

A More Civil War: How The Union Waged A Just War

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Review

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Were the Union's War Policies Legal and Moral?

In this work the author seeks to explain the “strange paradox of the Civil War: It occasioned both great destruction and remarkable restraint.” (p. 3) Based on extensive research in primary and secondary sources, he concludes that the U.S. Army fought the Confederacy in a manner that was hard yet humane.

This book provides a useful overview of the moral and legal issues faced by Union officers during the Civil War. One weakness is that its evidence is largely limited to general orders and directives from the upper reaches of the Union military hierarchy – Army, Corps and Division commanders, as well as the War Department. Little evidence is offered on whether private soldiers followed these orders in the field. In the one chapter where the author examines soldier behavior, the evidence is not very encouraging.

April, 1863, was a key turning point in the development of U.S. policy. In that month the War Department issued General Orders # 100, entitled “Instructions for the Government of Armies of the United States in the Field.” This Order, mainly drafted by Dr. Francis Lieber of Columbia University, was the U.S. Army's first official guidance on the laws and customs of war. Commonly referred to as the Lieber Code, the author devotes a chapter to this important document, and frequently applies it as the standard for assessing the legitimacy of the Union's actions.

The rest of the book is organized in a roughly chronological manner, reflecting the new challenges Union officers faced in the course of the war. The chapter examining 1861-62 Union responses to guerrilla warfare in Missouri is followed by chapters discussing occupation policy in Memphis and New Orleans in 1862, retaliation against Confederate prisoners of war in 1863 and the

treatment of hostile civilians by General Sherman's forces in 1864.

The author concedes that U.S. anti-guerrilla policy was “messy,” and no general pattern of development is evident. Nevertheless, he believes that humane elements can be detected. For example, the practice of punishing the civilian population for nearby guerrilla incidents was sometimes curtailed, and military commission trials were required before captured guerrillas or disloyal civilians were punished. Nevertheless, responses to guerrilla actions tended to follow a general trajectory toward harder, less humane measures. On September 18, 1862, for example, at Palmyra Missouri, General John McNeil ordered the execution of ten Confederate guerrillas in retaliation for the capture (and probable execution) of a Missouri Unionist by Rebel guerrillas. Almost a year later, on August 25, 1863, Union General Thomas Ewing ordered the complete depopulation of four counties in Northwestern Missouri in response to guerrilla activity. Both secessionist and Unionist families were forced to move. Ewing's order was repealed after several months, but the damage had been done by then. The author discusses neither of these incidents.

The Lieber Code labeled retaliation “the sternest feature of war,” and urged restraint and caution before carrying out retaliatory punishments. The book argues that the Union followed Lieber's advice when considering retaliatory actions against Confederate prisoners of war. The author notes that threats of retaliation against prisoners in response to Confederate abuse of African American troops were never carried out, and that cuts in rations at prisoner of war camps, in response to suspected starvation of Union prisoners, were quite moderate.

The examples cited are limited to decisions at the highest levels of the U.S. government; reprisals against prisoners of war were more common at lower levels of command. In 1862, for example, General George B. McClellan regarded Confederate use of land mines to be treacherous, and in retaliation forced prisoners of war to clear them. General Sherman followed the same policy on land mines during the 1864 Savannah campaign. During his 1865 Carolina campaign, Sherman executed several Confederate prisoners in retaliation for the murder of Union soldiers captured by Confederate General Wade Hampton's forces.

The chapter on how hard-war policies affected civilians concentrates on General Sherman's campaigns in Georgia and the Carolinas, and Sheridan's

campaign in the Shenandoah Valley of Virginia. For this chapter, the author has done extensive research in the letters and journals of ordinary soldiers, supplementing the orders issued by Sherman and his subordinate generals. While the official orders are consistent with the Lieber Code, it is not well reflected in the behavior recorded by private soldiers. The Code consistently denounced acts carried out wantonly or for revenge, without a valid military purpose. Yet the soldiers themselves recorded multiple examples of pillage and the destruction of buildings without official authorization. Arguing that these campaigns were nevertheless hard but humane war, the author again focuses on the repeated official warnings that such acts were forbidden, while conceding that these warnings were often ignored by the common soldiers.

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