of its ability depends on the promise of nations, Levinson also thought it should have plenary power to enforce judgements against the criminal violators of the international code.⁹² Regarding other aspects of how the court would function, Levinson wrote that “the court should sit in the hemisphere of the contending nations; and if the disputants live in opposite hemispheres, then in the hemisphere of the defendant nation.”⁹³ He also proposed that the corresponding code, which would help lay out the laws and precedents of the court, be amended and brought to date every five years so that new points could be covered or added to the international code.⁹⁴ As Levinson’s main motivator for getting involved in international politics was his work at a lawyer and the issue of war’s legality, the idea of the global court as an important factor to outlawry cannot be dismissed.

Another important facet to the outlawry plan that Levinson was questioned about on multiple occasions was how force and armaments should be considered in outlawry. While Levinson often changed his mind on the matter of force, in 1923 he wrote, “any scheme by which peace is to be procured by force, whether it is called balance of power, preponderance of power, defensive alliance, or any other name, is merely perpetuating the vicious cycle of war,”

⁹¹ Salmon Levinson, *Outlawry Pamphlet*, n.d. Box 29, Folder 8, Levinson Papers.

⁹² Salmon Levinson, *Outlawry of War Epitomized*, n.d. Box 29, Folder 6, Levinson Papers.

⁹³ Salmon Levinson, *Outlawry Pamphlet*, n.d. Box 29, Folder 8, Levinson Papers.

⁹⁴ Salmon Levinson, *Doctrine of the Outlawry of War*, 1921, Box 29, Folder 10, Levinson Papers.

making it clear that by that time, he was firmly against using force to secure peace.⁹⁵ In order to cope with the existence of armaments in the world, outlawry called for “a safeguard of sworn statements of armaments, military and naval, structural and chemical, to be made at least once a year by each nation,” so that way no one nation could build up on armaments and threaten the international state of peace.⁹⁶ In Levinson’s plan for outlawry, he took a note from the League Covenant, writing that it was necessary for “national armaments to be reduced to the lowest point consistent with domestic safety.”⁹⁷ In 1923, Levinson wrote, “the peace of the world must be worked out as between nations in terms of law, equality and justice, and not in terms of force.”⁹⁸ It was incredibly important to Levinson that it was not force or armaments that ruled the international stage, but instead that a system of law and order was the ultimate decider in global conflicts.

⁹⁵ Salmon Levinson to Philip Kerr, 24 February 1923, Box 26, Folder 2, Levinson Papers.

⁹⁶ Salmon Levinson, Outlawry of War analysis, 11 January 1924, Box 29, Folder 7, Levinson Papers.

⁹⁷ Salmon Levinson, Outlawry Pamphlet, n.d. Box 29, Folder 8, Levinson Papers.

⁹⁸ Salmon Levinson to Philip Kerr, 24 February 1923, Box 26, Folder 2, Levinson Papers.

Chapter Three

This chapter covers Levinson's allies and how he preferred to work through other people committed to outlawry, as he wanted to stay out of the international spotlight and work behind the scenes. The focus of the chapter is on Levinson's close partnership with both Senator Philander C. Knox and Senator William E. Borah. It also considers his faith in the public and his belief that outlawry would succeed because of its popular support. Levinson spent a lot of time writing letters to his allies and asking for help refining outlawry, as well as gaining their public support. In his work with Senator Knox and Senator Borah, Levinson was looking for allies in the Senate, men who could introduce his plan in a governmental setting and campaign for outlawry. This chapter also deals heavily with Levinson's absolute faith that the general population of the world did not want war and would support his movement to make it illegal. He believed that the way to delegitimize war was to show people that they had the power to renounce war and force their governments to outlaw war. Chapter Three introduces Levinson's desire to build outlawry out of cooperation with powerful men and the belief that in the end, outlawry would be a people's movement.

Levinson did not create the plan for outlawry on his own. He cultivated relationships with powerful men so he could combine their intelligence to build the most comprehensive peace plan as possible. After he became interested in the state of international affairs following World War I, Levinson had the feeling that he needed to speak with Senator Knox.⁹⁹ Senator Philander C. Knox was Levinson's first ally in his crusade to outlaw war, and was incredibly important because together they created the foundation of outlawry that Levinson would build on in his years as a peace activist. Senator Knox was a senator from Pennsylvania, and had served as the

⁹⁹ William Hard, transcript of a radio address, 23 March 1925, Box 20, Folder 15, Levinson Papers.

attorney general and Secretary of State in two different presidential cabinets.¹⁰⁰ Under President Theodore Roosevelt he worked for the prosecution of the anti-trust law and created a turning point in American financing and corporation policy.¹⁰¹ Knox specialize in corporate law and was once described as “the law on two legs,” along with another person saying it was difficult to think of Knox as anything but a lawyer.¹⁰² It may have been their shared work in law, specifically corporate and finance law, that originally brought Levinson and Knox together to work on outlawry. Knox was also an intellectual leader of a group which first called attention to the defects of the League covenant and voiced resistance to changes that would be brought to the United States by joining the League.¹⁰³ In Knox, Levinson found not only an ally who understood the importance and power of the law, but who was also openly against the League. Levinson had found someone who could help to create a plan to oppose the League and fight against those that would trick the United States to join an empty organization.

Levinson was excited when he found that Knox had similar sentiments about the proceedings in Europe, especially those at the Paris Peace Conference. Senator Knox made a speech in 1919, which was the first public reference to outlawry made by governmental official, and his speech also featured an attack on the Covenant of the League of Nations.¹⁰⁴ The first draft treaty for outlawry would come from the conversations between Knox and Levinson, as the two men reshaped and refined their individual ideas about the legality of war.¹⁰⁵ It was with the help of Knox that Levinson would come to the belief that outlawry could be possible without the use of force. Knox looked at records of arbitration and court awards, finding that no countries

¹⁰⁰ “Death Takes Senator Knox: Collapses in Library of his Capital Home, International and National Figure,” *Chicago Daily Tribune*, October 13, 1921.

¹⁰¹ “Philander Knox,” *Chicago Daily Tribune*, October 14, 1921.

¹⁰² “Persons in the Foreground: Knox,” *Current Literature*, July 1907.

¹⁰³ “Philander,” October 14, 1921.

¹⁰⁴ Stoner, 47.

¹⁰⁵ William Hard, transcript of a radio address, 23 March 1925, Box 20, Folder 15, Levinson Papers.

refused to carry out the judicial decrees, leading him to the belief that outlawry did not need police force to function.¹⁰⁶ Levinson and Knox worked on their plan for outlawry, giving it to people such as Senator Borah to read, hoping for feedback or support on the proposition. After reading the plan, Borah had said to Knox “I consider this plan admirable and if you will offer it I will support it with all the power I have,” and to get the support of Borah was not a small task for the two men.¹⁰⁷ Levinson worked closely with Senator Knox until his death in 1921, at which time he was forced to look for a new spokesperson in the Senate who could help him introduce outlawry.¹⁰⁸ Senator Knox played an important role in helping Levinson craft the very foundation of outlawry, and was vital to the beginning of the movement and all that it developed into.

Levinson preferred not to be on the mainstage; he instead liked to have his allies speak publicly in support of outlawry. Therefore, after the death sudden of Senator Knox, Levinson knew that he needed new support in the Senate, so he turned much of his attention to Senator Borah of Idaho. Senator Borah was never president—not for lack of trying—but he remained a mighty figure in national and international affairs, serving as outspoken member of the senate.¹⁰⁹ Borah was a relentless foe of the League of Nations and the World Court, never giving in to compromise.¹¹⁰ He rejected the Versailles Treaty when it came to the United States and fought against League supporters to keep the US out of the organization.¹¹¹ Borah challenged League advocates to come into the open and lay all the facts about the organization on the table so the

¹⁰⁶ Salmon Levinson to William Borah, 26 December 1922, Box 3, Folder 16, Levinson Papers.

¹⁰⁷ Salmon Levinson to William Borah, 14 March 1923, Box 4, Folder 1, Levinson Papers.

¹⁰⁸ Stoner, 81.

¹⁰⁹ Arthur Sears Henning, “Recall Great Career of Statesman; in Congress 33 Years,” *Chicago Daily Tribune*, January 20, 1940.

¹¹⁰ Chesly Manly, “High Esteem and Warm Affection for Borah, the Lion of Idaho,” *Chicago Daily Tribune*, June 11, 1961.

¹¹¹ Henning, Jan 20, 1940.

American people had a chance to make an informed judgment.¹¹² His largest dispute with the League was the idea that the organization would preserve peace by force, as he believed that there could be no true peace procured by force.¹¹³ In 1924, Senator Borah became the chairman of the Senate's Foreign Relations Committee, giving him a more powerful position to reject the attempts to force the United States into the League.¹¹⁴ It was his high position in the Senate, his clear distrust of the League, and his determination to find a peace solution that was not founded in force that made Senator Borah the perfect ally for Levinson. He would write hundreds of letters to convince Senator Borah of the merits of outlawry, and it would prove to be the right decision for Levinson's plan.

Convincing Senator Borah proved no small task. Borah would not promote any peace plan that rested on the idea of force, and because of his strong convictions he gained a reputation for being against everything, not for anything.¹¹⁵ Even when Levinson had convinced Borah to join the fight for outlawry, the senator did not make it easy and would only support the best peace plan Levinson had to offer. He wrote to Levinson in 1922, "we ought to put our case so completely on paper, even at the expense of being a little bit prolix, that it cannot be misconstrued or misapplied," and he consistently forced Levinson to redefine his ideas so that they were more clear and concise.¹¹⁶ While in that past Borah had been more connected to the disarmament movement, he decided that outlawry had its benefits because attacking the war system by outlawing warfare was "an incalculable contribution" to international security.¹¹⁷ One of the characteristics of his friendship with Borah that Levinson appreciated was that he did

¹¹² Arthur Evan, "U.S. Betrayed in League Trap, Borah Warns: 12,000 Cheer Old Washington Policy," *Chicago Daily Tribune*, February 23, 1926.

¹¹³ Henning, Jan 20, 1940.

¹¹⁴ Henning, Jan 20, 1940.

¹¹⁵ Ferrell, 33.

¹¹⁶ William Borah to Salmon Levinson, 29 November 1922, Box 3, Folder 16, Levinson Papers.

¹¹⁷ Ferrell, 168.

challenge him frequently and made him answer hard questions about outlawry. Levinson welcomed criticism of his ideas because it caused him to think critically about what he was proposing, and in the long run allowed him to profit and build a stronger defense of outlawry.¹¹⁸ Outside of their outlawry work—and one of the reasons he chose Borah as an ally—Levinson respected the senator immensely, writing in 1923, “again it is confirmed to me that there is no one at all a match for you in debate in the Senate.”¹¹⁹ Senator Borah was not always the easiest ally to work with, but Levinson wanted him because of his political power and intelligence.

As Levinson and Borah proposed to bring outlawry to the attention of the United States government, Levinson often had to leave the responsibility to Borah who would have to introduce outlawry in some form in the Senate. Levinson worked to convince Borah of the validity of his views, writing to him in 1923, “let me say that I am not attempting to force my amateur political judgement on you and am only hoping that on reflection my views may meet, at least to some extent, with your approval.”¹²⁰ He would write several letters to Borah a month, sometimes multiple in a week, increasing pressure on Borah to contribute to his outlawry pamphlet, and bring the issue to the Senate floor.¹²¹ In a near constant battle with political developments, it seemed that every time Levinson had sufficiently convinced Borah to introduce an outlawry resolution, there would be a political reason that the men felt it was not the right time. After the failure of setting up an international court through the League—which was largely due to manipulations and maneuvers of different nations’ diplomats—Levinson felt “Borah, who is pretty well worn out, will want to stage his outlawry speech in such an

¹¹⁸ Stoner, 84-85.

¹¹⁹ Salmon Levinson to William Borah, 5 January 1923, Box 4, Folder 1, Levinson Papers.

¹²⁰ Salmon Levinson to William Borah, 14 May 1923, Box 4, Folder 2, Levinson Papers.

¹²¹ Stoner, 71.

environment,” and it appeared that there was a constant stream of setbacks to outlawry.¹²² Then finally on February 15, 1923 Senator Borah introduced an outlawry resolution for consideration, but did not give a speech about outlawry as he had promised Levinson he would.¹²³ In a letter sent the next month, Borah wrote as explanation that there was no opportunity to adequately discuss the resolution and that to do so inadequately would be a mistake.¹²⁴ It may have taken longer than anticipated, an outlawry resolution was finally introduced in the Senate, and Levinson knew that he had picked a strong ally in Senator Borah.

In combination with his desire to work with men in high places, Levinson also believed that outlawry was above all a people’s movement, so he spent time teaching the world about outlawry. As a part of a memo about outlawry, Levinson wrote “the riddance of war will be the crystallization of the will of the people into law; hence the indispensable importance of worldwide education on this subject” and he would do his part in educating people on outlawry.¹²⁵ On December 9, 1921 Levinson and some associates organized the American Committee for the Outlawry of War, a committee name he used to publish and disseminate his position on the legality of war.¹²⁶ Levinson explained the purpose of the committee, and the outlawry movement, in a pamphlet,

Our Committee is proposing to educate the world to the proposition that the war system, founded upon force and violence, should be supplanted and superseded by a judicial system founded upon treaties and codes of law with the institution of war abolished and destroyed root and branch.¹²⁷

¹²² Salmon Levinson to John Dewey, 9 May 1924, Box 15, folder 25, Levinson Papers.

¹²³ Stoner, 95.

¹²⁴ William Borah to Salmon Levinson, 6 March 1923, Box 4, Folder 1, Levinson Papers.

¹²⁵ Salmon Levinson, Memo on principles of outlawry, n.d. Box 29, Folder 6, Levinson Papers.

¹²⁶ Stoner, 69.

¹²⁷ Salmon Levinson, American Committee for the Outlawry of War, n.d. Box 29, Folder 7, Levinson Papers.

After beginning his committee for outlawry, Levinson made a few attempts to raise money, but he did not want to take money for fear of interference with his authority over the outlawry movement.¹²⁸ Despite wanting to keep people from having influence over the movement because of financial contributions, Levinson also tried to convince people that outlawry was the only solution to the war problem. In an article about Levinson, it reads “he never exhausts this peace topic. He never finished importuning his hearers until they are out of earshot. He never wastes an opportunity to make a convert,” because he recognized the importance of popular support for the success of outlawry.¹²⁹ Levinson used the power of his committee to spread his ideas and reach the general public that he would not have been able to speak to directly. He understood and deeply believed in the power of people as necessary to gaining traction for a worldwide movement.

It was not just through his committee work that Levinson sought to rally public support for and understanding of outlawry. He truly believed that the success of outlawry was founded in the average citizen of the world and the desire of non-governmental citizens for a warless world. He wrote in a letter to Senator Borah in 1923 explaining that, “our whole proposition rest upon the major premise that 95% of the civilized people of the world are against the bloody institutions of war.”¹³⁰ Levinson also pointed out that it was difficult for public opinion to function against war while it was lawful and warranted which put the burden on people to show why war was not justified.¹³¹ It was in outlawry that people could find proof that war was not legitimate or needed internationally. Levinson did not have much faith in the governments of the world to look past their own interests and do what was best for the world. In 1921 he wrote, “in the end the appeals will have to be made to the peoples of the various countries and through them

¹²⁸ Stoner, 109.

¹²⁹ Childs, “A Chicago Lawyer,” 14 April 1929, Box 29, Folder 11, Levinson Papers.

¹³⁰ Salmon Levinson to William Borah, 12 June 1923, Box 3, Folder 16, Levinson Papers.

¹³¹ Salmon Levinson to Philip Kerr, 22 December 1928, Box 26, Folder 2, Levinson Papers.

by new governmental officials or otherwise, to compel the adoption of a policy that amounts to the abolition of warfare.”¹³² Levinson only truly counted on nations to be against war when it fit a government’s self-interest. In similar sentiments, Philip Kerr wrote, “the one vital interest of all nations in all parts of the world is to prevent the outbreak of hostilities, for war, like a prairie fire, is uncontrollable and may spread anywhere.”¹³³ Even as Levinson worked toward outlawry through an international treaty, he still believed power rested in the population of the signing nations, not with the governments. He wrote in 1924 that if a country was slow to sign a treaty to outlaw war that “a campaign among their own peoples who of right should decide the matter, as they pay the cost of wars in money and blood.”¹³⁴ Levinson understood the importance of cultivating relationships with intellectuals in powerful political and social positions, but he believed that the strength of outlawry was rooted in the public’s aversion to war.

¹³² Salmon Levinson to William Hard, 10 December 1921, Box 20, Folder 15, Levinson Papers.

¹³³ Philip Kerr to Salmon Levinson, 23 May 1929, Box 26, Folder 3, Levinson Papers.

¹³⁴ Salmon Levinson, Outlawry of War analysis, 11 January 1924, Box 29, Folder 7, Levinson Papers.

Chapter Four

Chapter Four examines the Kellogg-Briand Pact, the successes and failures of outlawry, and the legacy Levinson left behind. The Kellogg-Briand Pact is arguably the biggest success of the outlawry movement a treaty signed by numerous nations agreeing to make war illegal. This chapter looks at Levinson's part in creating the Pact and how he felt about the proceedings. Even though the Kellogg-Briand Pact was adopted by over 50 nations, it did not prevent World War II, so this chapter considers Levinson's reaction to the failure of the outlawry movement and his response to the renewal of war in Europe. While World War II would put a near definite end to outlawry, Levinson did not lose complete hope. He still thought that people would come back to the idea of making war illegitimate and the power remained with popular support. Levinson left behind the story of an individual who was so determined to make a difference and introduce the premise of a lawful peace that he should not be forgotten. This chapter ends by explaining Levinson's legacy and how he changed the world in his peace efforts in outlawry.

The great victory of the outlawry movement was the passing of the Kellogg-Briand Pact, even though the extent to which it might be deemed successful is questionable. Levinson had a large part in the creation of the pact and campaigning for the passage of the treaty. Secretary of State Frank B. Kellogg asked Levinson to prepare a draft treaty based on his experiences and contact with the French Foreign Office, and Levinson made up a draft which he forwarded to Kellogg's office.¹³⁵ Even more than just writing the draft, Levinson put forth extreme effort behind the scenes to get both the United States government and the French government onboard for the outlawry treaty. He had to educate Kellogg to the idea of outlawry, convince his colleagues that the treaty proposal coming from French diplomat Aristide Briand was not

¹³⁵ Ferrell, 100.

dangerous, and to change the isolationist mindset to many Americans to ones of cooperation and support in regard to international relations.¹³⁶ Briand announced in early 1927 that France was ready to conclude an agreement with the United States to outlaw war and settle the differences between the two nations with a bilateral treaty. However, Kellogg was not as willing to be tied so closely to France, so he suggested that they instead put forward a multilateral treaty all nations could adopt, not just the US and France.¹³⁷ The pact would outlaw war. Negotiations between Kellogg and Briand were facilitated by Levinson, and it was not easy work to convince the two diplomats to work together towards the goal of outlawry.

The Kellogg-Briand Pact was the great diplomatic achievement of the outlawry movement, and Levinson did his share to make the dream of a multilateral treaty outlawing war a reality. In a 1929 article “A Chicago Lawyer’s One-Man War Against War” about Levinson’s peace work, written by M.W. Childs of the Post-Dispatch Staff, Childs claimed that justice would be done if the Kellogg-Briand Pact was called the Levinson pact. The article concluded that, “it is this one man who has moved mountains to bring it into being,” and many people recognized that the pact would not exist without Levinson’s help and the foundation of the outlawry movement.¹³⁸ After nearly three months of dodging, Briand, in the name of France, finally accepted the principle of a multilateral treaty renouncing war. On the American side of negotiations, Kellogg invited Italy, Japan, Germany, and Great Britain to enter the antiwar discussion by way of a draft treaty in April 1927.¹³⁹ The Kellogg-Briand Pact renouncing war as an instrument of national policy was signed August 27, 1928, by 63 different nations.¹⁴⁰

¹³⁶ Stoner, 235.

¹³⁷ Henning, Jan 20, 1940.

¹³⁸ Childs, “A Chicago Lawyer’s,” 14 April 1929, Box 29, Folder 11, Levinson Papers.

¹³⁹ Ferrell, 170-171.

¹⁴⁰ Henning, Jan 20, 1940.

Levinson was finally seeing his years of hard work pay off, as the world seemed well on its way to signing a multi-national treaty that rejected the legality of war and looked to non-aggressive conflict resolution.

As the world watched the negotiations for the Kellogg-Briand Pact, there was international hope that there might finally be an end to war. Levinson saw that the law could be powerful and if one could push past diplomatic red tape, that a treaty resulting from outlawry would benefit the world. He thought that the Kellogg-Briand Pact “sounds the death-knell of war as an institution, as a method of settling international disputes,” and that through it, outlawry had found its official home.¹⁴¹ In 1928, Levinson wrote that he hoped the League of Nations would approve “the Kellogg treaty and adopting the Outlawry of War as the fundamental as well as the ultimate objective of the League,” which shows that he believed that the treaty was powerful enough to even redeem the League.¹⁴² On January 16, 1929 the General Treaty for the Renunciations of War—also known as the Paris Peace Pact, the Briand-Kellogg Pact, and the Kellogg-Briand Pact—passed the Senate with a vote of 85 to 1 after Senator Borah gave it vigorous support.¹⁴³ Regardless of how much work Levinson himself put into the creation of the treaty that would become the Kellogg-Briand Pact, he would write in 1928, “we must admit that the Kellogg proposal would never have seen the light of day if Briand had not started the ball rolling.”¹⁴⁴ Once the treaty was finalized, it had been initially signed by Great Britain, France, Germany, Italy, Japan, Poland, Czechoslovakia, and Belgium and “gave a sound diplomatic basis for action in each case and gave diplomats confidence in the support of public opinion.”¹⁴⁵ While

¹⁴¹ Salmon Levinson, untitled, n.d. Box 39, Folder 1, Levinson Papers.

¹⁴² Salmon Levinson, Reorganization of Outlawry, 30 July 1928, Box 29, Folder 11, Levinson Papers.

¹⁴³ Hathaway and Shapiro, 129.

¹⁴⁴ Salmon Levinson to Commander Kenworthy, 5 June 1928, Box 26, Folder 1, Levinson Papers.

¹⁴⁵ Quincy Wright, Memo “Results of the Kellogg Pact,” 1931, Box 68, Folder 4, Levinson Papers.

there was widespread excitement at the possibility of the Kellogg-Briand Pact and what it meant for the state of war in the world, Levinson would soon find that outlawry would not be able to stand up in the world left behind after the Great War.

Even though Levinson had faith in outlawry and its ability to put an end to war, he also understood how WWI had changed the world in way that it may not be ready for outlawry. In a letter in 1929 to Levinson, Philip Kerr voiced his concern about the Kellogg-Briand Pact by writing, “history seems to show that treaties of this kind, which provide no machinery to ensure their own execution, rapidly lose potency over public opinion unless they are implemented in some definite way.”¹⁴⁶ Levinson wrote a letter in 1929 stating, “it is pretty difficult for people writhing under the burdens of sixty years of future debts to get enthusiastic on the subject of world peace,” making it clear that he was aware of the limitations people were put under due to World War I and its aftermath.¹⁴⁷ He specifically mentioned Germany in a letter in 1923 writing,

It was a little much to ask defeated Germany to punish its war criminals when no laws against war had ever been enacted, and when the people of Germany themselves had been penalized beyond all precedent in history.¹⁴⁸

Even before the Kellogg-Briand Pact was an idea, Levinson was concerned about the effect WWI would have on any peace proceedings that were attempted. Levinson was proud of the treaty that had come from outlawry, but he did not believe that it was the solution to all of the world’s problems, especially those resulting from war.

The Kellogg-Briand Pact and outlawry movement may not have done exactly what Levinson envisioned, but the Pact did change aspects of international relations creating a new

¹⁴⁶ Philip Kerr to Salmon Levinson, 19 February 1929, Box 26, Folder 3, Levinson Papers.

¹⁴⁷ Salmon Levinson to F.A. Voigt, 2 April 1929, Box 39, Folder 6, Levinson Papers.

¹⁴⁸ Salmon Levinson to William Borah, 12 June 1923, Box 3, Folder 16, Levinson Papers.

world system. In a speech Levinson gave in 1939, he said, “a neutral nation has heretofore always meant a nation that was not in a war that was being carried on by other nations.”¹⁴⁹ He reflected on the ways that war terms transformed and that being neutral in a war did not mean the same thing after World War I. Philip Kerr, ten years earlier in 1929, had written, “the logic of the Outlawry of War movement implies the complete disappearance of the old issues of belligerent versus neutral rights.”¹⁵⁰ Levinson had to eventually grapple with the fact that outlawry had not erased the idea of belligerent and neutral nations. The changes in the legal rules regarding war did not stop states from seizing land—such as Japan taking Manchuria—but possession was no longer enough to establish legal rights and other states rejected those seizures as illegitimate.¹⁵¹ The fact that nations did not necessarily recognize a country’s authority simply because it had invaded a piece of land reaffirmed the break with the past represented by the Pact, even if that was not an intended consequence by the framers.

However, one of the biggest perceived failures of the Kellogg-Briand Pact was that making war illegal did not stop the second world war from taking place. Levinson watched as Europe seemed to be headed for another global conflict and contemplated what the United States role would be in this foreign war. In a speech in 1939, he said “America cannot be deaf, dumb and blind to all that goes on in this world” and “there are two ways of getting into war: one is by being too brash and the other is by being too cowardly. My country should be neither.”¹⁵² Levinson had worked incredibly hard to get a treaty passed outlawing war, then had to watch the world return to war and had to reevaluate his stance on war and the morality of respecting the treaty to stay out of war.

¹⁴⁹ Salmon Levinson, transcript of speech, 1 June 1939, Box 68, Folder 2, Levinson Papers.

¹⁵⁰ Philip Kerr to Salmon Levinson, 19 February 1929, Box 26, Folder 3, Levinson Papers.

¹⁵¹ Hathaway and Shapiro, 315.

¹⁵² Salmon Levinson, transcript of speech, 1 June 1939, Box 68, Folder 2, Levinson Papers.

As war neared, it can be difficult to see the successes in Levinson's outlawry movement. However, Levinson left behind a legacy of peace and hope for a brighter future free from the institution of war. After the signing of the Kellogg-Briand Pact, Levinson wrote that August 27 should become a World Peace Holiday. Once war was outlawed, he declared, "I don't believe we will have any international law-breakers, alias bandit nations, alias aggressor nations," because he truly believed in the affect his peace work would have on the world.¹⁵³ John Haynes Holmes, an associate of Levinson's, stated "On this day, each year, so long as civilization endures, let this renunciation be solemnly and gratefully renewed, not by statemen but by the peoples themselves."¹⁵⁴ Although Holmes used August 28, the two men were both thinking of a celebration for the Kellogg-Briand Pact. The pact clearly was not successful as Levinson had hoped, however, it was still a victory as it was the first time that the nations of the world got together and really spoke of the legality of war. The discussion also brought the issue of outlawry to the attention of the public and made it a people's movement. Levinson wrote about the Pact, "upon these things I base my optimism for the future, once we make the people realize, upon the universal ratification of the Pact, that the power is in them."¹⁵⁵ Levinson always saw incredible strength in the power of the people. Even though WWII would not be far away, outlawry did not accomplish nothing: it led to a global revolution where aggressive war can be a prosecuted crime in the international court.¹⁵⁶ The Kellogg-Briand Pact may not have been able to convince the world to stop the use of war, but it did bring the question of legality to people and governments who had not previously seen law as a foundation of peace.

¹⁵³ Salmon Levinson to Philip Kerr, 16 March 1929, Box 26, Folder 3, Levinson Papers.

¹⁵⁴ John Haynes Holmes, Memo on "An International Holiday," n.d. Box 68, Folder 4, Levinson Papers.

¹⁵⁵ Salmon Levinson to Philip Kerr, 16 March 1929, Box 26, Folder 3, Levinson Papers.

¹⁵⁶ Hathaway and Shapiro, 415.

Levinson may not be a well-known name outside of academia, but he left an impression on the people he worked with, and was not easily forgotten. Frank Hayes wrote a letter to Levinson in 1928 asking, “would it be proper at this time to tell of your part in conferences with Briand and Kellogg, as the direct instigator of such a multilateral treaty?”¹⁵⁷ His associates wanted him to get the recognition that he deserved for all of the work he did not just in getting the Kellogg-Briand Pact signed, but just in the massive amount of effort he put into outlawry. When it came time for the Nobel Peace Prize winner to be chosen, both close friends and casual acquaintances of Levinson nominated him and joined the drive to get him the prize that they felt he rightly deserved.¹⁵⁸ The article “A Chicago Lawyer’s One-Man War Against War” praises Levinson as a peace prophet and urges that he should receive the Nobel Peace Prize for his momentous labor in bringing outlawry to the world.¹⁵⁹ Levinson would not end up getting the Nobel Peace Prize, as it would go to Kellogg and Briand for their negotiations of the Pact. It was not surprising, as it would have been difficult for the Nobel committee to pass over an official who was connected with the actual negotiations of the treaty for a private citizen for work on the same treaty.¹⁶⁰ Levinson was not upset by losing the prize, as he had always preferred to stay out of the public light. In a letter to one of the men who had campaigned in Levinson’s name, he wrote “I feel as if I had received glory enough without competing with Mr. Kellogg who, according to precedents, is at least politically entitled to the big reward.”¹⁶¹ It was through his associates that Levinson felt he had achieved the most, by distilling the idea of peace and bringing people over the idea that outlawry could work.

¹⁵⁷ Frank Hayes to Salmon Levinson, 11 August 1928, Box 39, Folder 1, Levinson Papers.

¹⁵⁸ Stoner, 340.

¹⁵⁹ Childs “A Chicago Lawyer’s,” 14 April 1929, Box 29, Folder 11, Levinson Papers.

¹⁶⁰ Stoner, 340.

¹⁶¹ Salmon Levinson to F.A. Voigt, 2 April 1929, Box 39, Folder 6, Levinson Papers.

In the face of WWII Levinson never lost hope that the world could find its way back to peace and that outlawing war was the right first step. If nothing else entered the public's mind and consciousness—such as the Code and Court that Levinson worked hard to create and promote—at the very least the idea of outlawing war became a common idea in America and many other parts of the world.¹⁶² On his seventieth birthday, the Chicago Sinai Congregation wished Levinson a happy birthday and said,

The world has not yet learned to “outlaw war,” as he so ardently desired. His immediate contribution, therefore, to our day is a contribution of the history of ethics rather than to the history of international relations. The nations of the world have, because of him, learned to speak of international relations ethically.¹⁶³

Levinson believed so completely that peace was possible, that he was able to convince others that there was a way for a better world to be made. He always claimed it depended on everyone, not just governments, to make peace a reality. As he witnessed Europe heading for another global conflict, he wrote that the United States should stay committed to the Kellogg-Briand Pact and not enter into a war if it should come to that. However, he also wrote in 1928 that the US should,

Help guide the suffering peoples of the world, including our own, into the path of peace, comfort, and contentment. In this way alone can universal peace be attained. For the flower of peace cannot grow except in the soil of peace; and the world has not cultivated the soil of peace since the Great War.¹⁶⁴

¹⁶² Ferrell, 36.

¹⁶³ Salmon Levinson, card from Chicago Sinai Congregation, Box 74, Folder with Diaries from August-October 1929, Levinson Papers.

¹⁶⁴ Salmon Levinson, “A Statement of American Foreign Policy,” 7 March 1938, Box 68, Folder 2, Levinson Papers.

He had faith in people and their ability to become better, for the world to grow tired of war and begin to understand that an idea such as outlawry could save them from destruction. Levinson also knew the limitations of his movement, writing in 1928, “the greatest difficulty we have, living as we do in a war-world, filled with war traditions, is to visualize a warless world,” but he did not let those limitations dishearten him.¹⁶⁵ Salmon Levinson never stopped hoping and pushing for the day that war would be outlawed and the world could move into a peaceful existence governed by laws and the will of the people.

Salmon Levinson is not a prominent historical figure despite all of the work he did in the interwar years aimed towards a lasting peace. He forged relationships with people in important and powerful positions, such as creating peace plans with Senator Knox and forming a Senate resolution with Senator Borah. Levinson preferred to work behind the scenes, convincing people that his peace plan was vital and then letting his associates become advocates for the cause. He believed that war, as terrible as it was, should be against the law, and by outlawing it, war would lose its legitimacy in international affairs. Levinson built, reshaped, refined, and promoted his idea of Outlawry; a movement that would garner attention from not only governments, but also the public. He had faith in the people of the world being so against war, that it would be the population of citizens that pushed for and supported outlawry. Levinson was able to celebrate the success of the signing of the Kellogg-Briand Pact that outlawed war, but his happiness would not last long. He would then witness the world turn towards war again, and he must have felt deep disappointment at the prospect of a second devastating war. However, Levinson never lost hope in the people, as he always felt that outlawry had to come from those who actually fought in wars and felt the repercussions of such a horrific institution. He would not live to see the end of

¹⁶⁵ Salmon Levinson to Philip Kerr, 3 July 1928, Box 26, Folder 2, Levinson Papers.

WWII, so one cannot say how Levinson would have felt about the leaders and peace proceedings following the war, in comparison to his own idea. Levinson's *Outlawry* may have been idealistic, but he never stopped believing that the people and the use of law could bring the world to a state of peace.

Bibliography

Archival Source

Salmon Levinson Papers 1905-1998. Special Collections Research Center, University of Chicago Library.

Published Sources

“Death Takes Senator Knox: Collapses in Library of his Capital Home, International and National Figure.” *Chicago Daily Tribune (1872-1922)*, Oct 13, 1921. ProQuest Historical Newspapers.

Evan, Arthur. “U.S. Betrayed in League Trap, Borah Warns: 12,000 Cheer Old Washington Policy.” *Chicago Daily Tribune (1923-1963)*, Feb 23, 1926. ProQuest Historical Newspapers.

Ferrell, Robert. *Peace in Their Time: The Origins of the Kellogg-Briand Pact*. New Haven: Yale University Press, 1952.

Habicht, Max. “Successes and Failures of the League of Nations.” *Vital Speeches of the Day* 5, no. 22 (9/1/39): 703-4.

Hathaway, Oona, and Scott Shapiro. *The Internationalists: How a Radical Plan to Outlaw War Remade the World*. New York: Simon & Schuster, 2017.

Henning, Arthur Sears. “Recall Great Career of Statesman; in Congress 33 Years.” *Chicago Daily Tribune (1923-1963)*, Jan 20, 1940. ProQuest Historical Newspapers.

Knock, Thomas. *To End All Wars: Woodrow Wilson and the Quest for a New World Order*. Princeton: Princeton University Press, 1992.

Manly, Chesly. “High Esteem and Warm Affection for Borah, the Lion of Idaho.” *Chicago Daily Tribune (1923-1963)*, Jun 11, 1961. ProQuest Historical Newspapers.

Mazower, Mark. *Governing the World: The History of an Idea*. New York: Penguin Press, 2012.

“Persons in the Foreground: Knox.” *Current Literature (1888-1912)*, July 1907. ProQuest.

“Philander Knox.” *Chicago Daily Tribune (1872-1922)*, Oct 14, 1921. ProQuest Historical Newspapers.

Stoner, John. *S.O. Levinson and the Pact of Paris: A Study in the Techniques of Influence*.

Chicago: University of Chicago Press, 1942.

Walsh, J.C. “Conflicting Interests at the Peace Conference.” *America* 20, no. 18 (2/8/1919): 438-440.

Webster, Andrew. ““Absolutely Irresponsible Amateurs”: The Temporary Mixed Commission on Armaments, 1921-1924.” *Australian Journal of Politics and History* 54, no. 3 (2008): 373-388.

Webster, Andrew. “The League of Nations, Disarmament and Internationalism.” In *Internationalisms: A Twentieth-Century History*, edited by Glenda Sluga, 139-169. Cambridge: Cambridge University Press, 2017.