

The Alabama, British Neutrality, and the American Civil War

James D. Hardy Jr.

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Review

Hardy Jr., James D.

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Merli, Frank J. *The Alabama, British Neutrality, and the American Civil War.* Indiana University Press, \$29.95 hardcover ISBN 253344735

Diplomatic wrangling

An international perspective

At the time of his death, Frank J. Merli was preparing a multi-volume work on Confederate sea power, American diplomacy, and British neutrality during the Civil War. Merli's work had centered on diplomacy, dealing mainly with Confederate efforts to gain recognition from Britain and France, and on naval affairs, particularly the Confederate efforts to build a navy abroad. These two elements of Southern foreign policy found a common focus in the building, departure from Britain, and the career at sea of the commerce raider, C.S.S. *Alabama*. The legal, financial, and diplomatic ruckus raised by the *Alabama* claims over the obligations of neutrality and the nature of blockade generated a welter of diplomacy that roiled on until a general settlement emerged in 1872.

These interconnected naval and diplomatic issues formed the core of Merli's projected volumes, a few chapters from which have been put into a publishable form by his friend, and literary executor, David M Fahey. The Merli/Fahey book is, therefore, a *sondage* into the immense volume of Merli's lifetime research into the issues of war, diplomacy, and British neutrality during the Civil War. And there was a lot to examine and assemble. Merli's style of scholarship was indefatigable archival research, verifying facts and exposing errors that had crept into historical writing. In the process of this exhaustive search for sources, Frank Merli amassed an archive of his own, composed of microfilm, notebooks, and rare books. The abundance of archival material allowed Merli to write somewhat disconnected chapters, designed, ultimately, for more than one volume, and David Fahey has brought together seven of them, centered around the theme of British response to the demands of neutrality, together into this book.

Merli's devotion to intense archival research, and his determination to uncover the exact sequence of events, shows to the best advantage in the three chapters describing the departure of the *Alabama* from Merseyide on July 29, 1862. Merli has argued persuasively that an exact chronology of events from June 23, when minister Charles Francis Adams presented Lord Russell an initial protest about the mystery ship then building at Liverpool, through July 29 when the *Alabama* went to sea, is essential to understanding how the Queen's government fulfilled its obligations under domestic law and standard international interpretations of neutrality. Merli has established that chronology, and, in so doing, has shown that the British government, from Lord Russell as Foreign Secretary to the custom officials at Liverpool, acted with appropriate dispatch and due diligence.

Lord Russell took Adams's initial note seriously, and asked for an opinion from the Law Lords as well as making inquiries within the bureaucracy. Delay is the nature of bureaucracy, but in the case it was neither undue nor intentional. Merli has discovered that nearly three of the five weeks between protest and departure were spent in the American effort to present their evidence and suspicions in the forms appropriate for British law. When the British officials finally received depositions that they could accept in form and evaluate in substance, they moved the paper along promptly, with one exception. The Queen's Advocate, Sir John Harding, had a nervous breakdown in the summer of 1862, and was unable to do any professional work. The *Alabama* file lay on his desk for a week in late July. The illness of Crown law lord, combined with American delay in presenting their complaint and evidence, gave Confederate commissioner, Captain James Bulloch, just enough time to get his ship ready. A little luck, rather than any British conspiracy or incompetence, allowed the *Alabama* to sail.

In addition to the absence of British malice or fault in the *Alabama's* sailing, Merli also explored an important disagreement amongst British legal authorities on whether or not building the *Alabama* violated the English Foreign Enlistment Act of 1819. The two law lords who were in good health thought, as early as June 30, that a substantial presumption existed that the ship was being built for the Confederacy, and it should be detained until the facts could be ascertained. Solicitors advising customs officials, both in Liverpool and London, had a different opinion. They did not think there was evidence enough concerning Confederate destination to justify detaining the *Alabama*, and their opinion was sustained a year later when a British jury allowed the *Alexandria* to sail. The

customs solicitors had a firm grip on the law, but the law lords, closer to the center of things, were right on the diplomacy and politics. Ultimately, Lord Russell took the position of the law lords, and ordered detention. But he was two days too late. The *Alabama* had taken supplies and crew on board, and was sailing for the Azores where she would receive guns.

The career of the Confederate commerce raider *Alabama* comprised the maritime equivalent of irregular conflict on land. Guerillas struck suddenly and unexpectedly, often producing substantial military gain with a small force that was quite out of proportion to the power expended. Commerce raiding gave the same result, as a few captures and sinkings raised marine insurance for American ships to prohibitive levels, driving many from the seas lanes and diverting American goods to neutral flag ships. In one effort the Confederacy had jumped the Union blockade and created a blockade of its own, one resting fundamentally on marine insurance, but not ineffective because it was financial rather than military. The Confederacy was able to project power beyond a continental war into the arena of international commerce, and did this with admirable efficiency in the face of intense and growing American pressure to prevent it.

Although the Confederacy experienced remarkable success in its campaign against Union commerce, that success had the inherent limitations built into the nature of irregular conflict. Despite the dislocations caused by the *Alabama*, commerce raiding could not sustain the constant military or economic pressure necessary to retain the advantage gained. Striking at random against Union commerce could not open an increasingly effective continental blockade and allow a free flow to Europe. The economic gains were evanescent; the Union blockade was permanent.

If the *Alabama* could not affect the outcome of the war, it would poison Anglo-American diplomatic relations for a decade. Not until the Geneva Arbitration in 1872 could the career of the *Alabama* be said to have ended. Not surprisingly, the legal and diplomatic wrangles lasted far longer than actual combat. The shadow of war is always greater than the shooting.

The great value of this short book for practicing historians and knowledgeable readers lies in its painstaking discussion of the *Alabama's* departure from Britain. Merli established the facts of the matter, both historically and legally, and these destroy the legend of a British conspiracy favoring the Confederacy. The chronology of discussions within the British administration

and between the British and Americans also indicates the importance of chance events in history, specifically the illness of the Queen's Advocate. Beyond establishing a solid chronology for the protest over the *Alabama*, Merli also corrects errors that have become part of the standard historiography concerning the Anglo-American relations during the war. These errors seemed to indicate a pro-Confederate conspiracy, or at least a strong sympathy for the South, within the British government, and was incorporated into the standard works of E.D. Adams, *Great Britain and the American Civil War* (1925) and Frank L. Owsley, *King Cotton Diplomacy* (1931). These magisterial diplomatic histories became the basic word on British policy, and their mistakes about the facts and the conclusions drawn therefrom passed into professional orthodoxy. Merli's work, over the course of time, will set the record straight. It is a significant contribution to both the profession and the public.

Finally, I must acknowledge a personal connection to the whole subject of Confederate shipbuilding abroad. My M.A. thesis dealt with Southern efforts to build ships in France. I worked on this long ago, when the Dodgers still played in Brooklyn and years were measured by the Julian calendar, but residual interest in the Confederate navy and trans-Atlantic diplomacy remains. It has been a great pleasure to renew old acquaintances through this important book.

James D. Hardy, Jr. is a professor of history in the Honors College at Louisiana State University and has published several books on both history and literature, including one on baseball.