

*The Laws of War in
American History*

LINCOLN'S CODE

JOHN FABIAN WITT



Lincolns Code The Laws Of War In American History

Daniel J. Hulsebosch, R. B. Bernstein



Lincolns Code The Laws Of War In American History:

Lincoln's Code John Fabian Witt, 2012-09-04 By one of the nation's foremost legal historians a groundbreaking history of the pioneering American role in establishing the modern laws of war This book is a compelling story of ideals under pressure and a landmark contribution to our understanding of the American experience **Lincoln's Code** John Fabian

Witt, 2013-07-02 By one of the nation's foremost legal historians a groundbreaking history of the pioneering American role in establishing the modern laws of war In the fateful closing days of 1862 just three weeks before Emancipation Abraham Lincoln's top military advisors commissioned a code of rules to govern the armies of the United States in a newly intensified war effort The code Lincoln issued the next spring helped shape the remaining two years of Civil War Its rules on torture prisoners of war assassination and more quickly became foundations of the modern laws of war and today's Geneva Conventions Yet the hidden story of Lincoln's code and of the decades of controversy that lay behind it has never been told In this masterful and strikingly original history John Witt charts the alternately troubled and triumphant course of the laws of war in America from the Founding Fathers to the dawn of the modern era revealing the history of a code that reshaped the laws of war the world over Ranging from the Revolution to the War of 1812 from war with Mexico to the Civil War from Indian wars to the brutal counterinsurgency campaign in the Philippines Witt tells a story that features presidents as well as men in the throes of battle one that spans war makers and pacifists Indians and slaves In a time of heated controversy about the nation's conduct in the war on terror Lincoln's Code is a compelling story of ideals under pressure and a landmark contribution to our understanding of the American experience **The Law of Armed Conflict and the Use of Force**

Frauke Lachenmann, Rüdiger Wolfrum, 2017 This volume collects articles on the law of armed conflict and the use of force from the Max Planck Encyclopedia of Public International Law to facilitate easy access to content from the leading reference work in international law A World History of War Crimes Michael S. Bryant, 2021-01-28 The greatly expanded and

enhanced 2nd edition of A World History of War Crimes provides an authoritative and accessible introduction to the global history of war crimes and the laws of war Tracing human efforts to limit warfare from codes of war in antiquity designed to maintain a religiously conceived cosmic order to the gradual use in the modern age of the criminal trial as a means of enforcing universal humanitarian norms Michael S Bryant's book is a masterful one volume account of the subject This new edition includes for the first time Two chapters providing extensive coverage of the Americas Africa and the Middle East Strengthened chronological boundaries a new chapter on the Incas Aztecs Mayan and North American Indian tribes as well as more material across all regions in ancient times discussion of contemporary war crimes committed in Afghanistan Iraq Myanmar and Syria A historiographical essay to broaden your understanding of the field An added final chapter focusing on the social cultural and psychological aspects of the subject A World History of War Crimes is vital reading for anyone needing to understand the history of war in one of its most significant contexts **Lincoln, the Law, and Presidential Leadership**

Charles M. Hubbard, 2015-11-02 From his early years as a small town lawyer through his rise to the presidency Abraham Lincoln respected the rule of law Secession and the Civil War however led him to expand presidential power in ways that over time transformed American society In this incisive essay collection recognized scholars from a variety of academic disciplines including history political science legal studies and journalism explore Lincoln s actions as president and identify within his decision making process his commitment to law and the principles of the Constitution In so doing they demonstrate how wartime pressures and problems required that Lincoln confront the constitutional limitations imposed on the chief executive and they expose the difficulty and ambiguity associated with the protection of civil rights during the Civil War The volume s contributors not only address specific situations and issues that assisted in Lincoln s development of a new understanding of law and its application but also show Lincoln s remarkable presidential leadership Among the topics covered are civil liberties during wartime presidential pardons the law and Lincoln s decision making process Lincoln s political ideology and its influence on his approach to citizenship Lincoln s defense of the Constitution the Union and popular government constitutional restraints on Lincoln as he dealt with slavery and emancipation the Lieber codes which set forth how the military should deal with civilians and with prisoners of war the loyalty or treason of government employees including Lincoln s domestic staff and how Lincoln s image has been used in presidential rhetoric Although varied in their strategies and methodologies these essays expand the understanding of Lincoln s vision for a united nation grounded in the Constitution Lincoln the Law and Presidential Leadership shows how the sixteenth president s handling of complicated legal issues during the Civil War which often put him at odds with the Supreme Court and Congress brought the nation through the war intact and led to a transformation of the executive branch and American society **Making Legal History** Daniel J.

Hulsebosch, R. B. Bernstein, 2013-09-20 These essays epitomize the deep and broad impact that William Nelson has had on the writing of American legal history David Thomas Konig Washington University in St Louis Bill Nelson s influence is displayed in this wonderful collection Larry Kramer President William Flora Hewlett Foundation A fundamental contribution to our understanding of this country s legal history Fine essays A fitting tribute Stanley N Katz Princeton University A wonderful offering Hendrik Hartog Princeton University **Knowing the Suffering of Others** Austin Sarat, 2014-07-14 In Knowing the Suffering of Others legal scholar Austin Sarat brings together essays that address suffering as it relates to the law highlighting the ways law imagines suffering and how pain and suffering become jurisprudential facts From fetal imaging to end of life decisions torts to international human rights domestic violence to torture and the law of war to victim impact statements the law is awash in epistemological and ethical problems associated with knowing and imagining suffering In each of these domains we might ask How well do legal actors perceive and understand suffering in such varied domains of legal life What problems of representation and interpretation bedevil efforts to grasp the suffering of others What historical political literary cultural and or theological resources can legal actors and citizens draw on to understand the suffering of

others In *Knowing the Suffering of Others* Austin Sarat presents legal scholarship that explores these questions and puts the problem of suffering at the center of thinking about law The contributors to this volume do not regard pain and suffering as objective facts of a universe remote from law rather they examine how both are discursively constructed in and by law They examine how pain and suffering help construct and give meaning to the law as we know it The authors attend to the various ways suffering appears in law as well as the different forms of suffering that require the law's attention Throughout this book law is regarded as a domain in which the meanings of pain and suffering are contested and constituted as well as an instrument for inflicting suffering or for providing or refusing its relief It challenges scholars lawyers students and policymakers to ask how various legal actors and audiences understand the suffering of others Contributors Montr D Carodine Cathy Caruth Alan L Durham Bryan K Fair Steven H Hobbs Gregory C Keating Linda Ross Meyer Meredith M Render Jeannie Suk John Fabian Witt

War, Law and Humanity James Crossland, 2018-06-28 *War Law and Humanity* tells the story of the transatlantic campaign to either mitigate the destructive forces of the battlefield or prevent wars from being waged altogether in the decades prior to the disastrous summer of 1914 Starting with the Crimean War of the 1850s James Crossland traces this campaign to control warfare from the scandalous barracks of Scutari to the shambolic hospitals of the American Civil War from the bloody sieges of Paris and Erzurum to the combative conference halls of Geneva and The Hague uncovering the intertwined histories of a generation of humanitarians surgeons pacifists and utopians who were shocked into action by the barbarism and depravities of war By examining the fascinating personal accounts of these figures Crossland illuminates the complex motivations and influential actions of those committed to the campaign to control war demonstrating how their labours built the foundation for the ideas enshrined in our own times as international norms that soldiers need caring for weapons need restricting and wars need rules

States of Exception in American History Gary Gerstle, Joel Isaac, 2020-10-19 *States of Exception in American History* brings to light the remarkable number of instances since the Founding in which the protections of the Constitution have been overridden held in abeyance or deliberately weakened for certain members of the polity In the United States derogations from the rule of law seem to have been a feature of not a bug in the constitutional system The first comprehensive account of the politics of exceptions and emergencies in the history of the United States this book weaves together historical studies of moments and spaces of exception with conceptual analyses of emergency the state of exception sovereignty and dictatorship The Civil War the Great Depression and the Cold War figure prominently in the essays so do Francis Lieber Frederick Douglass John Dewey Clinton Rossiter and others who explored whether it was possible for the United States to survive states of emergency without losing its democratic way *States of Exception* combines political theory and the history of political thought with histories of race and political institutions It is both inspired by and illuminating of the American experience with constitutional rule in the age of terror and Trump

Non-Binding Norms in International Humanitarian Law Emily Crawford, 2022-01-22 This series

emerged through the vision of the late Antonio Cassese. Since then the series has published original and innovative works on challenging issues in international humanitarian law and international criminal justice primarily by emerging authors. Given the ever growing intersection of these areas with other fields of international law such as the *jus ad bellum* and disciplines such as criminology, sociology and history, the scope of the series also incorporates these perspectives. Fresh approaches and new ideas for improving conceptual and practical challenges are welcomed. The series editors encourage submissions from around the world and will consider edited collections although the primary focus is on authored works.

Book jacket The Laws of Yesterday's Wars Samuel C. Duckett White, 2021-12-20. This book offers a culture by culture account of various unique restrictions placed on warfare over time in a bid to demonstrate the underlying humanity often accompanying the horrors of war. It offers the first systematic exploration of Indigenous Australian laws of war relaying decades of experience in communities. Containing essays by a range of laws of war academics and practitioners, this volume is a starting point in a new debate on the question how international is international humanitarian law. See also its companion volume *The Laws of Yesterday's Wars 2: From Ancient India to East Africa*.

The War That Made America Caroline E. Janney, Peter S. Carmichael, Aaron Sheehan-Dean, 2024-03-19. This collection of original essays reveals the richness and dynamism of contemporary scholarship on the Civil War era. Inspired by the lines of inquiry that animated the writings of the influential historian Gary W. Gallagher, this volume includes nine essays by leading scholars in the field who explore a broad range of themes and participants in the nation's greatest conflict: from Indigenous communities navigating the dangerous shoals of the secession winter to Confederate guerrillas caught in the legal snares of the Union's hard war to African Americans pursuing landownership in the postwar years. Essayists also explore how people contested and shaped the memory of the conflict from outright silences and evasions to the use of formal historical writing. Other contributors use comparative and transnational history to rethink key aspects of the conflict. The result is a thorough examination of Gallagher's scholarly legacy and an assessment of the present and future of the Civil War history field. Contributors are William A. Blair, Peter S. Carmichael, Andre M. Fleche, Wayne Wei-siang Hsieh, Caroline E. Janney, Peter C. Luebke, Cynthia Nicoletti, Aaron Sheehan-Dean, and Kathryn J. Shively.

Humane Samuel Moyn, 2021-09-07. A brilliant new book, *Humane* provides a powerful intellectual history of the American way of war. It is a bold departure from decades of historiography dominated by interventionist bromides. Jackson Lears, *The New York Review of Books*. A prominent historian exposes the dark side of making war more humane. In the years since 9/11 we have entered an age of endless war. With little debate or discussion the United States carries out military operations around the globe. It hardly matters who's president or whether liberals or conservatives operate the levers of power. The United States exercises dominion everywhere. In *Humane* How the United States Abandoned Peace and Reinvented War, Samuel Moyn asks a troubling but urgent question: What if efforts to make war more ethical—to ban torture and limit civilian casualties—have only shored up the military enterprise and made it sturdier? To advance this case, Moyn looks

back at a century and a half of passionate arguments about the ethics of using force In the nineteenth century the founders of the Red Cross struggled mightily to make war less lethal even as they acknowledged its inevitability Leo Tolstoy prominently opposed their efforts reasoning that war needed to be abolished not reformed and over the subsequent century a popular movement to abolish war flourished on both sides of the Atlantic Eventually however reformers shifted their attention from opposing the crime of war to opposing war crimes with fateful consequences The ramifications of this shift became apparent in the post 9 11 era By that time the US military had embraced the agenda of humane war driven both by the availability of precision weaponry and the need to protect its image The battle shifted from the streets to the courtroom where the tactics of the war on terror were litigated but its foundational assumptions went without serious challenge These trends only accelerated during the Obama and Trump presidencies Even as the two administrations spoke of American power and morality in radically different tones they ushered in the second decade of the forever war Humane is the story of how America went off to fight and never came back and how armed combat was transformed from an imperfect tool for resolving disputes into an integral component of the modern condition As American wars have become more humane they have also become endless This provocative book argues that this development might not represent progress at all *They Called It Peace* Lauren Benton,2024-02-13 A sweeping account of how small wars shaped global order in the age of empires Imperial conquest and colonization depended on pervasive raiding slaving and plunder European empires amassed global power by asserting a right to use unilateral force at their discretion *They Called It Peace* is a panoramic history of how these routines of violence remapped the contours of empire and reordered the world from the fifteenth to the twentieth centuries In an account spanning from Asia to the Americas Lauren Benton shows how imperial violence redefined the very nature of war and peace Instead of preparing lasting peace fragile truces ensured an easy return to war Serial conflicts and armed interventions projected a de facto state of perpetual war across the globe Benton describes how seemingly limited war sparked atrocities from sudden massacres to long campaigns of dispossession and extermination She brings vividly to life a world in which warmongers portrayed themselves as peacemakers and Europeans imagined small violence as essential to imperial rule and global order Holding vital lessons for us today *They Called It Peace* reveals how the imperial violence of the past has made perpetual war and the threat of atrocity endemic features of the international order **Professional Journal of the United States Army**,2015 **Rewriting the History of the Law of Nations** Paolo Amorosa,2019 In the interwar years James Brown Scott wrote a series of works on the history international law arguing that the foundation of modern international law rested with the 16th century Spanish theologian Francisco de Vitoria This book describes the Spanish origin project in context and explores its impact on international law as we know it today *Genocide, Mass Atrocity, and War Crimes in Modern History* James Larry Taulbee,2017-02-06 Defining genocide as an international crime this two volume set provides a comparative study of historical cases of genocide and mass atrocity clearly identifying the factors that

produced the attitudes and behaviors that led to them discusses the reasons for rules in war and examines how the five principles laid out in the Geneva Conventions and other international agreements have functioned in modern warfare Written by an expert on international politics and law Genocide Mass Atrocity and War Crimes in Modern History Blood and Conscience is an easy to understand resource that explains why genocides and other atrocities occur why humanity saw the need to create rules that apply during war and how culture rules about war and the nature of war intersect The first volume addresses the history and development of the normative regime s that define genocide and mass atrocity Through a comparative study of historical cases that pay particular attention to the factors involved in producing the attitudes and behaviors that led to the incidents of mass slaughter and mistreatment the author identifies the reasons that genocides and mass atrocities in the 20th century were largely ignored until the early 1990s and why even starting then responses were inconsistent The second book discusses why rules in war exist which factors may lead to the adoption of rules what defines a war crime and how the five fundamental principles laid out in the Geneva Conventions and other international agreements have actually functioned in modern warfare It also poses and answers the interesting question of why we should obey rules when our opponents do not The final chapter examines what actions could serve to identify future situations in which mass atrocities may occur and identifies the problems of timely humanitarian intervention in international affairs Lincoln and the Democrats Mark E. Neely, 2017-02-07 This book explains the behavior of a two party system during war emphasizing the Democrats role in the Civil War University of Chicago Law Review: Volume 80, Number 4 - Fall 2013 University of Chicago Law Review, 2014-01-02 This fourth issue of 2013 features articles from internationally recognized legal scholars and extensive research in Comments authored by University of Chicago Law School students Contents of Vol 80 No 4 include ARTICLES Bankruptcy Law as a Liquidity Provider by Kenneth Ayotte David A Skeel Jr Impeaching Precedent by Charles L Barzun Copyright in Teams by Anthony J Casey Andres Sawicki Inside or Outside the System by Eric A Posner Adrian Vermeule REVIEW ESSAY Francis Lieber and the Modern Law of War by Paul Finkelman COMMENTS Having Their Cake and Eating It Too Post emancipation Child Support as a Valid Judicial Option by Lauren C Barnett Equal Opportunity Federal Employees Right to Sue on Title VII and Tort Claims by Kristin Sommers Czubkowski Using Severability Doctrine to Solve the Retroactivity Unit of Analysis Puzzle A Dodd Frank Case Study by Hannah Garden Monheit I Didn t Do It Third Party Debtors and the Securities Law Violation Exception to Discharge by Hillel Nadler Super Contacts Invoking Aiding and Abetting Jurisdiction to Hold Foreign Nonparties in Contempt of Court by Julia K Schwartz Taking Leases by Nicholas Spear Disability Claims Guidance Documents and the Problem of Nonlegislative Rules by Frederick W Watson Quality ebook editions feature active Contents linked footnotes and linked URLs in notes **Journal of the Civil War Era** William A. Blair, 2014-06-01 The Journal of the Civil War Era Volume 4 Number 2 June 2014 TABLE OF CONTENTS Tom Watson Brown Book Award John Fabian Witt Civil War Historians and the Laws of War Articles Chandra Manning Working for Citizenship in Civil War

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