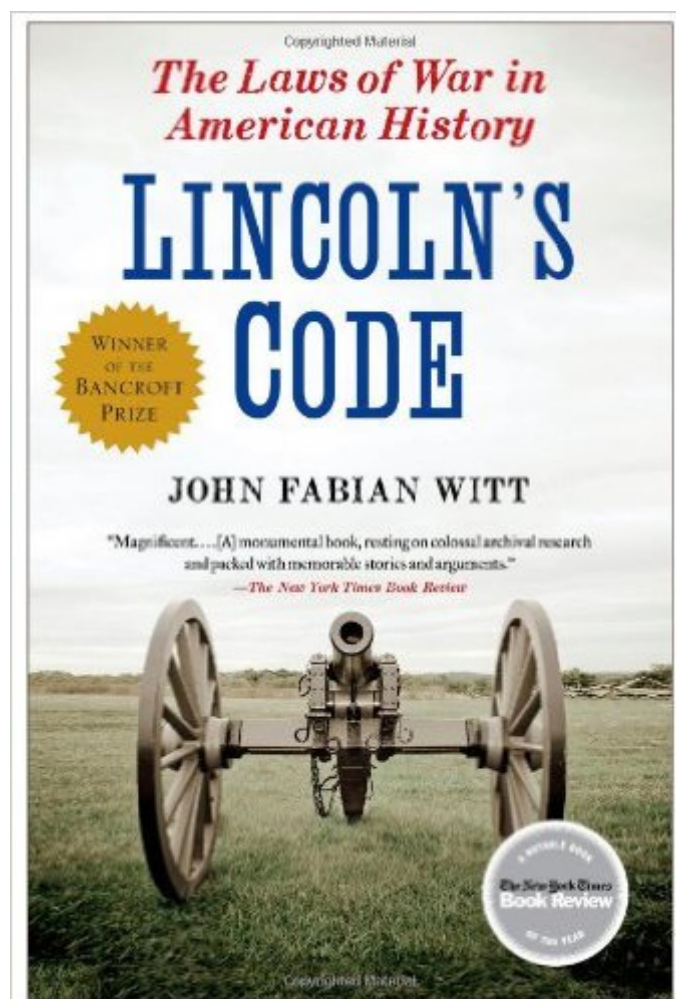


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Lincoln's Code: The Laws Of War In American History



Synopsis

Pulitzer Prize Finalist
Bancroft Prize Winner
ABA Silver Gavel Award Winner
A New York Times Notable Book of the Year

In the closing days of 1862, just three weeks before Emancipation, the administration of Abraham Lincoln commissioned a code setting forth the laws of war for US armies. It announced standards of conduct in wartime "concerning torture, prisoners of war, civilians, spies, and slaves" that shaped the course of the Civil War. By the twentieth century, Lincoln's code would be incorporated into the Geneva Conventions and form the basis of a new international law of war. In this deeply original book, John Fabian Witt tells the fascinating history of the laws of war and its eminent cast of characters "Washington, Jefferson, Franklin, Madison, and Lincoln" as they crafted the articles that would change the course of world history. Witt's engrossing exploration of the dilemmas at the heart of the laws of war is a prehistory of our own era. Lincoln's Code reveals that the heated controversies of twenty-first-century warfare have roots going back to the beginnings of American history. It is a compelling story of ideals under pressure and a landmark contribution to our understanding of the American experience.

Book Information

Paperback: 512 pages

Publisher: Free Press; 6.2.2013 edition (July 2, 2013)

Language: English

ISBN-10: 1416576177

ISBN-13: 978-1416576174

Product Dimensions: 5.5 x 1.4 x 8.4 inches

Shipping Weight: 14.4 ounces (View shipping rates and policies)

Average Customer Review: 4.8 out of 5 stars [See all reviews](#) (21 customer reviews)

Best Sellers Rank: #469,820 in Books (See Top 100 in Books) #76 in [Books > Law > Specialties > Military](#) #388 in [Books > Law > Tax Law](#) #1907 in [Books > Law > Business](#)

Customer Reviews

Most people glancing at this title will think it primarily as a study of Lincoln's conduct and prosecution of the Civil War and indeed that isn't necessarily incorrect. What Witt instead presents is how Lincoln's conduct during the war created a legal basis for what was to would later become the Geneva Convention treaties for how to conduct war. Civil Wars by their very nature tend to be more vicious and Lincoln sought to create rules of engagement and conduct that would minimize the potential for harm to civilians, prisoners of war, and conduct on the battlefield, in the process

reshaping how wars were fought. The principles Lincoln created began to be used by other combatants in succeeding wars and in the process led to the creation of the Geneva Convention treaty in 1864 and further treaties signed in 1906, 1929, and 1949. Lincoln was part of a broader movement of reformers such as Clara Barton and Henry Dunant who sought more humane treatment of the sick and wounded, but it was largely what Lincoln created that would be drawn upon in later years. We primarily think of Lincoln's steadfast leadership during the war and his ultimate sacrifice to the cause of preserving the Union, but rarely think of his actions resonate through to today in very real terms. Much of what Lincoln created would also often come to be abused by succeeding Presidents, as with the Wilson era Espionage Act of 1917 and the Sedition Act of 1918, to FDR's internment of Japanese - Americans under Executive Order 9066 and the Supreme Court's rulings in *Korematsu v. United States* (1944) and *Ex Parte Endo* (1944), to George W. Bush's use of Guantanamo, black sites overseas and so much more.

'Lincoln's Code' by John Fabian Witt is largely about Francis Lieber and his rules of war that found expression in Lincoln's General Orders No. 100. It was developed at the same time as the EP with interesting implications that I don't fully understand. It served later as a blueprint for the Hague and Geneva conferences. Witt is careful to point out that GO No. 100 made no difference in the conduct of the CW. The most interesting controversy discussed, without conclusion, is on the morality of freeing slaves or inciting insurrection. Both the EP and Lieber's rules renounce support for a slave insurrection. Is that why it didn't happen? Sherman's depredations are analyzed with relation to rules of war. His conclusion, later ratified by Moltke, was that hard total war was beneficial to all if it shortened the war. I suppose that was the theory followed by Truman in deciding on the A-bomb. In its day the most important issue was confiscation and destruction of property, including slaves. Today the code still guides on issues of torture and genocide. There's interesting legal considerations in the trials of the Booth conspirators and Vallandigham and Milligan and earlier in the prize cases. The book goes on to the role of Alfred Thayer Mahon in developing rules of naval power and later modern developments. An interesting preliminary was Lord Dunwoodie's proclamation freeing slaves of rebels in the Revolutionary War. It seems that Lincoln wasn't the first with a war measure EP. (I discount Fremont and Hunter.) Jackson's excesses against Creeks, Seminoles and purported British spies are covered along with Clay's censure. Perhaps the most surprising aspect of the code is that war involves all citizens of the enemy nations, not limited to the military.

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