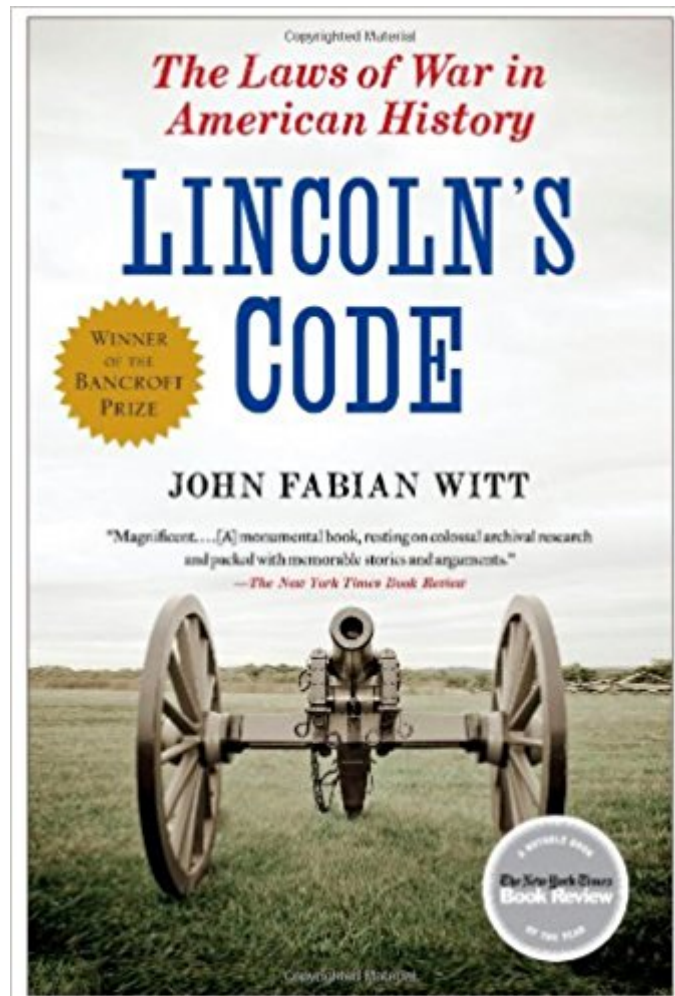




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# Lincoln's Code: The Laws Of War In American History



## 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: 4.7 out of 5 stars 21 customer reviews

Best Sellers Rank: #292,144 in Books (See Top 100 in Books) #38 in Books > Law >

Specialties > Military #255 in Books > Law > Tax Law #1361 in Books > Law > Business

## Customer Reviews

"Magnificent . . . Lincoln's Code is both a celebratory chronicle of American lawmaking and a gruesome record of American wartime cruelty. . . . This monumental book, resting on colossal archival research and packed with memorable stories and arguments, is a major contribution to making sense of ours." (Gary J. Bass The New York Times Book Review)

[W]ell-written and fascinating . . . . The value of Witt's account is that it shows how

the answer to [where we draw lines] has changed over the centuries” and how, whether in the Civil War or the War on Terror, our political leaders have struggled to reconcile the sometimes competing demands of humanitarianism and justice.” (Max Boot Commentary Magazine) “[A] sweeping history of American engagement with the idea that the brutality of war should be constrained by humanitarian rules.” (Jennifer Schuessler The New York Times) “[A] significant work. . . . Witt establishes and supports a provocative case that the [law of war] reflects two competing, fundamental American ideals: humanitarianism and justice.” (Publishers Weekly) “Artfully mixing law, history, and sharp analysis, [Witt] examines the persistent struggle to reconcile justice and humanitarianism in America’s conduct of war... Truly remarkable, composed with all the precision and insight you expect from a law professor, marked by all the elegance and sparkling readability you don’t.” (Kirkus (starred review)) “A gripping narrative of the struggle to maintain the aspiration to honor, decency and common humanity amidst the brutal imperatives of war—from our war for independence, through the Civil War to the suppression of the insurrection in the Philippines. At the center John Witt places the first code for the conduct of war, promulgated by Lincoln during the darkest days of the Civil War: harsh, relentless, realistic, yet placing firm limits forbidding torture, the abuse of prisoners, treachery and purposeful harm to civilians. This book is an important addition to the ever-growing monument to our greatest and most complex national leader.” (Charles Fried, author, with Gregory Fried, of *Because It Is Wrong: Torture, Privacy and Presidential Power in the Age of Terror*)

John Fabian Witt is the Allen H. Duffy Class of 1960 Professor of Law at Yale Law School, a professor in the Yale history department, and a Guggenheim Foundation fellow. His work has appeared in *NPR*, *Slate*, the *Harvard Law Review*, and the *Yale Law Journal*, among other publications. Witt is the author of *The Accidental Republic*, which was awarded book prizes by the Harvard Press Board of Syndics, the American Society for Legal History, and the Law and Society Association.

Overall a very good read and an excellent book. Witt’s research is impeccable and his writing style is top notch. There are some places where the book seems to repeat itself, and then the last chapter feels a bit like a cop out, like it could have, should have been longer, but still, overall, a very good book that I would highly recommend. If you see this book in stores and want an idea of what it’s about, the epilogue provides a great short outline of the book.

Completely surprised me about how the origins of behavior in war arose. I am only part way into the

book, but have very much enjoyed what I have read so far. Worth it even if I don't have time to read farther.

Insightful about historical facts that are important even today! A reading for all interested in the civil war and its different influences.

Fascinating history of the subject. Well-written and well worth reading to understand the development of the law of war. Highly recommended.

Great book

got it as a gift for someone

This is a well and clearly written, detailed discussion of the development of the Laws of War from the viewpoint of the USA as developed over the years of our Revolutionary War to President's Lincoln's General Orders Number 100, 1862, on the conduct of War during our Civil War. The horrors of war are presented in a nuanced fashion to show the reasons for the developments, but not in such detail as to be gory or dwelled upon. Many references and contrasts are made to current Geneva Conventions, thus enabling the reader to position the work in modern as well as historical terms. There are several excellent condensations of Congressional arguments, such as the attempt by Henry Clay and others to censure Andrew Jackson's execution of two British Citizen's in North Florida, 2 years before Jackson was elected President. The comparisons of our Native American Laws of War with those of Europe, and the response of the USA working to develop it's own Laws of War are the clearest I have ever read. This book is actually a legal text and includes much detailed history of the development of a complex topic. A fair knowledge of American History is prerequisite to reading this book as many items in our history are referenced as if generally known and understood beyond a high school level of understanding. This would be an excellent addition to any Civil War buff's library or as additional reading at the college or law school, or military academy level.

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. There certainly are valid arguments that some of what Lincoln did was unconstitutional and many of the arguments made then and now resonate through the ages. So many aspects of Lincoln's conduct of the Civil War have relevancy to today's society that we scarcely stop to ponder them all and how they are Constitutional or represent violations thereof. Witt seeks to do just that in a way that is approachable to historians, legal scholars, and lay people. That said, some of this may be a bit advanced for more casual readers or those not well versed in American history, military history, or legal history and while Witt's prose is certainly lively some may find it a chore to get through at times. As a historian and someone versed in the law, I found it utterly fascinating. It gave me yet another newfound respect for Lincoln's wisdom and sage leadership. He truly was one of our most astute politicians and very much an equal of the Transcendentalist philosophers of his age.

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