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Contents

Letter from the Editor	4
<i>Armis Exoscere Pacem (They Demanded Peace by Force of Arms): An Examination of the Relationship between Politics and War</i>	7
Guy Williams	
<i>Symbiosis of Military and Diplomatic Success in the Revolutionary War</i>	15
Andre Nolte	
<i>Lincoln and the Constitution</i>	31
Elizabeth Young	
<i>Secession and the Confederate Interpretation of its Legality</i>	49
Jim Dick	
<i>The Iraqi Mandate: An Examination of the Relationship between Britain and Iraq in the Aftermath of the First World War</i>	65
Victoria Whitecotton	
<i>Security, Sovietization, Stalinism: Stalin's "Plan" for Post-War Eastern Europe</i>	77
Gary S. Blank	
Book Reviews	91

Letter from the Editor

Welcome to the edited and revised third issue of the American Public University System (APUS) *Saber and Scroll Journal*. As noted in the previous revised issues, authors of articles published in the early issues of the *Saber and Scroll* have expressed interest in purchasing a print-on-demand (POD) version of their work. In response to that request, a small team has tackled editing and revising the first four issues of the journal to improve the content quality and publish each as a print offering.

Sincere thanks are due to APUS faculty member Jennifer Thompson, who, together with the *Saber and Scroll* Editor in Chief, have edited and revised each article and book review published in the third *Saber and Scroll* issue. Thanks are also due to Susanne Schenk Watts, who has carefully proofread the issues created for print-on-demand format. Where appropriate, the team has added public domain artwork to feature articles to enhance the aesthetics of each issue.

Thanks are due to the third issue authors: Guy Williams, Elizabeth Young, Andre Nolte, Jim Dick, Gary Blank, Victoria Whitecotton, Corinne Fox, and Anne Midgley for their donations to the *Saber and Scroll Journal*.

As with the previous revised issues, the original letter from the editor has been included. In this instance, readers will note that the journal team that originally created the third issue had shrunk to only three members. If it were not for the pleas of the then Saber and Scroll President, Carrie Ann Saigeon-Crunk, it is likely that the journal would have ceased production at this point. Therefore, this revised issue is dedicated to her. The original letter from the editor stated:

Welcome to the third issue of the American Public University System (APUS) *Saber and Scroll Journal*. The editorial team is very pleased to present to you a number of exceptional articles by talented historians focusing on the theme of Politics and War.

As many *Saber and Scroll* readers are aware, our Editor in Chief has recently stepped down. We would like to thank him for his contributions to the *Saber and Scroll* and we wish him the best in his future endeavors. As we move

forward, we want to assure the members of the Saber and Scroll community that we are committed to the purpose of this fine student history organization and profoundly believe that it is in the best interest of this organization to continue its mission to promote historical studies through the encouragement of academic research. The Saber and Scroll Journal is our organization's publication and we are proud that this journal issue continues to fulfill its objectives to broaden historical knowledge among our membership.

We encourage APUS students, faculty, and alumni to continue to support the journal and to actively assist in the historical research and publication of quality historical works by our members. To that end, we are seeking additional volunteers for the Saber and Scroll Journal team and encourage members of the organization to join our efforts to create a best-in-class student-led history publication.

With that said, please enjoy this issue of the Saber and Scroll Journal!

Content Editor: Anne Midgley

Proof Reader: Jacqueline Wilson

Technical Editor: Kathleen Reitmayer

It is with great pleasure then that the edited and revised version of the third Saber and Scroll issue is hereby presented in print-on-demand format.

Anne Midgley
Editor in Chief

Armis Exoscere Pacem (They Demanded Peace by Force of Arms): An Examination of the Relationship between Politics and War

Guy Williams

While many may contest the machinations behind the decision of the United States to invade Iraq and Afghanistan, none can dispute the effective fighting power of the United States military and the results rendered by the application of force. What of the relationship between the diplomatic and political efforts to achieve national goals and the decision to use force to impose the will of one nation state upon the other in order to achieve strategic or national goals? Are the two concepts mutually exclusive or is Carl von Clausewitz correct with his statement, “War is not a mere act of policy but a true political instrument, a continuation of political activity by other means. . . . The political objective is the goal, war is the means of reaching it, and means can never be considered in isolation from their purpose.”¹ Effective politics cannot occur without the specter of war to back political efforts. This essay will examine the relationship between politics and war by comparing historical precedents to the recent invasions of Iraq and Afghanistan by the United States.

Since the earliest recorded writings of the story of Gilgamesh, war and conflict remained an integral part of the human experience. Competition for resources, conflicting ideologies, territorial disputes and a myriad of other reasons provided the pretext for war—but what of politics? Did politics emerge as a result of war or perhaps evolve as a different form of warfare? The term politics originated from the Greek word *politikos* or *politika* and referred to the affairs of a city-state and her citizens. Greek historian H. D. F. Kitto described early Greek politics as, “State affairs were public affairs, not the private concern of a despot. He [the Greek citizen] was ruled by Law, a known Law which respected justice.”² The early Greeks respected justice because crimes carried hefty penalties and punishments. Civility and stability did not emerge from the ancient world as a result of a universal sense of *agape*, but at the point of spear that punished those that did not conform or acquiesce to the desired behavior of the *polis* or city-state. Thucydides captured this early sentiment with the statement, “since you know as well as we do that right, as the world goes, is only a question between equals in power, while the strong do what they can and the weak suffer what they must.”³

This truism expressed by Thucydides went beyond the simple cliché of might makes right and discussed the veiled threat inherent in all politics. The political machinations, legislations, and treaties of any state entity rely on some type of coercion in the form of legal punishments, economic incentives, and the ultimate threat of war to enforce the dictates of the state.

War is an intrinsic part of any society because it acts as the final arbiter in a conflict. Historical analysis offered numerous examples of the horrific cost of war in loss of life and resources, but all ancient and modern societies experienced war in some form. Even though all societies understood the terrible cost of war, no one escaped the ravages of war. Thucydides commented, “It must be thoroughly understood that war is a necessity, and that the more readily we accept it, the less the ardor of our opponents, and that out of the greatest dangers communities and individuals acquire the greatest glory.”⁴ While Thucydides spoke to the individual sense of notoriety because of the rewards associated with braving dangers in battle, he also addressed the resolute acceptance required of any society to embrace war in order to discourage adversaries. While preparations for war do not prevent war, they do help a society to mobilize her citizens and resources to quickly defend against aggression or prosecute a war against an enemy if needed. These preparations for war do not guarantee success, but they facilitate the increased chance of success if war is required.

The magnitude and skill a state possesses to wage war translates to both real and perceived forms of power. The application of power and the evaluation of other nation states’ power lie at the heart of foreign policy. The *Realpolitik* of the modern era is a further refinement of Thucydides’ earlier observations. Henry Kissinger noted the concept of *Realpolitik* as “foreign policy based on calculations of power and national interest.”⁵ The politicians and diplomats of nation states today attempt to shape or modify the behavior of other states and advance their own state interests with the application of positive and negative economic tools, promises of support, and ultimately the threat of war if two or more states arrive at an impasse.

Even contemporary political and diplomatic efforts, such as the Congress of Vienna in 1815 formed as a result of war, used the threat of war to enforce the resolutions of the Congress. Although this Congress helped deter large scale warfare on the European Continent for nearly one hundred years, smaller scale wars and revolutions occurred in the interim before the onset of World War I (1914-1918). The Treaty of Versailles in 1919 offered another example of diplomatic

efforts that attempted to redress damages incurred during World War One and sought monetary reparations from Germany. While the treaty offered concessions to Germany in the form of retained land and no occupying forces, the perceived insult to the German national psyche offered a convenient pretext for the rise of Nazism and extreme nationalism. While both of the aforementioned treaties sought to end wars and redress the balance, the treaties only delayed war and did not prevent it.

War—or at least the threat of war—remained a salient part of any political or diplomatic efforts. As Commander George J. Meyers stated, “However much we of the military services may strive to strengthen our hands in war operations by making strategic dispositions, our efforts are weakened and sometimes nullified if diplomacy and statesmanship do not work hand in hand with us, particularly during peace time to support our national strategy.”⁶ Again, this statement refers to the intrinsic relationship between war and politics. The threat of war provides the incentive for compliance with treaties, alliances, and other political efforts. Politicians and diplomats convey power not solely by the appeal of their words but in conjunction with the perceived power their state possesses to wage war.

The state politicians and diplomats embody the promise of war and they act at the behest of their citizens or, in some despotic cases, in their own interests. Regardless of the motivations behind their actions, war is the central power that lends weight to their words. Noted Greek historian and author Victor Davis Hanson opines, “The essence of war is battle and the essence of battle is killing.”⁷ While this concept is brutal and runs contrary to modern sensibilities, war in the basest sense revolves around the ability of one nation state to inflict the most damage to another state in order to force it to lose national resolve and accede to the demands of the victor state. Laws do not prevent states or individuals from acting contrary to acceptable norms or international standards.

While laws do offer a certain deterrent value to discourage unacceptable behavior, they do not prevent bad behavior. Thucydides noted, “In short, it is impossible to prevent, and only great simplicity can hope to prevent, human nature doing what it has set its mind upon, by force of law or by any other deterrent force whatsoever.”⁸ Look to recent events and evaluate how well laws prevented Saddam Hussein from invading Kuwait or non-state actors from hijacking commercial aircraft to attack targets within the United States. Did laws prevent the former Soviet Union from invading West Germany or did the threat of nuclear war dissuade the Soviets from acting rashly?

The genocide in Rwanda in 1994 epitomized the ineffectiveness of international law and efforts to resolve conflicts without the threat or use of war. Even after the execution of ten United Nation (UN) peacekeepers and thousands of Rwandans, the world community and the United States failed to intervene with military force. As a direct result of inaction, numerous sources estimated that over 500,000 people died in Rwanda. Without the backing of military force, the countries in question largely ignored the UN resolutions that prohibit genocide, production of weapons of mass destruction, and so on. Recent events in Syria, Iran, and North Korea displayed the ineffectiveness of the UN and the international community in arranging a peaceful agreement that does not rely on the threat of war. The ineffectiveness of the UN was a source of parody in the movie *Team America: World Police*. In the movie, the character that portrayed a UN weapons inspector named Hans Blix, responded to North Korean leader Kim Jong Il's query about the consequences of not complying with UN resolutions. Blix states, "Or else we will be very angry with you . . . and we will write you a letter, telling you how angry we are."⁹ Although the movie was a work of fiction, it addressed the perceived weakness and inability of the UN to enforce its resolutions.

While genocide and human rights abuses offer examples of challenges to the UN, ideologies represent another struggle between international laws and politics. While many argue that it is impossible to kill the threat of an idea or a national ideology, historical evidence offers examples of ideologies that failed because of war or the threat of war. German Nazism, Italian Fascism, and Japanese Imperialism all failed because of war. Soviet Communism failed because of the economic burdens associated with preparing for war and maintaining a strong ability to counter the Western World's ability to wage war. These ideologies did not fail because of politics, but by force of arms or the threat of war.

The UN and the United States face another challenge of ideologies with the current conflict in Syria. Traditional realists such as Henry Kissinger recommend supporting societies that promote civil tolerance and individual rights but caution, "Our efforts must also be placed within a framework of U.S. strategic interests which should help define the extent and nature of our role."¹⁰ This is the quandary that the Obama administration faces. What are the United States' strategic interests in the region and at what point does she as a nation state acknowledge that political and diplomatic efforts failed? Reporter Michael Gerson summarized Obama's foreign policy as one of "deferred decisions."¹¹ This statement illustrated the

diminutive value of politics without the threat of war to back the negotiations. Syrian President Bashar Hafez al-Assad refuses to step down from power and comply with UN mandates. At what point does his refusal require the application of force? Does his refusal constitute *casus belli*?

The *casus belli* of war may not always be in the form of reprisals, defense, or to right a moral wrong. The Peloponnesian War of 431-404 BC occurred because Sparta feared the ascendancy of Athens. Thucydides observed, “They [Spartans] then felt that they could endure it no longer, but that the time had come for them to throw themselves heart and soul upon the hostile power, and break it, if they could, by commencing the present war.”¹² This same sentiment occurred with the conflict between the United States and the regime of Saddam Hussein during Operation Iraqi Freedom. Although the United States did not face an existential threat from Saddam, she feared the destabilizing factor his regime represented in the region. Saddam did not respond to economic sanctions and international condemnations, consequently the United States resorted to war to advance its interests and remove a despotic regime because diplomacy and or politics failed.

The United States faced a different pretext for war after the attacks of September 11, 2001. Another nation state did not attack the United States, but rather a rogue non-state actor organization called al-Qaeda. How does a nation state respond to an act of aggression by a non-state actor? Al-Qaeda represented an ideology rather than a state interest and their status challenged the reprisal efforts of the United States. The United States did not wage a total war against Afghanistan, but targeted the Taliban government and infrastructure that facilitated the growth of al-Qaeda and allowed them to operate in Afghanistan. This measured response initially relied on the force of war but incrementally added diplomacy and soft power to shape the political clime in Afghanistan. Arguably the power of war did not stop the ideology of al-Qaeda to date, but severely diminished their influence and power on the world stage.

The status of al-Qaeda as a non-state actor begs the question of a measured response for the next form of aggression. What of cyber attacks by a non-state actor or a nation state? Does a nation state respond with war or a similar type of cyber attack? If a nation responds with an attack, then who or what does the nation target? The threat of war does little to affect the political dialogue if no viable target exists for a country to attack. Will the international community condemn country A if they use kinetic weapons to disable country B’s power supply after country B’s

successful cyber attack damaged the power grid of country A? These questions hint at the difficulty leaders face when dealing with an asymmetrical threat that may not warrant a kinetic response.

Warfare as currently understood is evolving to include cyber warfare that targets information technologies and supporting infrastructures of an opponent. Without some type of negative or positive incentive, political solutions stand little chance of success. Why should an individual or nation state heed any international law if no consequences or repercussions exist? As previously discussed, laws and treaties do not stop aggression, but they do question the resolve of the individual or state that disregards the law. The response or stated policy of a nation also sends a message to any future adversaries. The keystone for any future political solutions in regards to cyber warfare centers on the question: what defines the stick and carrot in this new arena of warfare? Some type of reprisal or consequence must exist in order to lend any credence to a political solution.

While many people may view war as an aberration, history consistently evidenced that warfare and conflict remain a constant with humanity. The great lengths civilizations strive toward to peacefully resolve disputes speak volumes about the noble aspirations of humanity. However, aspirations and physical reality do not always coincide and warfare often intrudes upon the best attempts at peaceful resolutions.

This paper did not attempt to advocate the use of war as the primary recourse for conflict resolution, but merely asserted that without the capability to wage war or the threat of war, political solutions stand little chance of any lasting success. As evidenced by the failure of a political solution between the United States and the regime of Saddam Hussein, effective politics cannot exist without war. The threat of war and the ability to make war form the basis for power and without power to back the machinations of politics, what incentive exists for states or individuals to comply? As previously discussed, deterrence does not prevent determined individual non-state actors and nation states from acting irrationally, but war allows nation states to modify an opponent's behavior or to destroy/degrade an opponent to the point that they no longer constitute a viable threat. Peace may arrive at the end of a pen, but lasting peace occurs when people guard it with their lives. *Armis exposcere pacem*—They demanded peace by force of arms.

Notes

1. Carl von Clausewitz, *On War*, trans. O.S. Matthijs Jolles (New York: Random House, 1943), 86-87, quoted in Michael I. Handel, *Masters of War: Classical Strategic Thought*, 3rd rev. and expanded ed. (London: Frank Cass Publishers, 2001), 68.
2. H. D. F. Kitto, *The Greeks* (London: Penguin Books, 1957), 9.
3. Robert B. Strassler and Richard Crawley, *The Landmark Thucydides: A Comprehensive Guide to the Peloponnesian War; with Maps, Annotations, Appendices, and Encyclopedic Index* (New York, NY: Free Press, 1996), 352.
4. Ibid., 85.
5. Henry Kissinger, *Diplomacy* (New York: Simon & Schuster, 1994), 137.
6. Russell F. Weigley, *The American Way of War: A History of United States Military Strategy and Policy* (New York: Macmillan, 1973), 206.
7. Victor Davis Hanson, “Victor Davis Hanson: Carnage and Culture,” You Tube, http://www.youtube.com/watch?v=EGrO6_Qf95Y (accessed 30 July, 2012).
8. Strassler, *The Landmark Thucydides*, 181.
9. *Team America: World Police*, Movie, directed by Trey Parker (Los Angeles, CA: Paramount Pictures, 2004).
10. Henry A. Kissinger, “Idealism and Pragmatism in the Middle East,” *Washington Post*, August 5, 2012, 15.
11. Michael Gerson, “A Risky, Do-Nothing Doctrine,” *Washington Post*, August 10, 2012, 13.
12. Strassler, *The Landmark Thucydides*, 65.

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- Clausewitz, Carl von. *On War*. Translated by O.S. Matthijs Jolles 86-87. New York: Random House, 1943. Quoted in Michael I. Handel, *Masters of War: Classical Strategic Thought*, 3rd Revision and expanded ed. (London: Frank Cass Publishers, 2001), 68.
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Symbiosis of Military and Diplomatic Success in the Revolutionary War

Andre Nolte

The American Revolution brought about the birth of a new nation, which stood in defiance to the greatest empire in the world. The British Empire ruled the American colonies from the perspective of entitlement and an overall absence of compromise. The Founding Fathers knew that to defeat Britain they needed the help of another foreign power to provide money, arms, provisions, troops, naval power, and, most importantly, international recognition as an independent nation. To achieve the goal of a diplomatic, commercial, and military foreign alliance, Congress courted several nations of Europe whose interests in supporting America were known. In fact, American statesman and diplomat Benjamin Franklin pointed out that “every nation in Europe wishes to see Britain humbled, having all in their turns been offended by her insolence.”¹ The problem for Congress was that foreign recognition and allegiance against Britain was not automatic. France in particular needed proof of American commitment and military capability before it committed itself to support the new republic. Diplomatic treaty negotiations during the Revolutionary War held an intrinsically symbiotic bond with that of military achievement on the battlefield, and vice versa. Another important point was that while diplomatic and military policy were often subservient to the ministries of government, those policies frequently determined the fate of the respective ministry enforcing them, as the British ministry found out in early 1783.

The fledgling Congress faced two problems at the outset of the war. First, over a century and a half of British dominion over the American colonies, and the fact that America was not politically independent, made military success against the British Army paramount towards successful diplomatic negotiations. Second, both sides of the Atlantic knew the British used bribery and deceit in mediation. The French minister Charles Gravier, Comte de Vergennes pointed out in 1782, “You will notice that the English buy the peace more than they make it.”² The meaning was twofold here. They could not trust the British; and secondly, it would take significant defeat on the battlefield before Britain would consider plausible negotiation or compromise, especially when British diplomatic precedence was typically at the point of a bayonet. Upon returning from London in 1775, Benjamin

Franklin noted, “We have no favo[u]rs to expect from the Ministry [King George III and Frederick, Lord North, 2nd Earl of Guilford’s ministry]; nothing but submission will satisfy them.”³ Peace with Britain required a momentous American military victory.

In supporting America, France and Spain, by contrast, were concerned about America becoming too powerful of a nation. American historian Richard Morris pointed out, “It was not in the national interest of the French government to have the new United States in complete command of so huge a slice of the North American continent.”⁴ Europeans worried that America would later infringe upon their land claims in the American West, fishing rights in the Atlantic, and hinder Spanish control of the Mississippi River.⁵ The importance here was that with every diplomatic negotiation during the Revolution, European agendas sought to limit the overall power and geography of the upstart United States.

In 1782, John Adams reflected on the long-standing American concern of European agendas, “America has been long enough involved in the war of Europe. She has been a football between contending nations from the beginning.”⁶ Adams’ warning to Congress regarding European self-interests aimed at preventing America from becoming subservient to their plans.⁷ But regardless and out of necessity, the earlier Franco-American alliance unavoidably entailed the mutual condition of military obligations. In addition, Congress and the Continental Army had received money, arms, and supplies from France; the heavy British losses at Bunker Hill during the Siege of Boston in June 1775 were proof enough that America was at least worthy of its financial support. By contrast, regarding British negotiations, America sought peace one final time shortly after Bunker Hill.

On July 5, 1775, the Second Continental Congress submitted the Olive Branch Petition to King George III and British Parliament, which requested the cessation of military action and further bloodshed until a compromise could be made.⁸ Benjamin Franklin, aware of its futility, commented sarcastically, “It has been with difficulty that we have carried another humble petition to the Crown, to give Britain one more chance, one opportunity more of recovering the friendship of the colonies, which however I think she has not sense enough to embrace.”⁹ Not only did the obstinate British refuse the petition; the heavy losses at Bunker Hill “only hardened their resolve to crush the American rebellion.”¹⁰ As a result, King George III used the event to send thousands of Hessian mercenaries to fight in America under the British Army.

After the failure of the Olive Branch Petition, American diplomacy started its first significant phase of development when the Second Continental Congress created a Committee of Secret Correspondence in November 1775. The Committee's members, Benjamin Franklin, Benjamin Harrison, Thomas Johnson, John Dickinson, and John Jay, had "the sole purpose of corresponding with our friends in Great Britain, Ireland, and other parts of the world."¹¹ In December 1775, Franklin put his diplomatic abilities into full effect to acquire more French aid and an alliance. He wrote to American agent Charles William Frederick Dumas, a vital link to French ministers at The Hague in the Netherlands. Franklin understood better than most how France needed proof of American unity, commitment, and military capabilities. To pique French interests, he confidently wrote,

We are threatened from England with a very powerful force to come next year against us. We are making all the provision in our power here to prevent that force, and we hope we shall be able to defend ourselves. But . . . we may find it necessary to ask aid of some foreign power . . . we inform you, that the whole continent is very firmly united, . . . that we have had on foot the last campaign an army of near twenty five thousand men, wherewith we have been able, not only to block up the King's army in Boston, but to spare considerable detachments for the invasion of Canada, where we have met with great success, . . . Our artificers are also everywhere busy in fabricating small arms, casting cannon, &c. Yet both arms and ammunition are much wanted.¹²

Even though the invasion of Canada failed, financial loans from France arrived in 1776 thanks to the successful American siege of Boston and Franklin's diplomatic efforts from Philadelphia.

The American siege of Quebec in December 1775 exemplified how military failure can result in failed diplomacy on another front. A part of the Continental Army attacked Quebec in order to deny British forces the opportunity to launch an offensive down the Hudson River into New York, to divide Britain and Canada, and to seek Canadian partisanship with the American Revolution. But the ill-prepared American forces earned for America nothing but Canadian disdain.¹³ Heavy casualties repulsed the American attack on Quebec City, and the British navy was enroute to break the siege. In addition, American commissioners could not provide money and supplies to the American army and any potential Canadian supporters.¹⁴ Continental Congress appointees later concluded, "If money cannot be had to support your army here with hono[u]r, so as to be respected instead of hated

by the people, we repeat it as our firm and unanimous opinion that it is better immediately to withdraw it [the Continental army].”¹⁵ After this costly military failure, American diplomatic efforts also failed and came to an end in Canada.

The British were well aware of American intentions to ally themselves with France, and the Declaration of Independence in July 1776 acted as a catalyst for British interference between the potential allies. Shortly after the declaration, British Admiral of the Fleet, Lord Richard Howe, and his brother, Commander-in-Chief of British landed forces in America, General Sir William Howe, arrived from London with an offer of peace that did not stand up to scrutiny. The Howe brothers had been “authorized to offer amnesty to all Americans who renewed their allegiance to the Crown, to suspend hostilities against those colonies evincing a desire for peace, and to reward those persons who assisted in the restoration of order.”¹⁶ With Benjamin Franklin acting as an intermediary, Congress flatly rejected Britain’s offer. On the American position, Franklin succinctly wrote, “And this must impel you, were we again under your Government, to endeav[u]r the breaking our Spir[i]t by the severest Tyranny, and obstructing by every means in your Power our growing Strength and Prosperity.”¹⁷ This was a direct reflection of Congress’ political conviction within the Declaration of Independence.

The enmity between Great Britain and France went back centuries over many wars and conflicts, most recently in the French and Indian War. In 1776, the French minister Comte de Vergennes claimed, “England is the natural enemy of France; and she is a greedy enemy, ambitious, unjust, and treacherous.”¹⁸ After the Declaration of Independence, much of Europe realized helping America made vengeance on Britain possible. Catherine II, Empress of Russia, also hoped for irreconcilable differences between America and Great Britain.¹⁹ In exacerbating Anglo-European enmity, the Declaration’s “purpose was to make clear to Europeans, especially the French, the colonies’ commitment to independence.”²⁰ American merchant Silas Deane’s timely arrival in France helped facilitate the negotiation process for more foreign aid.

The Congressional appointment of a diplomatic commission to Paris, headed up by Benjamin Franklin, followed the Declaration in October 1776, to begin the process of negotiating an alliance with France and to be the primary source of “information as to the political state of this country.”²¹ Diplomatic historian Thomas Bailey pointed out, “The United States has never sent abroad a man better qualified by training, character, and temperament for the task at

hand.”²² The political goals were established. The players were in place. Favorable negotiations needed American military success.

In order to prevent an overt political commitment in Europe, the Americans sought initially to gain a commercial agreement with France and other European nations. Prior to Franklin’s arrival, Deane brought together France and Spain who provided covert weapons and supplies to the American rebellion through the cover of a private firm sponsored by Pierre-Augustin Caron de Beaumarchais.²³ Both the Kings of France and Spain, Louis XVI and Charles III, donated one million livres to fund the operation. The weapons and



Figure 1B *Benjamin Franklin*. Oil on canvas by Joseph Siffred Duplessis, c 1785. National Portrait Gallery, Smithsonian Institution.

provisions supplied from 1776-1777 through that commercial operation “were the margin of victory in the northern campaign of 1777, which ended in an American victory at Saratoga.”²⁴ The result of the Battle of Saratoga was the signing of the Treaty of Amity and Commerce and the Treaty of Alliance between France and the United States.

Prior to the Battle of Saratoga, Franklin corresponded with the Comte de Vergennes regarding a mutual treaty of alliance where American independence would guarantee future trade and commerce.²⁵ In addition, Franklin pledged military support in return if Britain attacked France. He also added a ploy of a warning to the French that if they did not aid America, then Congress might be forced to end the war and make peace with Britain.²⁶ Franklin urged France and Spain to ally with America before the opportunity was lost through unforeseen events. Vergennes facilitated several commercial arrangements and a French loan of two million livres.²⁷ But a treaty was still too risky without American military success.

The American Congress and commissioners in Paris were rewarded when the momentum of the war in America changed on October 17, 1777. General John Burgoyne, commanding a British invasion from Canada, surrendered his entire force to the Continental Army at the Battle of Saratoga. This British military defeat provided a significant diplomatic swing in favor of the American commissioners, which “must be regarded as one of the decisive battles of world history.”²⁸ The French celebrated as though it was their own troops who had beaten the British.²⁹ French and American public sentiment after Saratoga rapidly facilitated the shift in diplomatic negotiations towards an officially recognized alliance. Franklin used his diplomatic skills and savvy to play the British and French against one another and, with a renowned military victory as leverage, Franklin was able to negotiate favorable terms. French fear of Anglo-American reconciliation; the possibility of getting revenge on their arch enemy; and the possibility of benefiting from a prosperous American trade, hastened Vergennes to the French Court of Louis XVI whose appeal to fear facilitated the treaties with France.³⁰

On February 8, 1778, Benjamin Franklin and Silas Deane wrote to Congress informing them that the American commission and the French minister, Comte de Vergennes, had signed two treaties with France in Paris. The Treaty of Amity and Commerce achieved Congress’ aims of a trade of equality with France and its colonies; a “mutual grant of most-favored-nation status” in commerce and navigation; no American “export duties on merchandise bound for the French West Indies”; “a mutual grant of liberty to have consuls, vice consuls, agents, and commissaries in each other’s ports”; and lastly, “a French grant of one or more free ports in Europe to American merchants, in addition to the free ports already opened in the French West Indies.”³¹ This treaty significantly helped the Continental Army in arms and provisions and achieved a new trading partner for the American people. The second treaty brought the diplomatic and military support that America primarily sought.

Franklin and Deane described the purpose of the Treaty of Alliance with France, was to “establish the Liberty, Sovereignty, and Independency absolute and unlimited of the United States as well in Matters of Government as Commerce.”³² With this treaty, France became the first nation to officially recognize the independence of the United States of America. It also “provided the young nation with the financing, military assistance, and the prestige of Louis XVI’s

government.³³ Both parties needed the other's approval before negotiating or concluding a peace with Great Britain; and either party could bring other countries into the alliance.³⁴ Lastly, the French promised to continue fighting until America had achieved independence from Great Britain. American military success at Saratoga provided this diplomatic coup and achievement.

The alliance was remarkable because both parties brought long-standing negative biases to the negotiating table. The French Court saw the United States "as an object to be manipulated to their own ends," in which bribery served the French well.³⁵ The timing of the fortuitous alliance allowed the news to reach the United States just prior to the arrival of a British peace commission who were "prepared to concede everything but the word *independence*."³⁶ Diplomatic and foreign affairs historian George Herring concluded that the alliance eliminated any further British attempts at compromise and garnered for America \$9 million in foreign military assistance from France, Spain, and Holland.³⁷ The Treaty of Alliance revived the American Revolution at home and spread it into the international community because of one American military victory at Saratoga.

No sooner had the ink dried on the two treaties between America and France, when Benjamin Franklin began his war of propaganda on the British ministry. It was a war meant to undermine and blame Lord North's ministry for the outbreak and continuation of the war and the alliance with France. To Lord James Hutton, member of King George III's Court, Franklin wrote on February 12, 1778, "I abominate with you all murder . . . I therefore never think of your present ministers and their abettors, but with the image strongly painted in my view, of their hands, red, wet, and dropping [sic] with the blood of my countrymen, friends, and relations. No peace can be signed by those hands."³⁸

This was a strong suggestion that in order for peace to happen, King George and Parliament wanted to replace the present ministry with someone more conciliatory. Franklin further planted the political seed of change by writing to American sympathizer and British parliamentarian David Hartley, "Whenever you shall be disposed to make peace upon equal and reasonable terms, you will find little difficulty, if you get first an honest ministry. The present have all along acted so deceitfully and treacherously as well as inhumanly towards Americans."³⁹

Great Britain in return attempted to split the Franco-American alliance with a promise of peace, but Franklin refused to allow his perception of British deceit to lure him. To David Hartley he stated,

You mention, ‘that the alliance between France and America is the great Stumbling Block in the way of Making Peace,’ and you go on to observe, that ‘whatever Engagements America may have entered into, they may, . . . *be relinquished*, . . . but we could never hope to be trusted again by France, or indeed by any other Nation under heaven . . . We know the worst you can do to us, . . . is to confiscate our Estates & take our Lives, to rob & murder us; and this you have seen we are ready to hazard, rather than come again under your detested Government.⁴⁰

America was as committed to France as she was to independence. Franklin also knew an Anglo-American peace was more difficult to achieve than a French alliance. Only an American military victory would achieve change in British political policy towards America. But it took four years before the Battle of Yorktown provided that catalyst.

In the interim, the Franco-American alliance created problems for the British in Europe by the formation of a League of Armed Neutrality against Britain. The British Royal Navy had been stopping and seizing merchant shipping of all nations in an attempt to curb the aid of arms and supplies going to and from America. In the process, Britain renewed the hostility of the Baltic States, which in turn began negotiations with Russia. The Armed Neutrality of 1780 was a naval alliance headed by Catherine II of Russia and the Baltic States who sought to weaken Britain’s naval strength and protect their neutral shipping rights through international law.⁴¹ The Armed Neutrality was not a major fighting force, but it was reflective of the British Empire’s wartime dilemma which was the continuing growth of enemy belligerents and unfriendly neutral nations. By 1783, Britain was at war with the United States, France, Spain, and Holland, and the League of Armed Neutrality consisted of seven small-navy nations which spread the British Navy very thin.⁴² In addition, the Russian minister assured American agent Dumas, according to the Empress a “peace between the belligerent powers [Britain and the League of Armed Neutrality], will not be accepted without the preliminary condition *sine qua non* of Great Britain’s acknowledging the independency of the United States.”⁴³ The Armed Neutrality was a further ramification stemming from the Treaty of Alliance and the American success at Saratoga.

Besides the Treaty of Alliance with France, however, few other treaties aided the American war effort leading up to the Battle of Yorktown in 1781. American commissioner Francis Dana went to Russia in an attempt to join the League of Armed Neutrality, but since America was a belligerent of Britain it did not qualify. But in early 1782, John Adams was able to secure a commercial treaty

between America and Holland. This treaty enabled Adams to secure several Dutch loans, which kept the United States financially stable over the early 1780s, and courtesy of the Treaty of Amity and Commerce, the French government guaranteed those loans.⁴⁴

Until Yorktown in 1781, British peace negotiations did not occur due to several American military reverses after Saratoga, such as the losses of Savannah and Charleston. Adding to American setbacks was the absence of French troops in America except for a few volunteer officers. However, after the American victory at the Battle of Cowpens and the costly British victory at Guilford Courthouse, British forces under Lieutenant General Lord Charles Cornwallis, shifted into Virginia. Also, French military ground forces under Lieutenant General Comte Jean-Baptiste de Rochambeau, to include an anticipated arrival of a French naval fleet under Admiral Francois-Joseph de Grasse, had finally arrived. In addition to this tremendous good luck, “the king of France had authorized a huge sum, six million livres, as [according to French minister Lutzerne in Philadelphia] ‘a new proof of his affection . . . independent of the four millions which the ministry have enabled Dr. Franklin to borrow for the service of the coming year.’”⁴⁵ Diplomatic policy had assisted military success at Yorktown where financial aid, arms, supplies, and French troops and ships gave an edge to the Continental army.

General George Washington had the option of either attacking the British forces under General Sir William Henry Clinton at New York or General Cornwallis at Yorktown. With a new sense of purpose, Washington chose the latter, because Cornwallis had made his forces vulnerable by not anticipating a French naval fleet arriving to impose a naval blockade on his position. The combined American and French armies heavily outnumbered and trapped Cornwallis’ army. The short siege and battle ended in Cornwallis’ surrender on October 17, 1781, which happened to be the four year anniversary of General Burgoyne’s surrender at Saratoga.⁴⁶ American victory at Yorktown would not have occurred without the diplomatic preparations that paved the way.

The United States and France widely celebrated American victory at Yorktown; however, King George III remained in denial and wished to continue the war.⁴⁷ Both sides needed a great deal of diplomatic negotiation to secure peace and formally end the war. But with King George III and Lord North’s ministry defiantly in place, American independence was impossible without a British political change, and defeat at Yorktown gave Parliament the means to replace North’s ministry after years of unpopular war. North became the scapegoat in a British political revolution

in the winter of 1781-1782.

A common perception of British Parliament during the American Revolution is that it was reflective of King George III in his diehard war-hawkish defiance towards the American colonies. The war in America from 1780-1782 had dominated Parliamentarian politics in Great Britain, and Lord North's ministry had been able to maintain political support from the House of Commons because of military successes in the Southern campaign.⁴⁸ The British defeat at Cowpens, the heavy losses at Guilford Courthouse, and the demoralizing loss at Yorktown jeopardized that support. British Whig parliamentarian Charles James Fox observed:

Though Lord Cornwallis had done everything he proposed, by penetrating into North Carolina; though he had been fortunate enough to come up with General Green [Nathaniel Greene], engaged, and defeated him, he had found no one good consequence of his success [after Guilford Courthouse], not being joined by any body of Americans [supposed thousands of Loyalists] as he expected, nor even retaining the ground upon which he had conquered [Guilford Courthouse]. . . . It was undeniable that the project [Southern campaign] was a vain one, similar to all the other enterprises [overall British military policy] we had formed during the course of the war.⁴⁹

Fox and a large part of the House of Commons, sympathetic with America and doubtful of British military policy, realized that subjugating the entire American colonies was impossible and some even hoped for British failure. Fellow Whig parliamentarian Edmund Burke "took comfort from the growing difficulties of Cornwallis in Virginia: 'As to North America, things there begin to operate their own cure. At least it looks as if that war was in a state of swift decay.'"⁵⁰ Fox had committed his work to "deter the Ministry from wasting the resources of England on ill-advised and fruitless efforts for the subjugation of America."⁵¹ The military defeat of Cornwallis' army at Yorktown proved to Parliament that British policies in America had failed.

Yorktown created two central political issues in Parliament: to end the war and replace North's ministry. Parliament was dead set against the king's war aims and the House of Commons firmly believed "they [North's ministry] could not . . . be trusted to carry out the wishes of the House respecting the war in America . . . and their lack of success proved them thoroughly incapable of

conducting either war or foreign policy.”⁵² Lord North resigned in March 1782 after a vote of no confidence from Parliament. The new ministry under Charles Watson-Wentworth, 2nd Marquess of Rockingham, better known as Lord Rockingham, and later William Petty-FitzMaurice, the Earl of Shelburne, better known as Lord Shelburne, facilitated the way for peace negotiations to end the war.

In August 1782, the British commissioners in Paris discussed terms of peace with Dr. Franklin with the authorization “to make the Independency of the Colonies the Basis & Preliminary of the Treaty.”⁵³ In addition, despite the fact that Britain, France, and Spain each had a separate agenda that went against American political and diplomatic goals, the American commission negotiated a successful Treaty of Peace with Great Britain. France and Spain both preferred British control of Canada “to keep an independent United States in check.”⁵⁴ Spain was never committed to American independence, despite all of its commercial aid, and sought to keep sole navigation rights of the Mississippi River.⁵⁵ And, the British tried to divide the French and American alliance if it had to concede independence. The main purpose behind this aim was the hope that “America . . . would gravitate back toward Britain’s influence and become its best customer.”⁵⁶

In the Treaty of Peace with Great Britain, the British still held New York and Charleston as bargaining chips; however, American military successes gave the American commissioners an easy hand in achieving most of its war aims in the final draft. The most important was Great Britain’s and King George III’s acknowledgement of “the said United States . . . to be free, sovereign and independent States.”⁵⁷ U.S. borders, property and debt, and fishing rights were negotiated and ratified on September 3, 1783. To the disappointment of Spain, the treaty gave the navigation rights of the Mississippi River to the United States and Great Britain. Moral absolutism in diplomatic negotiations leaves little room for compromise, but as Adlai Stevenson points out, “Compromise is not immoral or treasonable. It is the objective of negotiation and negotiation is the means of resolving conflict peacefully. But when we negotiate we have to have something to negotiate with as well as for.”⁵⁸ That is where the advantage of military success increases diplomatic and political strength.

George Washington and the Continental Army were able to provide several military victories to American diplomats in Europe, giving them an edge in the negotiating process. Diplomats Benjamin Franklin, John Jay, and John Adams among others successfully negotiated several treaties of amity and commerce; a

Treaty of Alliance with France; and a Treaty of Peace with Great Britain. The military, diplomatic, and political arenas needed each other to achieve suitable compromise in negotiations; military success on the battlefield; and political success at home. The new Republic had achieved short-term international respect by winning the war. However, diplomatic historian Richard Leopold pointed out, “Victory on the battlefield meant political but not diplomatic independence.”⁵⁹ After the war, the U.S. continued to deal with the same European, and especially British, biases in the diplomatic arena, until the American military stood up again to defend its country and global status in the War of 1812. By the twentieth-century, the U.S. had established a much more substantial international reputation as a global power due to its continuously growing and symbiotic military, political, and international policies.

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Lincoln and the Constitution

Elizabeth D. Young

Following the events at Fort Sumter in April 1861, which began the American Civil War, Abraham Lincoln began to circumvent the Constitution, basing his actions on what he considered necessity and on his views concerning judicial review. Many of his decisions, however, stretched the Constitution further than the Founders would have envisioned and some violated central tenets of the document.

Lincoln stretched the limits of constitutional provisions by raising

troops and spending treasury money without congressional approval, through censoring the press, suspending the writ of habeas corpus, again without congressional approval, issuing the Emancipation Proclamation, and in other ways, such as partitioning Virginia and suspending free elections. Many of the actions Lincoln took still affect the United States today.

Lincoln promised repeatedly that he was not planning to re-provision Fort Sumter, but he sent a naval force to do just that in April 1861. In doing so, he maneuvered the South into firing the first shots of the Civil War.¹ General in Chief Winfield Scott and all but one of the members of the cabinet advised Lincoln to pull out, as did his friend, Stephen Hurlbut. Even the Union surgeon at Fort Sumter called the continued occupation “suicidal.”² Later, Lincoln would say he was holding Sumter until time could settle the dispute, but time saw the North

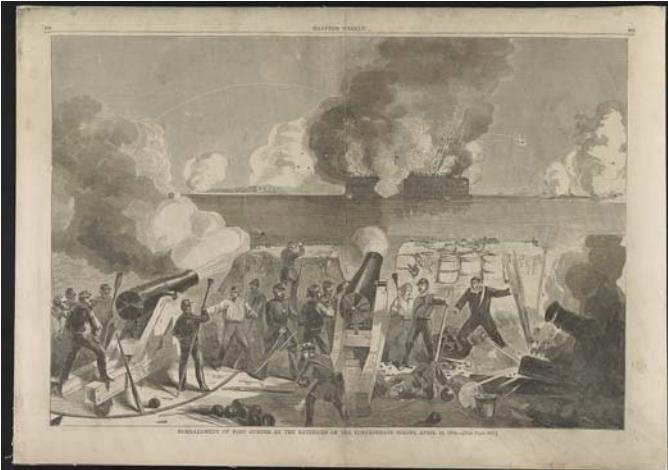


Figure 1 Bombardment of Fort Sumter by batteries of the Confederate States, April 13, 1861. Wood engraving, c. 1861. Library of Congress.

becoming increasingly aware of the loss of their tariff protection and revenue.³ Thus, Northerners began to lean on the administration and the Cabinet to re-supply the fort with an armed fleet of ships and soldiers. On April 12, 1861, knowing the supply ships were nearing the harbor, Confederates, under the command of General P. G. T. Beauregard, who had allowed Union forces to come ashore and purchase food or sent boats to the fort to provision them so that they were in no need of re-supplying, fired on Fort Sumter.⁴ Under orders from Lincoln not to surrender, the outmanned Federals battled on for over thirty hours, surrendering only when they ran out of ammunition. Not a man on either side died. The Confederates allowed their opponents safe passage from the harbor and north to their homes.⁵

The day after the surrender of Fort Sumter, Lincoln called for Congress to meet in special session, but not until July 4, 1861. Meanwhile, for the next ten weeks, he acted alone, collapsing the Constitution's three branches of government into one.⁶ The first thing he did was to call out 75,000 members of the states' militia to put down what he called a Southern insurrection. According to Article 1, Section 8 of the Constitution, however, it is the duty of Congress to take this action.⁷ The President may direct troops, but only Congress has the power to call new troops into service.⁸ Lincoln was preparing for war, something the Founders wanted to make difficult, provisioning Congress, not the executive, with the power to "declare war" rather than "make war." They intended to preclude an aggressive war such as the one Lincoln was instigating.⁹

Lincoln acted under the provisions of a 1795 Act of Congress, giving him authority to call the militia, but Congress had meant the act to be temporary, used only in cases of emergency, needing congressional approval, as the Constitution requires. Lincoln's call for Congress, however, had a ten-week delay. By then, the war was in full operation and Congress could do little but sanction his action. In fact, by the time they finally convened, Lincoln had called for more troops—asking for enlistments in the regular army, another prerogative of Congress, for three-year terms.¹⁰ Lincoln himself would frankly admit that this call for enlistments overstepped his authority, giving rise to charges of a "military dictatorship."¹¹

On April 19, Lincoln ordered the blockade of Southern ports, part of Scott's Anaconda Plan, to strangle the Southern economy.¹² Confederates viewed this as unmistakable aggressive intent and as an effective declaration of war, as it almost incapacitated a region already deficient in manufacturing capacity.¹³ The blockade was so severe that it prohibited even drugs and medicines from

importation into the Southern states. Despite the fact that imposing a naval blockade is an act of war requiring congressional approval, and is permitted constitutionally only in time of war with belligerent foreign powers, the military carried out Lincoln's orders.¹⁴ In 1863, by a vote of 5 to 4, the Supreme Court upheld the blockade, somehow reaching this conclusion without conceding that the Confederacy was a belligerent foreign power. Lincoln had won because three of the five justices in the majority were his appointees.¹⁵

Further appropriations violations of the Constitution occurred in the weeks before Congress convened. On April 21, he ordered the navy to purchase five warships and authorized Treasury Secretary Salmon P. Chase to spend money for defense, up to \$2,000,000 for military equipment. Article I, section 8 clearly states that only Congress has the authority to provide for the navy and that money spent on defense must have the approval of Congress. Finally, in July, when Congress gathered, Lincoln provided his argument, "whether strictly legal or not, [the actions] were ventured upon under what appeared to be a popular demand and a public necessity; trusting then as now that Congress would readily ratify them."¹⁶ Later, he further declared, "I conceive that I may, in an emergency, do things on military grounds that cannot be done constitutionally by Congress."¹⁷ In effect, he gave himself broad and innovative authority to pass laws, which he believed Congress would later approve, or that he felt must pass, regardless of whether or not they were constitutional.¹⁸

Perhaps Lincoln's boldest move was suspending the writ of habeas corpus, on April 27, for the area between Philadelphia and Washington, DC. Riots had occurred in Maryland, a Union state with strong Southern sympathies, resulting in civilian and military casualties.¹⁹ Lincoln decided the country needed a severe crackdown on political opposition, a crackdown that allowed him to order the military to arrest and imprison anyone who disagreed with his policies.²⁰ He issued the order surreptitiously, for a loyal state, and assumed a power that experts said Lincoln did not have, usurping a right belonging only to Congress and only then in cases of rebellion or invasion, neither of which existed in the area in April of 1861.²¹

The Magna Carta, England's charter of freedom, embodied the writ of habeas corpus. It requires a legitimate law enforcement officer issue a warrant before an arrest, prohibits the accused being jailed without being charged with a crime, and does not allow the holding of a person indefinitely without being brought

before a legally convened court.²² Under the Constitution, Americans have the right, when accused of a crime, to a speedy public trial by an impartial jury, to know the cause and nature of the accusation, to hear witnesses against them, bring witnesses in their favor, and have legal counsel, but Lincoln decided these freedoms were unnecessary.²³ Appealing to Congress in July, Lincoln argued that violations of particular constitutional clauses could be justified in the name of saving the constitutional order.²⁴

Before Lincoln made this claim, however, there was the arrest, in Maryland, of John Merryman. Because two Pennsylvania officers made vague claims that Merryman had “uttered and advanced secession doctrines,” General George Cadwalader arrested him, locked him up in Fort McHenry, and refused to turn him over to civil authorities.²⁵ Being a prominent citizen, having served as president of the Maryland State Agricultural Society, Merryman sought legal assistance and found it in Roger B. Taney, a federal district judge in that circuit and also Chief Justice of the Supreme Court.²⁶ Taney promptly issued a writ of habeas corpus, ordering Cadwalader to release Merryman and explain his detention. Citing Lincoln’s suspension of the writ, Cadwalader refused, and Taney penned an opinion, known as *Ex parte Merryman*, which he delivered directly to Lincoln, informing the President that he, not Merryman, was breaking the law and going against the Constitution.²⁷

In an extensive and stern opinion, Taney pointed out that in Article I, section 9 of the Constitution, such action is limited to the legislative branch of government and does not apply to the executive. In England, only an act of the legislature permitted suspension of habeas corpus, so Taney argued that the Founders, when writing the Constitution, would never have allowed a President “more legal and absolute power” over a citizen’s personal liberties than the king of England enjoyed, especially not in the wake of the long war from which they had just emerged.²⁸ He went on to argue, citing John Marshall and Joseph Story, that even if Congress supported the suspension, that would not justify holding a citizen indefinitely without a trial.²⁹ Lincoln must follow the normal judicial process. If not, “The people of the United States are no longer a government of laws, but every citizen holds life, liberty, and property at the will and pleasure of the army official in whose military district he may happen to be found.”³⁰

Refusing to obey Taney’s order, Lincoln issued a warrant for his arrest, but the federal marshal declined to have it served.³¹ Lincoln believed, and continued to

believe, that he had legitimate constitutional authority to suspend the writ and that suspension was necessary for the defense of Washington.³² Taney was wrong, Lincoln claimed; he had done nothing “beyond the constitutional competency of Congress.”³³ Surely, he could not sit idle and let “the government go to pieces” for fear of violating the particulars of the document. According to Lincoln, the ambiguity of the text left it to circumstance to decide who could suspend the writ.³⁴ While congressional suspension was the best policy, constitutional silence gave room for executive action. It left Lincoln free to act as he wished, and explained why he called Congress to convene in April but postponed that convening for ten weeks, and established that neither Congress, the Supreme Court, nor the Constitution would prevent actions he alone thought best for the country.³⁵

In 1862, two days after signing the Emancipation Proclamation, Lincoln suspended the writ of habeas corpus throughout the United States, authorizing military trials for “all rebels and insurgents, their aiders and abettors, and all persons discouraging volunteer enlistments, resisting militia drafts, or guilty of any disloyal practice.”³⁶ Over the course of the war, authorities arrested at least 15,000 civilians, and held many of them for months without bringing charges. All arrests of Northerners where the civil courts were functioning violated the law, but Lincoln claimed they were too slow handling cases in this emergency.³⁷

After the war, the Supreme Court decided the case of Lambdin Milligan. Because Milligan, an Indiana resident, associated with the wrong people and may have indulged in some idle, incautious talk, authorities arrested him, and a military tribunal tried, convicted, and sentenced him to death for plotting raids on Union interests. The trial, in a military court, put Milligan at a disadvantage; only a simple majority was required to convict him, and only needed a two-thirds majority for the death penalty. In a civilian court, Indiana residents would have tried him and a unanimous verdict would have been necessary for conviction. The Supreme Court ruled unanimously that the military trial was invalid because the Indiana civil courts were operational and Milligan was not a prisoner of war accused of a war crime. Further, the Habeas Corpus act required authorities bring detainees before a grand jury and charge them within a reasonable time or set them free. They never brought Milligan forth. This decision was a defeat for the administration but came too late to check Lincoln’s power.³⁸

Lincoln continued to assault civil liberties through his suppression of the First Amendment’s right to free speech and free press. In April 1861, the

government took control of telegraph lines radiating from Washington, and in February 1862, the President ordered military supervision of all telegraph lines in the United States.³⁹ Soon after, Lincoln started shutting down newspapers for merely questioning the right to engage in a civil war. The *Chicago Daily Times* found its presses sealed for raising such a legitimate question, and Lincoln closed scores of other papers throughout the Union for expressing views contrary to his administration.⁴⁰ As citizens became upset over the press shutdown, Secretary of State William Seward and his secret police began arresting the editors of papers, having them imprisoned, and replacing them with administration loyalists. The administration also looked the other way when Federal soldiers tarred and feathered editors of papers critical of Lincoln.⁴¹ In the latter part of 1861, Postmaster General Montgomery Blair excluded certain papers from the mail. They did not take such action because they printed objectionable material, but withheld papers from districts on the grounds of their disloyalty. State and War department officials also detained and opened letters at various times during the war, further violating citizens' First Amendment rights.⁴²

After nearly two years of war, Lincoln, interpreting Article II, section 2 of the Constitution broadly, used his war powers to issue the Emancipation Proclamation. "The Constitution invests its Commander-in-Chief with the law of war, in time of war. By the law of war, property, both of enemies and friends, may be taken," he said.⁴³ By appropriating the property of the South—the slaves—he was taking a military step. Slaves could be useful in defending the South; by liberating them, he denied the enemy's possession of militarily useful property.⁴⁴ Hence, the proclamation was a "fit and necessary war measure," used to sidestep constitutional concerns.⁴⁵

Lincoln, however, in his First Inaugural, took the position that the Constitution protected the institution of slavery. He believed that each state could permit or forbid slavery as it chose, and that the North had a responsibility to enforce the Fugitive Slave Act.⁴⁶ In the summer of 1861, he matched his deeds to his words, nullifying John Fremont's proclamation that freed slaves in Missouri, whose owners resisted Federal occupation. David Hunter also stopped similar efforts to free slaves in Union-held territory in Georgia, Florida, and South Carolina. Slaves taken through the confiscation acts passed by Congress in the early years of the war were, despite abolitionist intentions, put to work in the Federal army doing the unpleasant tasks in and around army encampments.⁴⁷

Lincoln further expressed his views on emancipation in a letter to *New York Tribune* editor Horace Greeley in 1862, saying, “If I could save the Union without freeing any slave I would do it; and if I could save it by freeing some and leaving others alone I would also do that. What I do about slavery, and the colored race, I do because it helps to save the Union.”⁴⁸ Notably, Lincoln contradicts his inaugural statements that he has no authority under the Constitution to disturb slavery. He is now willing to ignore the Constitution if it helps him maintain the Union; but before he issues the official Emancipation Proclamation, he will try other means to deal with the black population.⁴⁹

During his debates with Stephen Douglas, his Illinois senatorial opponent, Lincoln’s views on blacks became public knowledge. He said that there were physical differences between the races that would preclude them living together equally and that whites enjoyed a position of superiority over blacks. He also talked of plans to deport blacks to their native land or to some other place outside the United States. Lenore Bennett, Jr. wrote that Lincoln called for the deportation of blacks, publicly and officially, in five major policy declarations and on countless other occasions.⁵⁰ In 1862, Lincoln proposed a compensated emancipation bill combined with a colonization plan, but the man who previously seemed to brook no opposition from Congress, yielded this time to their refusal to pass his bill.⁵¹

With the coming of the New Year 1863, came the official Emancipation Proclamation, a step Lincoln viewed as forced by necessity. One that he hoped would shorten the war by taking the heart out of the Southern cause and by adding strength of numbers to the Union, thereby reducing the expenditure of blood and money.⁵² The Proclamation, however, did not free a single slave. Even though Union forces occupied large parts of the South, including most of Tennessee and much of Virginia, it applied only to rebel territory and exempted by name the Federally occupied states of Maryland, Kentucky, and West Virginia as well as thirteen parishes in Louisiana. The *New York World* stated that Lincoln “has proclaimed emancipation only where he notoriously has no power to execute it,” and called the proclamation “not merely futile, but ridiculous.”⁵³

Seward mocked the Proclamation, abolitionists saw it as a fraud, the Democratic leadership and the army hated it, and Europe looked upon it with horror.⁵⁴ Why did this document stir up so much anger among those that favored emancipation? Seward thought Lincoln showed sympathy to slavery “by emancipating slaves where we cannot reach them and holding them in bondage

where we can set them free.”⁵⁵ Abolitionists called it an illusion because it applied in territory where the North had no control, and Democrats believed it called for a servile insurrection; indeed, Lincoln had deleted language from an earlier draft that called for such a violent uprising.⁵⁶ A desertion crisis appeared in the Northern army as the men professed to feeling betrayed, believing the purpose of the war had changed from saving the Union, for which they were willing to die, to obtaining black freedom. At least 200,000 soldiers deserted, 120,000 evaded conscription, close to 90,000 fled to Canada to evade the draft, and thousands more hid in the mountains. In addition, there was seething resentment to the idea of the use of the draft to emancipate slaves. Consequently, draft riots occurred in New York City with Federal troops killing between 300 and 1,000 civilians, hunting down rioters, and murdering dozens of innocent blacks.⁵⁷ Europeans also feared a massive slave uprising and talked of intervening due to the slaughter such an event could produce. Charles Dickens and historian Sheldon Vanauken agreed that the only possible effect of the proclamation would be “a slave rising or nothing.”⁵⁸

Lincoln himself admitted that the original proclamation had no legal justification and was simply a war measure and not a genuine attempt at emancipation. In calling it a war measure, he seems also to acknowledge that it was unconstitutional.⁵⁹ Whatever his reasoning, Lincoln demonstrated no concern for the effects his measure may have, writing that should the slaves be freed, “They had better be set to digging their subsistence out of the ground.”⁶⁰ When asked near the end of the war what would become of the freedmen, Lincoln replied, “Root, hog, or die.”⁶¹

Union success in the summer of 1861 in western Virginia brought another political consequence that saw Lincoln disregard constitutional stipulations. For decades, some of the residents of this area, aligned economically and culturally with the Northern states of Ohio and Pennsylvania, had complained of over-taxation and under-representation in the state government. When Virginia seceded, these people began to demand to do the same, but from Virginia. They held a convention in June, voting themselves the legitimate government of Virginia. Later, this convention called a constitutional convention to meet in November 1861 to create a new state, but in the referendum to call this convention, only those who took a Unionist oath could vote. In May 1862, this Unionist “legislature,” representing the western counties, approved creation of the new state in violation of Article IV, section 3 of the Constitution which states that no new state is to be

formed within the boundaries of an existing state without consent from the state's legislature, meaning the legislature of the whole state, not just a portion.⁶²

Despite the irregularity of these proceedings, the Union Congress approved admission of the state of West Virginia in 1863, requiring the abolition of slavery within first. Nearly half of the fifty counties in the new state, however, probably had a pro-Southern majority that would have voted to remain part of Confederate Virginia if allowed.⁶³ Lincoln did not oppose the secession of western Virginia, because it served his political purposes, providing men for the Union army. His own Attorney General, Edward Bates, tried to tell him it was unconstitutional, arguing that a truly free state can only be created by its people, not Congress, which was theoretically what had been done.⁶⁴ Fellow Republican Thaddeus Stevens considered the argument of constitutionality, advanced by those who favored creation of the new state, a "forced argument to justify a premeditated act," but voted for the bill anyway based on the laws of war, saying, "I will not stultify myself by supposing that we have any warrant in the Constitution for this proceeding."⁶⁵

By September 1861, Lincoln held the state of Maryland under complete Union military occupation, but with the legislature scheduled to meet, he was taking no chances that they would discuss secession or even vote to remain neutral. He did this through military force.⁶⁶ Secretary of War Simon Cameron ordered General Nathan Banks to arrest "all or any part of the legislative members" to prevent secession.⁶⁷ Accordingly, he arrested all Maryland state legislature members suspected of Southern sympathies, as well as other influential citizens, in the darkness of night, and locked them up in Fort McHenry. In all, he arrested fifty-one citizens.⁶⁸ In addition, under Lincoln's orders, the military sealed off the town of Frederick, where the legislature was to meet, and searched house-by-house for those unfriendly to the Lincoln administration.⁶⁹

In late September, the pace of arrests accelerated, and the charges grew increasingly capricious. Arrests for disloyal statements spread deep into the interior of loyal states with island forts in various Northern harbors filling up with citizens confined because of their opinions; in many cases, no one knew why the prisoners were accused. General Banks took travelers into custody on the simple assumption that they might cross the Potomac River and communicate with the enemy. He arrested one man just for writing a letter to his father in Virginia, even though the letter contained no political or military subjects.⁷⁰

Similar oppression occurred, again in Maryland, in November 1861, with Banks instructed to ensure the election of only Union people. Electioneers were requested not to allow any vote for a candidate that opposed the war, and members of the federal armed forces voted, even though they were not residents of Maryland.⁷¹ They placed posters at polling booths encouraging citizens to point out anyone suspected of disloyalty. This proved an easy task, as anti-administration ballots were a different color from those of the loyal party.⁷² Other voters had to pass through platoons of Union soldiers with bayonets fixed on their rifles. Suppression of free elections occurred in most other Northern states as well, but this did not stop the Maryland House Committee on Federal Relations from issuing a courageous proclamation declaring, “The war now waged by the government of the United States upon the people of the Confederate states is unconstitutional in its origin, purposes, and conduct.”⁷³

In Federal elections in 1862, Republicans also resorted to unlawful practices to ensure victory for pro-Lincoln candidates. They shut down newspapers by the hundreds; imprisoned individual opponents, often without trials or even charges; prohibited anti-Republican voters from voting; and arrested candidates across the North. The Republican Party carried out a multifaceted campaign to prevent the election of Democrats that further included throwing Democratic commissioners delivering ballots to soldiers in the field into prison. At times, they discarded, did not count, or replaced Democratic soldiers’ votes with Republican ballots. Such tactics led to otherwise inexplicable favorable Republican results in the border states, saving the Republican majority in the House of Representatives.⁷⁴

Tactics such as these may also have saved Lincoln’s presidency in 1864. Prospects in late August for reelection seemed so gloomy that the editor of the *New York Times* wrote, “The tide is setting strongly against us,” and Lincoln himself wrote a note, which he had his entire cabinet sign, stating, “It seems exceedingly probable that this administration will not be reelected.”⁷⁵ Early fall victories by Union forces turned the tide and Lincoln won, but a close examination of the results is illuminating. Lincoln did no better in the non-border Northern states than he had in 1860, but he improved astronomically in the border states where most of the suppression and arrests took place. The vote of soldiers made the difference in many states; in fact, if there were a shift of 38,000 votes, less than 1% of the total vote, the Democrats would have won. It is almost certain that many votes were the result of mischief; the question is, how many, and was it enough to change the outcome?

Also interesting to consider is that several of the federally occupied seceded states had organized loyal governments under Lincoln's plan for Reconstruction, but because of Lincoln's veto of the Wade-Davis bill, radicals refused to recognize them and refused to count their electoral votes in the 1864 election.⁷⁶

The case of Clement L. Vallandigham illustrates the lengths the Lincoln administration went to in order to suppress dissent. As a member of the House of Representatives, Vallandigham was a thorn in Lincoln's side for almost two years, criticizing his policies and introducing a bill to have him jailed if he continued arresting and imprisoning people through military tribunals. The administration introduced no less than seven resolutions calling for Vallandigham's expulsion, but all were defeated, so in the elections of 1862, the pro-Lincoln Ohio legislature gerrymandered his district, adding a Republican county and ensuring his defeat.⁷⁷

Vallandigham's troubles began in earnest when he made the decision to run for governor in his native Ohio. In a series of speeches, he condemned Lincoln for his "persistent infractions of the Constitution," including the quartering of soldiers in private homes, the suppression of free speech, and the repeated infringement of the people to keep and bear arms for their defense.⁷⁸ Lincoln's agenda, according to Vallandigham, was not to free the slaves or save the Union but to establish a strong, centralized Federal government.⁷⁹ These speeches violated General Ambrose Burnside's Military Order #38, aimed specifically at Vallandigham, declaring the arrest of anyone who declared sympathy for the enemy.⁸⁰

On May 4, 1863, at 2:30 in the morning, Burnside dispatched Federal troops to Vallandigham's home where they kicked open the door, hauled him out of bed, and threw him into prison. On May 6, a military tribunal found Vallandigham guilty of treason and condemned him to prison for the remainder of the war. Vallandigham, however, continued to speak out from prison, and after several weeks, Lincoln ordered him exiled to the South. From there, he went to Canada and eventually returned to Ohio in disguise.⁸¹

Vallandigham petitioned for a writ of habeas corpus, but by this time, the administration had told and threatened the judges of the consequences if they were to issue such a writ.⁸² Democrats, and even some Republicans, denounced the whole affair calling the actions of the government "cowardly, brutal, infamous."⁸³ In 1864, the case came before the Supreme Court, a rubber stamp operation after the departure of Taney, who, in effect, ruled that the military was above the

Constitution, a law unto itself.⁸⁴

Lincoln's interpretation and application of his powers under the Constitution led him to carry executive authority to its fullest extent, extending the power of the federal government, an effect still felt today. In 1860, the only contact with the federal government most citizens had was mailing a letter at the post office, but by 1865, every citizen felt the influence of the federal government, primarily through economic policies.⁸⁵ Lincoln's First Inaugural Address promised the military invasion of the South when he said it was his duty "to hold, occupy, and possess the property . . . to collect the duties and imposts."⁸⁶ He promised to wage war on states that would not collect the tariff, which had just doubled, thus saying to the South, who paid 83% of this, that if they refused to pay, they would face invasion. In this light, it is no wonder the Confederates felt compelled to stop the re-provisioning of Fort Sumter; they and the other seceded states had adopted a free trade policy.⁸⁷ In destroying the South's right of secession, Lincoln opened the door for the centralized, unrestrained state that the United States has become. He effectively overturned the great principle of the Declaration of Independence that governments derive their powers from the consent of the governed.⁸⁸

The fact that Lincoln would trample a main precept of the Declaration of Independence is striking, because in his rhetoric, Lincoln thrust the Declaration to the fore while downplaying federal law and the Constitution. In 1861, Lincoln likened the Declaration to the apples of gold in Proverbs 25:11. To his thinking, the Constitution was dispensable, but he must remain faithful to the verities of the Declaration of Independence.⁸⁹ The Gettysburg Address, which begins, "Four score and seven years ago" evidenced this.⁹⁰ Simple arithmetic dates this to 1776 with the signing of the Declaration, a document that contains no endowment of governmental power and creates no government. When he delivered the speech, Northern newspapers criticized him, as did others, for his "gross ignorance or willful misstatement."⁹¹ In effect, Lincoln had pulled the rug of legitimacy out from under his own office. Speaking as president, an office created by the Constitution, he went on to advocate the principle that all men are created equal, and to claim that the nation was born committed to this principle, yet he spoke of a time before the creation of the government for which the Union troops died. Even earlier, the Emancipation Proclamation referred to the independence of the United States as occurring eighty-seven years before it went into effect. For Lincoln, there was no dissonance between relying on the birth of the nation in 1776 and acting in an office created in 1787.⁹²

Lincoln's actions weakened the laws protecting citizens from oppression by increasing the executive branch's power at the expense of the legislative and judicial branches.⁹³ Using this power, he increased the size of the army and navy, spent public money, and suspended the writ of habeas corpus, all without congressional approval. He merely permitted Congress to ratify the measures or else adopt the futile alternative of refusing consent to an accomplished fact.⁹⁴

Early on, Lincoln ignored Chief Justice Taney when he made an effort to curb him. The Courts, in fact, did not serve as a significant check on Lincoln's power, and he ignored them if they did not serve his purpose. In the wake of the Dred Scott ruling, in 1857, Lincoln announced his views on judicial authority, saying, "The Congress, the executive, and the court must each for itself be guided by its own opinion of the Constitution. Each public officer, who takes an oath to support the Constitution, swears that he will support it as he understands it, and not as it is understood by others."⁹⁵ He echoed this sentiment in his First Inaugural Address where he argued that in deferring to the Court people give up their capacity of self-government.⁹⁶ Given Lincoln's view, it is not surprising that there is such a contrast between the number of arbitrary arrests and completed judicial actions for treason, conspiracy, and draft obfuscation. Instead of the rule of law prevailing, they imprisoned men outside the law, independently of the courts, while government officers enjoyed a privileged position above the law.⁹⁷ As for why the Supreme Court did not get involved more and why it went along with Lincoln's actions, J.G. Randall says that the Supreme Court is not an effective barrier against executive usurpation and that questions of this nature are political, creating a situation in which the attitude of the court is necessarily that of acquiescence.⁹⁸

Today, the United States is Abraham Lincoln's creation, an outworking of his vision for it. His administration brought about the devolving of governmental power from the states to the national government and an unprecedented transfer of power from the individual and his community over his own money, property, labor, and person, to the government.⁹⁹ America will always know Lincoln as the Great Emancipator, but more accurately, they should think of him as the Great Centralizer.¹⁰⁰

Notes

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3. Marvel, 22; John J. Dwyer, ed. *The War Between the States: America's Uncivil War* (Denton, TX: Bluebonnet Press, 2005), 191.

4. Dwyer, 191-193.

5. James M. McPherson, *Ordeal by Fire: The Civil War and Reconstruction*. 3rd ed. (Boston: McGraw-Hill, 2001), 158.

6. Phillip Shaw Paludan, "Dictator Lincoln: Surveying Lincoln and the Constitution," *OAH Magazine of History* 21 (January 2007):10.

7. Charles Adams, *When in the Course of Human Events: Arguing the Case for Southern Secession* (Lanham, MD: Rowman and Littlefield, 2000), 36.

8. Jon D. Schaff, "The Constitution, War Powers, and the Lincoln Presidency," (New Orleans: paper presented to the Southern Political Science Association, 2007).

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11. Randall, 52.

12. DiLorenzo, *The Real Lincoln*, 151, 180.

13. Marvel, 38, 44.

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15. George P. Fletcher, *Our Secret Constitution: How Lincoln Redefined American Democracy* (New York: Oxford University Press, 2001), 80-81; McPherson, 285n.

16. Paludan, 10.

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50. Dwyer, 93-94.
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56. Adams, 141-142.
57. DiLorenzo, “The Great Centralizer,” 248-249.
58. Adams, 142; DiLorenzo, “The Great Centralizer,” 248.
59. DiLorenzo, *The Real Lincoln*, 37.
60. DiLorenzo, “The Great Centralizer,” 254.
61. Ibid.
62. McPherson, 175.
63. Ibid., 176.
64. DiLorenzo, *The Real Lincoln*, 148-149.
65. Randall, 455-456.
66. DiLorenzo, *The Real Lincoln*, 142.
67. Adams, 41.
68. Ibid.
69. DiLorenzo, *The Real Lincoln*, 143.
70. Marvel, 256-257.
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74. Dwyer, 454.
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76. Ibid., 454-455, 439.
77. Adams, 172.
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Secession and the Confederate Interpretation of its Legality

Jim Dick

The issue of secession in the United States has usually been associated with the American Civil War although there have been other instances where several groups have advocated secession. The Constitution is silent on the subject, but the debates over its ratification brought up the issue. When several states in the southern portion of the United States declared their secession in 1861, it was the first and only time in American history that any state actually attempted to do so. The resulting conflict wrought devastation throughout the South and engendered significant change to all levels of American society. Despite the failure of the Confederacy to secede from the Union, the question remains—why did the South think it had the legal right to secede? In exploring that question, this paper will examine the issue of secession in America and three pivotal documents in history, which when compared to each other will provide significant clues as to why the South interpreted secession as a legal right.

The Declaration of Independence in 1776 created the United States during the American Revolution. The revolution was in itself an act of secession from Great Britain. This sentence of the Declaration shows one of the leading reasons for the concept of secession from the United States, “But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.”¹ The question that is still a matter of debate today revolves around the understanding of just what constitutes despotism.

The states ratified the Articles of Confederation in 1783 as the first formal agreement between the states that formed a national government. The thirteenth article stated, “And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual,” which is understood to mean that secession from the national government of the United States is not possible.² However, at that time, many individuals felt that a preceding article, the second, “Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the

United States, in Congress assembled,” meant the states were sovereign independent entities capable of leaving the United States if they so desired.³

The inadequacies of the Articles of Confederation were one of several reasons that resulted in its replacement by the Constitution in 1789. The Founding Fathers designed the Constitution to negate the power of the state legislatures from overriding the centralized or federal government. There was a tremendous argument over the ratification of the Constitution; the nation’s newspapers publicly published much of the debate in the form of letters, now referred to as the Federalist and Anti-Federalist Papers. They deliberately arranged the actual ratification process to occur through special conventions within each state and not by the state legislatures. The secessionists in 1860 would later mimic this to give legitimacy to their attempt to leave the Union.

One of the differences between the Articles of Confederation and the Constitution lay in the nature of the state’s relationship to the new federal government. The Articles considered the states to be in a compact relationship and stated this at several points in the document. However, they considered this Union a perpetual relationship, but this was a contradiction. The Constitution did not refer to a compact relationship and instead stated in its preamble that its power derived from the people, not from the states, which was the exact opposite of the Articles.⁴ The Constitution itself made no reference of how states could leave this new perpetual Union. An argument by the Anti-Federalists addressed this issue.

Patrick Henry of Virginia had originally declined participating in the Constitutional Convention and made his opposition to the convention painfully and publicly clear.⁵ During the argument over ratification, he steadfastly opposed ratification. The argument advanced by many in the antebellum years consistently revolved around the issue of whether the United States under the Constitution was a compact or not. Henry’s argument against ratification made it clear that he, as well as many Anti-Federalists, knew the nation would not be a compact between the states.

The fate . . . of America may depend on this. . . . Have they made a proposal of a compact between the states? If they had, this would be a confederation. It is otherwise most clearly a consolidated government. The question turns, sir, on that poor little thing—the expression, *We, the people*, instead of the *states*, of America.⁶

The Federalists expressed their response to Henry’s challenge by expounding the many rights the states would possess under the Constitution.

However, the Federalists never addressed the issue of secession. Rather, there was a deafening silence. Instead, the language used dwelled upon the strengthening of the bonds between the states and the indissoluble Union it would create.⁷ Proponents of secession often state today, and most certainly, proponents of Southern secession in the antebellum years advanced that three states placed conditions upon their ratification of the Constitution. No state did any such thing. New York attempted to do so during its convention, but Alexander Hamilton and John Jay steadfastly opposed any such condition being made and even went so far to say that any conditional ratification would be null and void. They withdrew the condition.⁸

Those who say secession is legal often make definitive statements that the people in 1788 thought they could secede from the Union if they so desired. The enormous volume of correspondence and the newspaper articles as well as the letters published in those papers by the Federalists and Anti-Federalists do not bear this out. If anything, the exact opposite is true. Many people, especially the Anti-Federalists, thought secession would not be possible after the ratification of the Constitution.⁹

The first challenge involving secession from the new Union came in 1798 as the result of the reaction to the Alien and Sedition Acts. The state legislatures of Kentucky and Virginia took the position that the acts were unconstitutional and exceeded the authority allotted to the federal government by the Constitution. The author of the 1798 Kentucky Resolution was Thomas Jefferson, who was the Vice President at that time. Jefferson opposed the Federalists and their vision of the national government. He particularly opposed the idea of the perpetual Union and continually advocated that the states were in a compact and had the right to leave at any time.

He advanced this position as such in the Kentucky Resolution, “That the several states composing the United States of America are not united on the principle of unlimited submission to their general government; but that, by compact, under the style and title of a Constitution for the United States,” which would be a hallmark of Jeffersonian government.¹⁰ This resolution also illustrated another key element of Jeffersonian government that concerned the strict constructionist view of the Constitution. Jefferson had advocated for a completely decentralized national government with less power than the Articles spelled out, and by 1798, was actively opposing the Federalists.¹¹

At the same time, James Madison wrote the Virginia Resolution, which

was not quite as inflammatory as the Kentucky Resolutions. The Kentucky Resolutions stated that individual states could override or nullify any act of the federal government which the Constitution did not specifically delineate, while the Virginia Resolution adopted the idea that the states “have the right, and are in duty bound, to interpose, for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties, appertaining to them.”¹² In effect, the states had the right to seek the overturning of federal law in the judicial system according to Madison, while Jefferson said any state could nullify a federal action if not in the Constitution.

Southern secessionists would later cite these Resolutions as having the same substance as actual law, and some refer to them today in the same way. However, both parties neglected to mention that these Resolutions asked for help from the other states in affirming the ideas contained in the Resolutions. Seven formally rejected the Resolutions; three passed resolutions expressing disapproval of the Resolutions, and four took no action. Other states shared New Hampshire’s response, “That the state legislatures are not the proper tribunals to determine the constitutionality of the laws of the general government; that the duty of such decision is properly and exclusively confided to the judicial department.”¹³

The next serious mention of secession in America took place in 1814 when Federalist extremists, opposed to the war with Britain that was wrecking American commerce, openly advocated secession in an attempt to force President Madison to end the War of 1812. Saner heads prevailed and a convention of Northern states met at Hartford where they issued a report condemning the Republicans, but they specifically rejected the extremists’ demands for secession.¹⁴ Two Supreme Court cases, *Martin v. Hunter’s Lessee* (1819) and *McCulloch v. Maryland* (1819) repudiated the issue of the compact theory, which served as the foundation for Jefferson’s views that the federal government derived its powers from the states and not the people. These cases affirmed that the Constitution and federal government derived its authority and power from the people and not the states.

These Supreme Court cases reduced the power of state governments by ruling state judicial interpretations and state laws invalid where they conflicted with the Constitution.¹⁵ The *Martin v. Hunter’s Lessee* case was the first to assert that the Supreme Court had authority over state courts. Justice Joseph Story’s opinion for the unanimous court decision clearly stated that federal power derived from the people and not the states, nor was the country a confederation like had existed

under the Articles of Confederation.¹⁶ In the *McCulloch v. Maryland* case, Chief Justice John Marshall asserted once again that the supreme power did not derive from the states, and that, “The States have no power, by taxation or otherwise, to impede or in any manner control any of the constitutional means employed by the U.S. government to execute its powers under the Constitution.”¹⁷ Both cases refuted the idea of the United States being a confederation of compact.

The Nullification Crisis in 1832 would once again bring the issue of secession to center stage. The cause of the argument this time dealt with a national protective tariff, which many in South

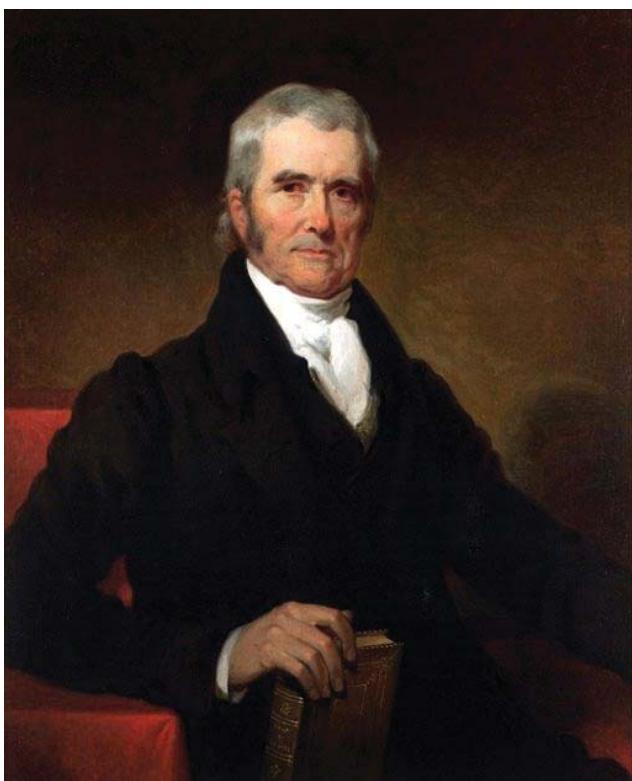


Figure 1 *John Marshall*. Oil on canvas by Henry Inman, c. 1832. Located at the Library of Virginia, Richmond, Virginia.

Carolina considered unfair as it supported manufacturing interests over those of agriculture. They called for a convention, which then declared the tariffs of 1828 and 1832 to be unconstitutional and unenforceable. They also said that if the federal government took any action to force South Carolina, it would be,

as inconsistent with the longer continuance of South Carolina in the Union; and that the people of this State will henceforth hold themselves absolved from all further obligation to maintain or preserve their political connection with the people of the other States; and will forthwith proceed to organize a separate government, and do all other acts and things which sovereign and independent States may of right do.¹⁸

Here once again, a disgruntled state legislature brought the views of Thomas

Jefferson as expressed in the Kentucky Resolutions to the forefront. Despite the complete failure of those resolutions to garner support, the idea of nullification persisted. President Andrew Jackson met the demand with the Force Bill when he asked for authorization to use military force to enforce the laws of the United States. The legislature stalled the bill to explore diplomatic measures and eventually defused the crisis. However, they sowed the seeds of discord. The compromise did not mollify ardent secessionists, such as Robert Rhett. He refined his secessionist rhetoric for years until the thought became a reality with South Carolina's secession in 1860.

The issue of slavery was not part of the Nullification Crisis, but from that point on, slavery would become the underlying issue that drove the sectionalism that would eventually result in the Civil War. The South Carolina nullifiers were not satisfied by the compromise or by the fact that many saw the issue of nullification as unconstitutional. Rhett remarked "but it is despotism which constitutes the evil and until this Government is made a limited Government . . . there is no liberty . . . no security for the South."¹⁹ In 1834, the South Carolina legislature, dominated by nullifiers, passed a law requiring a test oath for state office holders swearing primary loyalty to the state and only conditional loyalty to the federal government.²⁰ Jackson himself thought the nullifiers would probably bring up the Negro or slavery question.²¹

When the country elected Abraham Lincoln president in November 1860, the sectional issues revolving around slavery came to a head. For the previous ten years, secessionists like Rhett had advocated secession. They had a convention in Nashville in 1850, which failed to generate any support in the South. During the 1850s, the sectional strife intensified with the secessionists using inflammatory rhetoric to support their case. In order to support their goals, they developed a doctrine that revolved around state sovereignty and states' rights. Once again, the dead hand of Thomas Jefferson showed with the repeated references to the Kentucky Resolutions as well as many of Jefferson's writings regarding his opinions of government.²²

Unlike the ratification arguments over the Constitution in 1788, when it was obvious that secession was not possible under the Constitution, people living in 1860 did think secession was legal for the most part. Evidence of this showed in the slave states calling for state conventions on the subject as the secessionists worked to further their cause. Had the people thought secession not to be legal,

then there would have been no conventions in the first place. The fact that they were called for, shows just how much control the elite planter class of the South, who made up the majority of the secessionist faction, had over the political and economic systems in the South. The planters owned or patronized most newspapers, which meant the information system in the South was disposed to support slavery. Robert Rhett himself owned the Charleston *Mercury*, which his son edited.²³

Prior to the 1860 Election Day, South Carolina and other Southern states battled over the issue of secession during the nomination process at the Democratic convention. Lack of support for secession during the summer significantly changed with Lincoln's election. South Carolina immediately called for a convention following a large secession rally. Other Southern states staged similar rallies where secessionists promoted their cause.²⁴ One by one, the states of the Deep South called for conventions to decide on secession. South Carolina was the first to secede on December 20, 1860. This only fueled the fire for the secession movement in the other states.

Despite the swift speed with which the secessionists worked to accomplish their goals, a significant number of people still opposed them. The elections of the convention delegates belied the events at the conventions. Only in South Carolina did a large majority elect secessionists. In the rest of the states, the votes showed the secessionist delegates received a majority of the vote, but not by a comfortable margin. Areas with fewer slaves tended to vote for delegates opposed to secession, which demonstrated why the secessionists moved with such speed, striking before any opposition to their goals coalesced around cooperationist leaders.²⁵ The same comparison can be made between the states of the Upper and Lower South. Only seven states initially seceded and all were from the Deep South, where with the exception of Texas, all had large slave populations and relied upon the cotton crop as the primary basis of their economies.²⁶

Once the conventions ended, the seceding states met in Montgomery, Alabama, to create a new national government, which they called the Confederate States of America. Here in Montgomery, the secessionists now worked to create a nation that they said was what the Founding Fathers had intended to do, but had been altered by the Northern states in ignoring state sovereignty in favor of a strong centralized government.²⁷ The new Confederacy created a provisional constitution in order to create their nation, and elected its new president and other members in

order to get started. Once this occurred, they appointed a committee chaired by Robert Rhett to create a permanent constitution. The finished Confederate Constitution was a testimony to what the elite planter class thought was wrong with the federal Constitution and revealed the real motivations for secession.

For the most part, the Confederate Constitution was a word for word copy of the original Constitution. Where it differed from the original Constitution, the Confederate version revealed significant motives behind the secessionist plans. It should also be noted that Rhett was himself disgusted with the final version, which he felt did not go far enough in granting the oligarchs, elite planters and upper class men of the South, permanent power.²⁸ The new vice president of the Confederacy, Alexander Stephens, was also on this committee, and he thought it was a good work fashioned out of compromise to make an effective document. All of the committee members had put forth ideas, but like any undertaking of that magnitude, they understood compromise was a necessary part of the process, with the exception of Rhett, who was never satisfied unless they did everything according to his desires.²⁹

The first major change was in the preamble where the words, “each State acting in its sovereign and independent character, in order to form a permanent federal government,” was inserted in place of, “in Order to form a more perfect Union.”³⁰ Right there in the very first line of the new constitution, they brought up the old Jeffersonian concept of state sovereignty and this time clearly defined it. There would be no mistake in the Confederacy where the power laid with this statement. With the state constitutions written so that the oligarchs had power in each state, they would then have the overall power in the new Confederacy as well.³¹ This was probably the most important aspect of the Confederacy. While white males still were eligible to vote, the oligarchs, who consolidated power in their hands, had rejected the concept of egalitarian democracy. In this way, they did share the fears of some of the original Founding Fathers concerning democracy. Yet, the Constitution the Founders created had left the issue of voting rights to the states, which then over time expanded suffrage beyond that envisioned in 1787.

The Confederate Constitution also addressed this issue. In Article I, Section II, the new constitution strips away some of the powers of the states by specifically denying the right to vote to persons who are not citizens. It barred persons of foreign birth the right to vote in elections.³² There were two reasons

behind this. The first clearly meant to deny any black person from ever voting. The second reason was to prevent immigrants from gaining power in the South, as some in the South theorized was happening in the Northern states. Ironically, this contradicted the theme of states' rights by stripping what had been a right of the states to determine away from them.

Some members of the committee like Rhett had tried to make the document one that reflected their extremist positions, but the compromises resulted in one that was more moderate than they would have liked.³³ One issue which they did get pushed through again stripped the states of their rights, that regarding the institution of slavery. Despite modern day adherents to the Lost Cause mythology regarding the cause of the Civil War not being about slavery, the Confederate Constitution gave no such illusions about the subject. Slavery was not only allowed, it was permanently enshrined in the new constitution as part of Article I, Section 9 as, “or law denying or impairing the right of property in negro slaves.”³⁴ This was one of the most fought over issues the committee dealt with. Rhett and the rest of the delegates from South Carolina wanted a loophole in the ban on slave importation from places that were not part of the United States, which failed. Some attribute this to the desire to avoid alienating Great Britain whose support the moderates in the new Confederate Congress knew they had to have in order to gain international recognition to secure independence for the Confederacy.³⁵

However, to allow the country to punish slaveholding states that might now secede from the U.S., they inserted a new section in Article I, Section 9. They designed this provision, “Congress shall also have power to prohibit the introduction of slaves from any State not a member of, or Territory not belonging to, this Confederacy,” as an economic threat to recalcitrant slave states that failed to join the Confederacy.³⁶ A careful look at this area of the Confederate Constitution revealed another denial of states’ rights and exposed the myth behind the Lost Cause regarding slavery as not being an issue they fought the war over.

Another major change lay with the issue of tariffs, the cause of the Nullification Crisis of 1832. South Carolina had never forgotten its humiliation in being forced to compromise over the issue. Article I, Section 8 forbade protective tariffs, as well as any appropriations for internal improvements.³⁷ The argument over the national government providing for internal improvements went back to shortly after the ratification of the original Constitution. Since the South was still

primarily an agrarian based economy in the mold of Jeffersonian idealism, internal improvements such as canals, roads, and railways were not desirable. Add to that the fact that the South also relied upon water routes for the shipment of its products and one can understand the reasoning behind this line of thinking. This veritable lack of transportation routes would be a major impediment for the South during the war as the Union armies built an extensive fleet of ironclads to dominate the waterways, which wreaked tremendous havoc on the South's transportation system.³⁸ Rivers were so important to the South that the Confederate Constitution contained a provision in Article I, Section 10 allowing for its states to make treaties with each other regarding their use.³⁹

The new constitution did not appear to restrict the power of the national government at first, but the concept of state sovereignty prevailed throughout the document. Not only did the authors address the major disagreements with the original Constitution and federal government in Washington; they specifically spelled out the powers of the new government in order for the strict constructionist interpretation to prevail. This in effect limited the national government to be a small government reliant upon the individual states, much like the situation under the Articles of Confederation. Article IV contained provisions granting Confederate citizens the right to move their slaves anywhere in the Confederacy with no prohibitions, which intended to refute the motivation behind the Dred Scott case; that slave owners could not take slaves into free states. Of course, the idea was that there would be no free states in the Confederacy. The committee actually proposed that concept, but the moderates voted it down, because some envisioned that some free states in the Union might someday desire to join the Confederacy.⁴⁰

In addition, the argument that dominated the 1850s revolved around the expansion of slavery into the territories of the United States. Article IV, Section III firmly established the fact that slavery would be allowed in all territories of the Confederacy. The final major change between the Constitution and the Confederate version revolved around its permanency. The Confederacy needed only three states to call a constitutional convention, which practically ensured that the Deep South states could either force changes or leave the new nation if something in the future came about that they did not like. This provision was a key safety valve, which the committee agreed was important in securing the goals for which they seceded from the Union.⁴¹

They ratified the Confederate Constitution, which became the law of the

Confederacy, but the Confederacy itself failed to survive its birth by fire. It took military force, but Lincoln preserved the Union and every state that attempted to secede failed in separate as well as collective efforts. The wording regarding secession is often misused. The common saying is that the Southern states seceded. They did not secede; rather, they attempted to secede. The rationale for this thought lies with a Supreme Court case from 1869. This case is also the most definitive statement by the United States government short of the use of military force regarding the issue of secession.

In 1867, the Reconstruction government of Texas claimed that the Texas legislature in power during the Civil War had illegally sold United States bonds owned by Texas. The U.S. Supreme Court skillfully decided this case, known as *Texas v. White*; there were several major issues at stake concerning the case. The Radical Republicans wanted the Confederate states treated as captured and conquered territories, which would then give them the legal right to administer. They were fighting President Andrew Johnson over the issue of Reconstruction. On the other hand, the Democrats wanted acknowledgement that there was a state government operating in Texas, which would mean that they fully restored Texas to the Union.

The Court's decision did not please either side, but solved the argument over secession, its legality, or even future possibility. Chief Justice Salmon Chase wrote the majority opinion, which stated Texas had never left the Union because secession was not permissible under the Constitution. He brought up the issue of the perpetual Union in this statement. "The Constitution was ordained 'to form a more perfect Union.' It is difficult to convey the idea of indissoluble unity more clearly than by these words. What can be indissoluble if a perpetual Union, made more perfect, is not?"⁴² From there, he proceeded to absolve the Union from waging the war by saying it was necessary to put down the insurrection and not to subjugate or conquer enemy territory.

The result of the decision determined that secession was illegal under the Constitution and always had been. Some Radical Republicans tried to overturn the decision, but it fell short. Since that time, there have been legal attempts to secede from the United States, but none successful. The arguments brought up by numerous modern day proponents of secession base their reasoning on many of the issues already discussed and make allegations which do not stand up to scrutiny. Modern-day proponents of secession often invoke Thomas Jefferson and his

Kentucky Resolutions, together with James Madison and his Virginia Resolutions. There is a crucial distinction; Madison rejected the issue of nullification and secession, while Jefferson repeatedly advocated it. Secessionists often quote Jefferson, just as pre-Civil War secessionist had done. Ironically, for all involved, the quotations they use only reflect Jefferson's opinions and are not indicative of federal policy. They ignore the fact that the rest of the nation rejected the Kentucky and Virginia Resolutions.

One would think the decision rendered in *Texas v. White* would have rendered this issue moot, but a poll in 2008 revealed that 22% of Americans thought secession was legal in today's time. This is also borne out by the claim made by the former governor of Texas, Rick Perry, at a Tea Party event in 2009, where he stated that Texas had the right to leave the Union based upon its 1845 annexation into the United States.⁴³ It does not have that right. Governor Perry perpetuated a long-held myth that is often confused with the original agreement. Texas has the right to split into five smaller states if it so desires, but it does not now nor ever has had any agreement with the United States regarding leaving the Union.⁴⁴

While the most serious attempt at secession was by the Southern states during the Civil War, it failed after a devastating war. The Supreme Court decision should have resolved the issue of secession in *Texas v. White*, but several groups keep the idea alive to further their own political agenda. The most glaring problem is how these groups bring up the causation of the Civil War as justification for secession while ignoring the issue of slavery, which was the root cause of the war. The idea that secession was legal was actually part of the South's reaction to Lincoln's election and the oligarchs only promoted it in order to protect their rights to own slaves. The Confederate Constitution was an attempt to codify and legalize their version of a government, which would guarantee those rights. Their constitution was a contradiction to their own statements concerning states' rights in several places and revealed slavery to be the real motivation for their secession.

Notes

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3. Ibid., Art. II.
4. U.S. Constitution, Preamble.
5. Carol Berkin, *A Brilliant Solution: Inventing the American Constitution* (Orlando: Harcourt Books, 2002), 63.
6. Akhil R. Amar, *America's Constitution* (New York: Random House, 2005), 35.
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8. Ibid., 38.
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24. Potter, *Crisis*, 490.
25. Ibid., 502-504.

26. James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (Oxford: Oxford University Press, 1988), 255.
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The Iraqi Mandate: An Examination of the Relationship between Britain and Iraq in the Aftermath of the First World War

Victoria Whitecotton

The First World War had a major impact on the development on the whole of the Middle East. It saw the collapse of the Ottoman Empire and the evolution of political Zionism, culminating in the spread of Jewish and Arab nationalism. During the war, the British launched their Mesopotamian Campaign in an attempt to retain control over valuable natural resources in the Persian Gulf, as well as provide a base of operations to protect India, the crown jewel of the British Empire. While the European allies, victorious against Germany, Austro-Hungary and the ill-fated Ottomans, all turned their colonial attentions on the region, it was the actions of the British government that ultimately laid the foundations of many issues still unresolved in Iraq and the Middle East. The British establishment of the Iraq Mandate and British occupation of the three Ottoman provinces of Mosul, Baghdad, and Basra following the cessation of war formed the precursor to the creation of the state of Iraq.

While the establishment of Iraq as an independent state did not result in the same level of chaos that the creation of the state of Israel incurred, both are examples of the mismanagement of British policy in the region. The British, mired in imperialist thought and suffering economic distress after an expensive war, did not seek to establish a permanent colony in Mesopotamia. They already possessed a presence through the interaction of merchants in Basra, but the British hardly considered Iraq in the same vein as they did India or the Americas two hundred years earlier. However, as with the Palestine Mandate, the British failed to give adequate provision to the Arabs, who collectively demanded that Britain deliver on the promises given by Sir Henry McMahon to the Sherif of Mecca for an independent Arab state. The British had given promises “in return for Arab support against [the] Ottomans.”¹

Revolts against British rule, unbalanced representation in government, and divisions between religious sects and ethnic groups plagued the creation of Iraq. In essence, the British could be held accountable for the history of Iraq, the events that

allowed for the rise of Saddam Hussein, and the eventual U.S.-led invasion in 2003. Many of the same issues deter the effectiveness of the Iraqi government today, which ultimately prevent Iraq from establishing a credible and unified political foundation. By analyzing the events of the past, it may be possible to rectify the situation in Iraq. Indeed, had the British not lacked a strong, cohesive plan for Mesopotamia in the early twentieth century, Iraq may have developed along a different path.

The British Mesopotamian Campaign

At the outbreak of war in 1914, the primary focus of France and Russia was on the events unfurling in Western Europe. The Western Front occupied much of France's time and energy. In comparison, the British, while still active in direct confrontation against the Central Powers on the European continent, cast their field of vision wider. Protecting India greatly concerned Britain, and to the British, the Ottoman-held *vilayet*, or province, of Basra provided a key point of anxiety. The Ottomans, who had cast their lot with Germany and Austro-Hungary, faced the threat of military force in southern Mesopotamia.

It would be easy to suggest that control of the valuable, and at that point untapped, oil reserves located in the region drove the British occupation, however, Basra's location and its importance vis-a-vis access to the Indian Ocean determined Britain's actions. Above all, "it was this geographical position which drew the area into the military operations of both world wars."²

The India Expeditionary Force (IEF) formed the manpower behind the operation. That is not to say that the military force was particularly strong. The IEF 'D', which captured Basra in November 1914, was only 5,000 strong; though by 1915, its numbers had increased dramatically.³ The British seriously underestimated the amount of manpower it would take to wrest control of Basra, Baghdad (and later Mosul) from the Ottomans, in part, as Britain had no clear government policy on the matter. Competing with demands for British troops on the Western Front, the IEF—under the direction of the India Office (rather than the Foreign Office)—had limited operational ability. Furthermore, individual military commanders were apt to take certain liberties with their interpretation of military orders. For example, General Townsend's orders were to "protect the sources of oil and safeguard Basra, lower Mesopotamia, the Shatt-al-Arab, and Kuwait against Turkish advances,"⁴ but he

“interpreted his mission more loosely … [and]… probed the country further north.”⁵

Once the British gained control of Basra, however, it became clear that the British government had to formalize its presence somewhat to cement their authority in Basra, and generate public support back home. Sir Percy Cox, who played an important part in the creation of Iraq following the end of the war, was quick to fill the void: “[He] immediately proceeded to issue a proclamation to the effect that the British were not at war with the ‘Arab inhabitants of the river banks.’”⁶ History demonstrates “that by 1915 the Entente allies were agreed on the disintegration of the Ottoman Empire.”⁷

Originally, the British intended to capture and control the *vilayet* of Basra, which provided direct access to the Persian Gulf and the Indian Ocean. Baghdad, and Mosul, further north, did not possess the same strategic military position. Nevertheless, by 1915, the British ordered the IEF to advance to Baghdad, but it would not be until 1917 that British forces entered the city (and they did not secure Mosul until after the peace agreement with the Ottoman Empire).⁸

Essentially, the British Mesopotamian Campaign was a haphazard and poorly executed operation. Political differences between the Foreign Office and the India Office, coupled with the intense focus on the European arena undermined its success. With declining morale of both British troops and its public, Britain often subjected the operation in Mesopotamia to delays and a distinct lack of fiscal support. The British government’s opinion on the importance of Mesopotamia was lukewarm at best. Indeed, “the campaign in Mesopotamia was not part of the planning of the Supreme Military Command.”⁹ The India Office was the primary supporter, and instigator, of the campaign.

Following the end of the war, the British position in Mesopotamia came under international consideration; particularly after U.S. President Woodrow Wilson presented his ideas on self-determination to the League of Nations. In 1970, historian and author V. H. Rothwell effectively summed up the operation and the resulting position the British found themselves in:

War aims fluctuated with the war situation, politically and militarily, locally and generally. The powerful hold which the doctrine of self-determination gained in Britain and the United States in 1917-18 was a political development with consequences in Mesopotamia that were important in leading to the establishment of the largely self-governing kingdom of Iraq in 1921.¹⁰

The next step in the development of Mesopotamia into the independent state of Iraq came during the ensuing years. Wilson's doctrine of self-determination prevented thought of colonial implementation. Yet at the same time, no one, not even Wilson, could see the Arab people sustaining their own state without considerable help and governance by more advanced nations. From this conundrum was born the concept of the Mandate System, which found infamy over the next few years not only in Mesopotamia but in Palestine as well. Fundamentally, "the major aim of the British administration [during the First World War] was to maintain order in the area until the future status of the country was decided upon."¹¹

The British Mandate

What makes the British Mandate over Iraq stand out is the lack of organization and decision making on the British side. The government in London was notoriously "undecided about [Iraq's] future."¹² As mentioned previously however, the evolution of international relations marked the decline of colonialism, which forced the European nations to consider how their relationship with such territories would change. Following the emerging idea of self-determination, "the Mandate System was designed to modify colonialism and prepare the way for independence."¹³

After the end of the war, and the signing of the Treaty of Versailles in 1919, the question of the British Mandates over Palestine and Mesopotamia came to the forefront of international affairs. Palestine, which is beyond the scope of this paper, became a deeply



Figure 1 Emir Faisal's party at Versailles, during the Paris Peace Conference of 1919. At the centre, from left to right: Rustum Haidar, Nuri as-Said, Prince Faisal, Captain Pisani (behind Faisal) T. E. Lawrence, Faisal's assistant (name unknown), Captain Tahsin Qadri, c. 1919.

divisive situation that still remains chaotic and unstable today. In Mesopotamia, the experience was different, though still demonstrated the British tendency to mismanage the affairs outside of the main sphere of national influence.

So it was that “on 28 April 1920 Britain was awarded a Mandate over Iraq under the San Remo Agreement.”¹⁴ Britain, who already had knowledge and experience in the region, was thus given the authority over Basra, Baghdad, and breaking from the Sykes-Picot Agreement, Mosul. As was the case with many colonial empires, even in the Mandate System, there was an “outstanding [tendency] . . . to dispose of the territories of the Ottoman Empire without . . . consideration of the wishes of the indigenous inhabitants.”¹⁵ There was no exception in Iraq.

In 1933, Nigel Davidson, alumna of Christ Church at Oxford University (and later a graduate from the British Army officer training at Sandhurst), published an article entitled “The Termination of the ‘Iraq Mandate’” that sheds some light on the British perspective, and offers a contemporary idea of their discernment of their legitimacy. In particular he states that:

That policy combined the honouring [sic] of our pledges to the Arabs, the diminution of British commitments and burdens, and the performance of our mandatory obligations; and every important step has received the approval of the civilized [sic] world as expressed through the Council of the League and the Permanent Mandates Commission. It cannot, therefore, be alleged with any regard to the real facts that British policy is a sudden impulse of sentimentalism or pro-Arab partiality; whether right or wrong, it has received the considered approval of every British party when in power and the authority of the League's confirmation.¹⁶

The Kurdish and Assyrian people inhabiting the territory viewed the British as a preferable evil compared to Arab domination, due to the fear of discrimination and ethnic backlash.¹⁷ A few decades later, the rise of Saddam Hussein confirmed this fear. On the other hand, the Arabs, Sunni and Shia alike, though grateful to be out from under the yoke of the Ottomans, were resentful of the governance of a non-Arab – or infidel – country. The two main reasons for this was the development of a new sense of Arab nationalism, which the British encouraged during the war¹⁸ and Wilson’s Fourteen Points supported; but also the fact that “the philosophy behind the Mandate System was unfamiliar and extremely distasteful to the Arabs.”¹⁹

The dissatisfaction with the British Mandate led directly to the Arab

revolt in 1920, which occurred primarily “in the name of Iraqi independence and Arab self-determination.”²⁰ Interestingly, this revolt was one instance in which the two main sects of Islam in Iraq, the Sunni and the Shia, managed to cooperate together with no antagonism, united by their joint desire for independence.²¹ Despite this, there was generally a lack of cohesion between the participants demonstrating against British rule, and ultimately the revolt failed to dislodge the British Mandate. It did however cement the idea of a nationalism unique to Iraq.²²

The British government however did press forward with the decision of allowing indirect rule over Iraq. This would allow the establishment of an Iraqi government, but still remain ultimately under the authority of Britain, a plan supported by the League of Nations as a suitable position for the emerging states to be in whilst they matured.²³ To this end, the British offered the “Hashemite Amir Faisal” the throne of Iraq.²⁴

Whilst not entirely satisfactory to the Iraqi people, mostly because it allowed the British to control the direction of government, King Faisal I proved to be suited to the position. Possessing Arab nationalist sympathies, he nevertheless was politically astute enough to both cooperate with the British and provide leadership to the Iraqi people.²⁵ In fact, “King Faisal I refused the throne unless assurances were given that he would not remain ruler of a country under a mandate.”²⁶ Other scholarship suggests a different viewpoint but emphasizes Faisal’s link with the Pan-Arabism movement: “King Faisal and his advisers were . . . Arab nationalists, but they considered that acceptance of . . . questionable clauses was a price worth paying.”²⁷

As the Mandate System was never intended as a permanent measure, the British—who were suffering economic hardship on the domestic front following the war—were increasingly willing to divest themselves of the expenses associated with the Mandate. Their condition for Iraqi independence, though, was the securing of British economic interests in the region.

Creation of an Iraqi State

The level of resentment against the British and the Mandate System by the Iraqi people encouraged the British government to attempt to change their relationship. In June 1930, both signed the Anglo-Iraqi Treaty and “formed the basis of Iraq’s relations with . . . Britain after Iraq’s independence in 1932.”²⁸

Shedding the concept of the Mandate, the British government felt that the treaty provided a better concept of authority and acknowledged that Britain was planning an eventual retreat from the state. It provided the Iraqi government with direct control over the internal affairs of the country but gave the British rights of military usage of the country in case of war.²⁹

For their part, the British were willing to grant complete independence to Iraq in an attempt to curtail spending and salvage the economic situation on the home front. The inter-war period during the 1930s saw an increase in popular opinion that the government should divest itself of responsibilities that did not provide considerable economic income. However, the issue with state creation was that the British, and indeed the League of Nations in general, had “doubts . . . concern[ing] . . . the willingness of Iraqis to accept, and their ability to operate, the institutions of representative government, and . . . the position of minorities.”³⁰ The treaty of 1930 went a long way towards changing the image of Britain as an occupying force, and the “promise of imminent independence” kept much of the opposition in check.³¹

The independence of Iraq in 1932 did not automatically end Britain’s influential role in the state or region. The Hashemite monarchy and the government of Iraq had a greater role in developing Iraqi national and international policy, but “Iraq’s foreign policies would not be allowed to run counter to perceived British interests.”³² This position became clear during the Second World War, which erupted only a few years later.

The main problem facing Faisal and the fledgling state was the unification of its population and the satisfactory accommodation for all sections of society. The British had been concerned prior to granting independence that the Arabs were not yet capable of sustaining a state run along the lines of a democracy, and that old tribal feuds and ethnic confrontations would rear their heads. The issue of creating an Iraqi nationalism that faced Faisal was of profound importance. However, “the state apparatus that the British set up . . . [did not] . . . serve to forge the various segments of the society into an organic nation.”³³ This issue in particular has remained for the most part unresolved.

The position of the minority communities, which included the Kurds and the Assyrians, became tenuous. Under British rule, they had enjoyed a respite from Arab dominion. The Assyrians, predominantly of Christian persuasion, had sought to obtain autonomy from the League of Nations but met with failure.³⁴ Following

the death of a number of Iraqi and Assyrian soldiers in 1933 during a violent confrontation, the Iraqi news media targeted the Assyrians as “a threat to the national integrity of Iraq . . . and...part of a . . . [plan] of Great Britain to reestablish its control [in the north].”³⁵ The resulting slaughter of the Assyrian community marked only one of many bloody conflicts that would erupt both within the state, and between Iraq and its neighbors. For many Iraqis though, this episode served as part of the building blocks of Iraqi identity because they had “crushed a community associated with . . . Britain.”³⁶

Conclusion

Ultimately, mismanagement, misunderstanding, cultural difference, and violent confrontation characterized the relationship between Britain and Iraq. The British should shoulder much of the blame for the resulting emergence of an Iraqi state that would eventually become a belligerent regional player. The history of European economic pursuit in Mesopotamia helped shape the Arab perception of the British, establishing from the beginning distrust. The eventual acknowledgement of the importance of oil, especially to the British who required outside sources—though for the majority of the era, they obtained oil supplies from the United States—would become paramount in the latter half of the twentieth century.³⁷

The link between Iraq and India, as a trade route and as a security measure, remained of overriding importance to British foreign policy in the region. Even during the confrontations with Germany and her allies during the First World War, Britain still maintained manpower in Mesopotamia, not as a vanguard on the Ottoman’s rear (though that certainly could be asserted) but in order to protect her Indian assets. Indeed, even during the Mandate and in the initial years of Iraqi independence, the relationship was unbalanced; Britain’s primary aim was to ensure her national interest and security. Certainly, “Britain . . . adhered after the war to [her] conceptions of national and imperial interests, even when these were clearly not in line with the expressed wishes of the inhabitants [of Iraq].”³⁸ Consideration for the Iraqi people was not part of the agenda.

The creation of a representative government, headed by the Hashemite monarchy, was not without its critics. Many people “doubted the practicability of imposing European democracy upon an Eastern civilization [sic].”³⁹ The following decades would arguably prove these detractors right. The monarchy held on to

power until 1958 but fell during an Iraqi revolt that sought to bring the ideas of nationalism and socialism into the governance of the state, ideas emanating from the Soviet Union. This removed the last semblance of British influence from the country. The British relationship with Iraq remained slightly cold, if not outright hostile, throughout the twentieth century. In light of the U.S.-led invasion of 2003, it is worth tracing the history of modern Iraq back to the fiasco of the post-First World War period, and Britain's lack of effective governance and guidance of the Iraqi people. The occupation and subsequent Mandate of Iraq was ill-planned, and executed in such a manner that "Mesopotamia was ultimately taken in a stumble rather than a canter."⁴⁰

Notes

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3. Peter Sluglett, "Imperial Myopia: Some Lessons from Two Invasions of Iraq," *The Middle East Journal*, 62, no. 4 (2008): 599-600, DOI: 10.3751.62.4.12 (accessed March 23, 2012).
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6. Amal Vinogradov, "The 1920 Revolt in Iraq Reconsidered: The Role of Tribes in National Politics" *International Journal of Middle East Studies* 3, no. 2 (1972): 132, <http://www.jstor.org/stable/162680> (accessed March 23, 2012).
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8. Sluglett, "Imperial Myopia: Some Lessons from Two Invasions of Iraq," 594.
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27. Ibid., 53.
28. Tripp, *A History of Iraq*, 65.
29. Ibid., 65.
30. Penrose, *Iraq: International Relations and National Development*, 54.
31. Tripp, *A History of Iraq*, 65.
32. Ibid., 76.
33. Vinogradov, "The 1920 Revolt in Iraq Reconsidered," 123.
34. Tripp, *A History of Iraq*, 78.
35. Ibid., 78.
36. Ibid., 78.
37. Rothwell, "Mesopotamia in British War Aims, 1914-1918," 288.
38. Penrose, *Iraq: International Relations and National Development*, 37.
39. Davidson, "The Termination of the 'Iraq Mandate," 77.
40. Stuart Cohen, "Mesopotamia in British Strategy, 1903-1914," *International Journal of Middle East Studies* 9, no. 2 (1978): 181, <http://www.jstor.org/stable/162370> (accessed March 23, 2012).

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Security, Sovietization, and Stalinism: Stalin’s ‘Plan’ for Post-War Eastern Europe

Gary S. Blank

Traditionally, scholarly discussion of Josef Stalin’s plans for post-war Eastern Europe has revolved around a sharp dichotomy: Stalin was either an ideologically motivated Marxist-Leninist bent on Communist revolution (the orthodox interpretation), or he was a security-starved pragmatist motivated by *Realpolitik* rather than revolutionary fervor (the revisionist claim). The “new Cold War historiography”¹ has in many ways revived these sterile terms of debate. An examination of the Stalinist worldview, however, reveals that there is no necessary conflict between the imperatives of Stalin’s “ideology” and “national security.” The two antimonies actually merged in the dictum of “socialism in one country,” which enabled the Soviet dictator to equate the narrow interests of the Soviet state with that of the Communist movement as a whole. An *ideologically motivated* Stalin, therefore, was not necessarily a *revolutionary* Stalin. Indeed, Soviet wartime planning documents, the National Front strategy, and the actual course of sovietization demonstrate that Stalin placed the demands of Soviet security interests and the maintenance of cordial relations with the West ahead of any penchant for Communist revolution. In the mid-1940s, Stalin did not plan for Communist takeovers in Eastern Europe; such takeovers were instead the product of significant changes in the post-war security landscape.

Stalinist ideology: conservative ‘Marxism-Leninism’

Some of the most prominent scholars of the “new Cold War historiography” in both Russia and the West have placed ideology at the center of Cold War studies once again. Echoing the claims of the “orthodox” historians and political scientists that preceded them,² these scholars claim not only that Stalin was an ideologue but that, as a committed Marxist-Leninist, he was also a revolutionary ideologue. John Lewis Gaddis, the doyen of Cold War studies who once gave short shrift to ideological factors, now places Stalin’s worldview at the center of the Cold War struggle.³ According to Gaddis, Stalin “never gave up on

the idea of an eventual world revolution, but he expected this to result . . . from an expansion of influence emanating from the Soviet Union itself.”⁴ Guided by Marxist internationalism, Stalin apparently “never abandoned his commitment to world revolution.”⁵ To buttress these claims, Gaddis makes reference to a number of documents that have come to light since the end of the Cold War, which are thought to demonstrate not only the sincere revolutionary sentiments of the Generalissimo, but also those of his Chinese comrade, Mao Zedong.⁶ Eduard Mark, a pioneer contributor to the new Cold War history, does not deny that sovietization fulfilled Stalin’s security concerns but he also maintains that a “socialized Europe” was “the ultimate aim of [Stalin’s] policies . . . an aim deeply rooted in his regime’s ideology and his personal beliefs.”⁷ Russian historians Vladislav Zubok and Constantine Pleshakov, while highly sensitive to the security motivations of the Soviet state, also suggest that the “messianic prescriptions of revolutionary-imperial ideology loomed large in the political environment in which Soviet leaders struggled, rose, and fell.”⁸

Despite their differences, all of the authors cited above share a common position: that a subjective commitment to world socialist revolution played an independent role in Stalin’s foreign policy, apart from (but not always trumping) the Soviet Union’s narrow security concerns. This renewed emphasis on ideology is a welcome and important one. Beliefs, ideas, identities, and worldviews—the myriad factors which compose and shape ideology—clearly play an important, if not always immediately apparent, role in the construction of foreign policy. Such factors, moreover, are neglected in the sometimes sterile calculus of revisionist and post-revisionist scholars, for whom economic imperatives or geopolitical balancing—not ideological predilections—are the primary drivers of historical events. The revisionists and post-revisionists make the valid point that Stalin’s concern for security clearly overrode an ideological commitment to Communist revolution; but they tend to bend the stick too far, effectively denying that ideology had any significant role to play in Stalin’s foreign policy.⁹ An explanation of how and why Stalin’s perception of threat and opportunity was different from, for example, Harry Truman’s was never fully developed. A focus on ideology enables scholars to delve more deeply into the thought processes and concerns of policy-makers, allowing for a more nuanced understanding of the subject in question.

In the debate between revisionism and orthodoxy (and their contemporary variants), there is an unfortunate dichotomy: Stalin is either an ideologue or a

security hawk, but not both. This dichotomy is unfortunate because it rests upon an assumption that Stalin's ideology was essentially that of Marxism-Leninism. Therefore, when he sacrificed revolutionary opportunities abroad in favor of Soviet security interests, he must have acted non-ideologically (the revisionist argument); when he pursued sovietization in Eastern Europe, he must have acted with revolutionary intent (the orthodox claim). In fact, however, Stalin's Marxism-Leninism differed in at least one very significant respect from Lenin's ideology. Once this is appreciated, it is possible to understand how Stalin could have reconciled his ideological commitments with the imperatives of Soviet national security; in short, how he may have been a subjectively sincere communist *and* non-(even anti-) revolutionary in practice.

The conservative aspects of Stalin's rise to power within the Soviet Union in the late 1920s have been widely noted, especially with regard to Soviet domestic policies. The reactionary implications of what Leon Trotsky dubbed the Soviet "Thermidor"¹⁰ are no less significant in the realm of foreign policy, where Stalin's dictum of "socialism in one country," first enunciated in 1924, heralded a sea-change in Soviet orientation. Previously, Lenin and the Bolsheviks regarded the prospect of world socialist revolution (particularly in Western Europe and especially in Germany) as necessary both for the long-term survival of the Soviet state and for the full

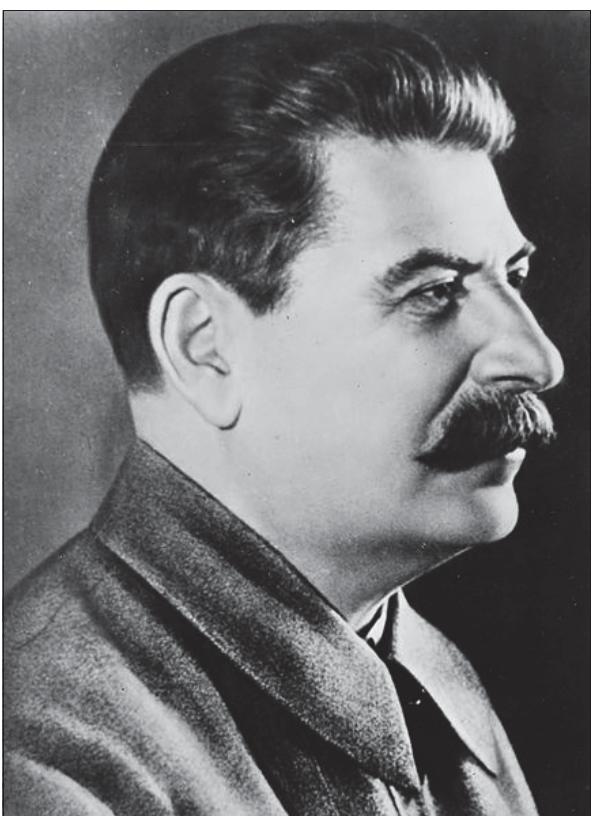


Figure 1 Joseph Stalin, c. 1942. U.S. Office of War Information photograph.

development of socialism (regarded an impossibility in economically backward Russia alone).¹¹ With the failure of revolution in Germany, the exhaustion and weariness of the Soviet population, and the growing “practical” orientation of Bolshevik party apparatchiks, “socialism in one country” had widespread and strong appeal. The concept suggested that the USSR could develop socialism entirely by its own efforts, without waiting (or struggling) for proletarian revolutions in the West.¹² The Soviets relegated world revolution, while still the ultimate Communist ambition, to the distant future. Constructing socialism came to depend not upon the fortunes of world communism, but rather upon the craftiness of Kremlin diplomacy vis-à-vis the bourgeois states. Moreover, since the Soviet Union was the world’s first and only socialist state, it claimed a hegemonic paternalism over the Communist movement as a whole. The interest of international communism became indistinguishable from the USSR’s narrow state interests.¹³

The conservative implications of “socialism in one country” for Soviet foreign relations are most starkly evident in the transformation of the Communist International (Comintern). Initially conceived as the “general staff of the world revolution,” under the dictates of “socialism in one country,” the Comintern became simply another instrument for the realization of Moscow’s foreign policy goals, much to the detriment of local Communist parties.¹⁴ As the Kremlin’s line swung from one extreme to the next, so too did that of local parties: they replaced “Third Period” hostility to Social Democracy, once Hitler rose to power, with “Popular Fronts” to oppose fascism. Popular Fronts then fell out of favor with the signing of the Molotov-Ribbentrop pact, revived when they once again perceived fascism as a danger in 1941. The Comintern itself eventually dissolved in 1943 to free up resources for “special committees” tasked with indoctrinating prisoners of war from Axis countries, thereby improving the possibilities for a negotiated peace.¹⁵ In all cases, the security needs of the Soviet Union came first; the local requirements of the Communist movement came second (if at all).

An abiding, perhaps even paranoiac, concern for “security” was therefore characteristic of Stalin’s worldview, a worldview conditioned by the imperatives of “socialism in one country” and “capitalist encirclement.” Historians should not take a willingness to place Soviet security ahead of communist revolution abroad as an indication that Stalin was non-ideological, but rather that he subscribed to his own particular, conservative brand of Marxism-Leninism: Stalinism. Indeed,

in other aspects of foreign policy concern (such as the question of inter-imperialist rivalries), Stalin remained very much wedded to, and influenced by, old Leninist shibboleths. An appreciation of the dual nature of Stalinist ideology—revisionist and orthodox Leninist regarding world revolution and inter-imperialist rivalries, respectively—is vital to an understanding of Soviet war-time planning for Eastern Europe and the National Front strategy.

Wartime expectations: Sovietization discouraged

Hoping to shed light upon the Kremlin’s post-war plans and expectations, in 1995, Russian historian Vladimir Pechatnov published a paper surveying a number of wartime documents that had recently become available through the Russian Foreign Ministry Archives. Written by three prominent Soviet diplomats—Ivan M. Maisky, Maxim M. Litvinov, and Andrei A. Gromyko—between January 1944 and the summer of 1945, the documents “were attentively read by [Soviet foreign minister Vyacheslav] Molotov, and two of Litvinov’s papers were even sent all the way up to Stalin.”¹⁶ To be sure, the documents reflected the particular thinking of those diplomats who were closest to the West, and therefore probably more optimistic about the possibilities for Big Three cooperation beyond wartime. However, the very fact that they compiled and circulated the documents within the highest political echelons suggests that their broad contours were acceptable to the Soviet leadership, and Stalin himself.¹⁷ It is instructive, therefore, to examine those positions that the diplomats shared in common.

First, Maisky, Molotov, and Litvinov clearly wrote from the standpoint of Soviet security interests. Questions of world revolution and class struggle were not simply secondary; they were almost entirely absent. Indeed, not only were their objectives wholly related to Soviet national security, they were also rather narrowly defined: maintaining the USSR’s 1941 borders, preventing the reemergence of a hostile Germany and Japan, and ensuring “friendly governments” along the Soviet border, particularly in Eastern Europe.¹⁸ These concerns would form the core of Soviet aims in the immediate post-war period.

More surprising is unanimity over the mechanism by which the Soviet Union could hope to achieve these aims: “Big Three” cooperation. The three diplomats agreed that enduring cooperation between the USSR, U.S., and UK was not only possible and desirable in the post-war period, but also necessary: a

condominium would police the world against a renewed fascist or military threat, legitimize the USSR's security objectives, and provide economic assistance to a Soviet Union devastated by continental warfare.¹⁹ Stalin seems to have adopted this perspective very early in the war, as evidenced by his "unabashed enthusiasm" for Roosevelt's "Four Policemen" model.²⁰ Interestingly, the three diplomats took "Big Three" cooperation for granted, and nowhere in their strategic documents do they advance alternative post-war plans.²¹ The diplomats deemed the alliance relatively stable, with one possible threat . . . socialism. Litvinov warned that new socialist revolutions would turn America and the Soviet Union into "two opposing poles of social tension," but absent such revolutions, there were "no grounds to expect that relations between the USSR on one hand, and the USA and England on the other, would be bad."²² For his part, Gromyko asserted that the U.S. "would be sympathetic to and facilitating in establishing bourgeois-democratic political regimes in Western Europe, first of all in Germany," except, that is, in cases of "socialist revolution."²³

Thus, the Soviet leadership faced a familiar predicament: national security versus social revolution. Given the Stalinist conception of "socialism in one country," it is not surprising that the diplomats were unanimous in their acclamation of the former. They conceived the plan for a Soviet sphere of influence in Eastern Europe largely in geostrategic terms, with the proviso that the states in such a sphere maintain "friendly" governments. Sovietization of the sphere and the imposition of socialism, they acknowledged, would be intolerable for the USSR's "Big Three" partners. While Maisky and Gromyko recognized the spontaneous emergence of "Soviet-type governments" as a possibility, according to Pechatnov, "it sounded both as an ideologically correct statement and a warning at the same time."²⁴

Given the actual course of post-war relations—a sharp escalation of hostilities between the USSR and its wartime allies followed by swift sovietization of Eastern Europe—it is difficult to appreciate that the Kremlin anticipated the very opposite to occur. Ideology played an important role in this expectation. Wedded to the orthodox Leninist concept of imperialism, particularly its emphasis on "inter-imperialistic contradictions," the three diplomats—and Stalin—fully expected rivalry and tension between Britain and the U.S. to break out after victory in war. The Soviet Union, as a bystander to this imperial conflict, would be able to maneuver for advantage by playing one power off against the other.

Although they acknowledged the danger of unified imperialist hostility to the Soviet Union, it was expected that adroit management of inter-imperialist conflict, combined with Soviet caution, would suffice to dispel that threat.²⁵ In order to maintain both friendly governments in his Eastern European sphere of influence and cordial relations with his wartime allies, however, Stalin needed a specific strategy. The concept of a “National Front” codified that strategy.

National Front strategy: Blueprint for Sovietization?

In many ways, the “National Front” strategy as conceived by the Soviet leadership and implemented by the Communist parties of Eastern and Western Europe was a logical extension of the Popular Front policies of the 1930s. Whereas the Popular Front mandated coalitions between Communists and “progressive” anti-fascist forces, the National Front added one more step, postulating coalitions between Communists and any non-fascist bourgeois party. To this end, the Communist parties of Europe took pains to present themselves as responsible political actors committed, at least in the near term, to bourgeois democracy and a mixed economy. Accordingly, local Communist parties (often under Moscow’s duress) purged from their programs any reference to large-scale expropriations of property, collectivization, and the dictatorship of the proletariat. Nationalism, socioeconomic reform, anti-fascist bourgeois democracy, and Allied solidarity were the new watchwords of the day. Through these policies, Communist parties were to build significant domestic support and utilize parliament to follow their “own national road to socialism.”²⁶

The National Front strategy raises the question of motivation: did Stalin intend all along for National Front coalitions to pave the way for sovietization, or was the strategy an end in itself? In his work on the issue, Eduard Mark surveys newly available documents from Russia, Eastern Europe, and the West to suggest that Stalin intended the former. As discussed above, Mark is a proponent of the view that a revolutionary ardor animated Stalin, and sovietization was the necessary culmination of his plans for the region (and not, therefore, to fulfill security needs). In making this claim, Mark asserts: 1) that the strategy took shape “sufficiently early in the war” that it could not be regarded as a defensive measure against Great Britain and the United States; and 2) communication within the Communist parties of Eastern Europe made clear that the “final purpose” of the

strategy was a Soviet-style political regime and economy.²⁷ For Mark, the National Front strategy was simply a temporary expedient intended to quietly sovietize Eastern Europe while maintaining cooperation with the U.S. and UK. Ultimately, when cooperation floundered, Stalin chose sovietization over continued cooperation with the West.²⁸

Mark's argument is seriously encumbered, however, by his almost instinctive willingness to equate the National Front with sovietization.²⁹ Mark musters very little direct evidence for this claim, aside from noting that a Romanian Communist Party leader referred to the party's "final purpose" in a 1945 speech. Such an allusion should not be taken too seriously. All Communist parties formally had a "final purpose;" the important question is how, concretely, they strove (or did not strive) to achieve it. In this regard, the evidence is not favorable to Mark's thesis. Stalin, undoubtedly, would have liked to both sovietize Eastern Europe *and* maintain cooperation with the U.S. and UK simultaneously. However, as evidenced by the documents of the three diplomats, the dictator and his colleagues were acutely aware that they could not have their cake and eat it too. The socialist transformation of Europe even carried out gradually, with popular support, would have still been a wrenching social, political, and economic process, and would have garnered the ire of Stalin's would-be Atlantic allies.

In fact, one can invert all of the evidence marshaled by Mark to reach a very different, more plausible explanation of the underlying motivation of the National Front. Stalin, guided by the twin notions of "socialism in one country" and "inter-capitalistic contradictions," believed that cooperation between the Soviet Union, U.S., and UK was both a desirable and an achievable post-war goal, and was willing to delay (indefinitely, if necessary) socialist revolution in Europe to achieve it. This created a problem, however: how to secure "friendly governments" in the Eastern European sphere of influence. Clearly, they could not countenance sovietization, as it would immediately alienate the Atlantic powers. Bourgeois democracy, however, also posed a problem, as there would always be the danger that an anti-Soviet political party could come to the helm and tear asunder Moscow's hard work. The National Front aimed to solve this difficulty. Communist parties, completely loyal to Moscow, would reinvent themselves as progressive, left-nationalist forces and secure a significant influence over the domestic politics of their respective countries. Bourgeois political parties and institutions, and the fundamentals of a capitalist economy, however, would remain.

Understood in this way, Stalin's National Front strategy (and the resulting People's Democracies) was not a component of a grand sovietization plan, but rather an end in itself. As long as Soviet cooperation with the U.S. and UK held, and the East European governments remained "friendly," Stalin would have been satisfied with the status quo in Eastern Europe.

The actual course of sovietization in Eastern Europe confirms this analysis. As the Red Army rolled through Eastern Europe in 1944-45, it (and, by extension, its masters in the Kremlin) became the new political power broker. Stalin could have instituted virtually any political, economic, and social system he wished in the countries of Eastern Europe (except, perhaps, Albania and Yugoslavia). His decision to tightly retain Soviet and local Communist party control of the armed forces and the security apparatus indicated that Stalin was prepared, if necessary, to exercise strong coercion to get his way. As long as the Eastern European governments proved to be "friendly," however, Stalin was willing to retain the bourgeois political structure and norms and refrain from overt manipulation. In the immediate post-war period of 1945-46, the strongest hints of creeping sovietization occurred in Romania and Poland—countries that were to be tightly controlled because of their geostrategic significance and tradition of anti-communist and anti-Soviet politics.³⁰ Conversely, sovietization measures appeared less pronounced in Czechoslovakia, the Eastern European country that was "objectively" most ripe for socialism, but also the country where indigenous Communist support was sufficiently strong to allay Stalin's security concerns. In heavily industrial East Germany, meanwhile, Stalin actively restrained political and economic sovietization, fearing that socialism could only inhibit his ambition to secure a unified, Soviet-friendly (but not necessarily socialist) Germany.³¹ Thus, even before the overt push for sovietization began with the foundation of the Cominform in September 1947, Stalin dictated the pace and scope of political and economic change not by any concern for socialist transformation as such, but rather by the narrow security concerns of the Kremlin.

Mark challenges this security-centered explanation of the National Front by pointing out that Stalin seems to have readily abandoned cooperation with the Allies when the National Front strategy began to flounder. According to Mark, Stalin viewed the alliance with the U.S. and UK as "relative and contingent," while the sovietization of Eastern Europe possessed "absolute" value because it would fulfill both his revolutionary and security ambitions.³² Again, however, Mark

underestimates Stalin's security concerns while misunderstanding his ideology. Stalin's push for sovietization stemmed from two factors, which historians must consider in tandem: the apparent failure of his "inter-capitalistic contradictions" prediction and the looming failure of the National Front strategy. It had been clear, even from 1946 onwards, that the U.S. and UK, rather than squabbling amongst each other, had formed an alliance against the Soviet Union. Stalin, it seems, partially recognized this reality,³³ but it was not until mid-1947, with the proclamation of the Truman Doctrine and the Marshall Plan that he viewed this condominium as a direct threat to Soviet power and influence in Europe.³⁴ Stalin may very well have continued to push for cooperation with the Allies if assured that governments within his Eastern European sphere of influence would remain friendly. As it was, however, local Communist parties, even in Czechoslovakia, were losing popularity and influence.³⁵ Yet even after the establishment of the Cominform and the imposition of the Soviet-style "dictatorship of the proletariat" model throughout Eastern Europe, expectations of collaboration stayed Stalin's hand in Eastern Germany. There, Stalin prevented any large-scale economic expropriations until after the Atlantic powers rejected his 10 March 1952 "note," a final proposal for a united, neutral, and non-socialist Germany.³⁶

The preponderance of evidence—from Stalin's own guiding ideology and past behavior, to the expectations of and plans of Soviet diplomats during World War II, to the concept and implementation of the National Front strategy—taken together, establishes that Stalin did not plan for Communist takeovers in Eastern Europe in the mid-1940s. Historians should not credit that such takeovers did occur to revolutionary zeal, as the orthodox school and "new Cold War historiography" commonly suggest, but rather to Stalin's acute security concerns. A focus on security does not mean that Stalin was not ideologically motivated. On the contrary, Stalin's national security concerns were a strong component of, and were in turn, shaped by his conservative brand of Marxist-Leninist ideology. The sovietization of Eastern Europe was not pre-ordained precisely because Stalin founded his ideology upon a concern for "socialism in one country" over world revolution. If Stalin's collaboration with the Atlantic powers had proven more fruitful, and if the Communist-led National Fronts had yielded greater fruit, the period of "People's Democracy" may have had much greater longevity.

Notes

1. Norman M. Naimark, “Post-Soviet Russian Historiography on the Emergence of the Soviet Bloc,” *Kritika* 5, no. 3 (Summer 2004), 562.
2. For an example of orthodox claims, see Hugh Seton Watson, *The New Imperialism* (London: The Bodley Head, 1971), 75-77. Like most orthodox historians, Seton-Watson tempers his claim that the Soviet Union was committed to world socialist revolution with the observation that the Soviet dictatorship reserved the right to dictate the terms: “The Soviet regime had become the blueprint for socialism. Nothing else was socialism.” (p.76)
3. For a discussion of Gaddis’s reversal, see Melvyn P. Leffler, “The Cold War: What Do ‘We Now Know?’” *The American Historical Review* 104, no. 2 (April 1999), 503.
4. John Lewis Gaddis, *We Now Know: Rethinking Cold War History* (Oxford: Oxford University Press, 1997), 292-93.
5. Ibid., 163.
6. For a broader discussion of Gaddis’s latest work and its problems, particularly the lack of attention given to Stalin and Mao’s security concerns, see Leffler, 508-516.
7. Eduard Mark, “Revolution by Degrees: Stalin’s National-Front Strategy for Europe, 1941-1947,” *Cold War International History Project Working Paper*, no. 31 (February 2001), 45.
8. Vladislav Zubok and Constantine Pleshakov, *Inside the Kremlin’s Cold War: From Stalin to Khrushchev* (Cambridge, MA: Harvard University Press, 1996), 276.
9. Leffler is perhaps the strongest example of this tendency in the contemporary literature, although even he does not deny that ideology and culture had an important impact upon how the Soviets perceived threat and the manner in which they responded. See Leffler, 517.
10. Leon Trotsky, *The Revolution Betrayed* (New York: Dover, 2004 [1968]), chap. 5.
11. Lenin outlined the strategic significance of world revolution in Bolshevik ideology in a speech delivered in November 1918. In it, Lenin stated, “the complete victory of the socialist revolution in one country alone is inconceivable, and demands the most active co-operation of at least several advanced countries, amongst whom we cannot include Russia. That is why the problem of the extent to which we succeed in broadening the revolution also in other countries, the extent to which we succeed meanwhile in warding off imperialism, has become one of the main problems of the revolution.” See “Speech on the International Situation, November 8,” in V.I. Lenin, *On the Foreign Policy of the Soviet State* (Moscow: Progress Publishers, no date), 123.
12. Caroline Kennedy-Pipe, *Russia and the World, 1917-1991* (London: Arnold, 1998), 30-31.
13. Vladimir O. Pechatnov, “The Soviet Union and the Outside World, 1944-1953,” in *The Cambridge History of the Cold War, Volume I: Origins*, eds. Melvyn P. Leffler and Odd Arne Westad (Cambridge: Cambridge University Press, 2010), chap. 5.
14. Vojtech Mastny, *The Cold War and Soviet Insecurity: The Stalin Years* (Oxford: Oxford University Press, 1996), 12.
15. Ibid., 18.

16. Vladimir O. Pechatnov, "The Big Three After World War II: New Documents on Soviet Thinking about Post War Relations with The United States and Great Britain," *Cold War International History Project Working Paper*, no. 13 (May 1995), 15.
17. Ibid.
18. Ibid., 16.
19. Ibid., 17.
20. Mark, 12.
21. Pechatnov, "The Big Three," 16.
22. Ibid., 5.
23. Ibid., 7.
24. Ibid.
25. Ibid.
26. For a discussion of the ideological elements of the National Front, see Mark, 17-20.
27. Mark, 6-7, 30.
28. Ibid., 44.
29. In fact, there are moments in his article in which he uses the terms interchangeably, causing considerable confusion for this reader. Witness, for example, point 6 on page 7 of his work.
30. Norman Naimark, "The Sovietization of Eastern Europe, 1944-1953," in eds. Leffler and Westad, chap. 9.
31. Pechatnov, "The Soviet Union and the Outside World," 103, 110. Of course, Stalin initially entertained a "program maximum" of a unified, "Soviet" Germany, but seems to have concluded that it was no longer a realistic option once it became clear that the population of West Germany was moving away from, not towards, the Soviet Union.
32. Mark, 44-45.
33. See, for example, the correspondence between Molotov and Stalin in Vladimir O. Pechatnov, "'The Allies are Pressing on you to Break your Will,'" *Cold War International History Project Working Paper*, no. 26 (September 1999).
34. Mastny, 30-35.
35. Naimark, "The Sovietization of Eastern Europe," 189-191.
36. Wilfrid Loth, "The Origins of Stalin's Note of 10 March 1952," *Cold War History*, 4, 2 (January 2004): 66-88.

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- _____. "'The Allies are Pressing on you to Break your Will...'" *Cold War International History Project Working Paper*, no. 26 (September 1999).

- _____. "The Soviet Union and the Outside World, 1944-1953." In *The Cambridge History of the Cold War, Volume I: Origins*. Edited by Melvyn P. Leffler and Odd Arne Westad, 90-111. Cambridge: Cambridge University Press, 2010.
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Abrahamson, James L. *The Men of Secession and Civil War 1859-1861*. Wilmington: Scholarly Resources Inc., 2000.

Corinne Fox

James L. Abrahamson's *Men of Secession and Civil War* chronicled the events and politics immediately preceding the American Civil War. Each chapter of the text highlighted a few individuals and their contributions to the state of the union from 1859 to the outbreak of war. Abrahamson focused on the growth of the rebellious spirit, the utter collapse of national unity, the men who had a key role in evoking secessionist sentiments, and those who supported the union and opposed its dissolution. In addition to this, Abrahamson's second premise addressed the chain reaction that occurred after the election of 1860, specifically the initial secession of the Deep South, the refusal of Lincoln to acknowledge the legitimacy of the Confederacy, and the subsequent response by the remaining slave states in the Upper South.

In Part One of *Men of Secession*, "Prelude to Disunion," Abrahamson addressed two key events that fueled the animosity between the slave South and the free North: John Brown's raid on Harpers Ferry and the Dred Scott Supreme Court case. The slave insurrection led by John Brown was, so the South believed, only the first of many seditious Northern plots. Abrahamson examined Brown's raid on Harpers Ferry with the aided perspective of a Republican Ohio senator, Salmon Chase. Although a humanitarian at heart, Chase identified Brown's acts as criminal and an attempt to rouse disunion sentiments. Unfortunately, Chase's conciliatory attitude never fully penetrated the South, and many Southerners began to view the entire Northern population as abolitionists. On the other hand, Abrahamson described the Dred Scott decision where Chief Justice Taney infamously rebuked Congress for the unconstitutionality of the Missouri compromise and slavery in the territories. This move appeased Southerners, but stoked Northern fear of the South's relentless pursuit to expand the legality of slavery.

Part Two of Abrahamson's book delved into the heart of the secession campaign. Fire-eaters like Barnwell Rhett spread rumors and exaggerations across the South that imbedded devastating fear of northern Republicans into planters and yeomen alike. The unionist efforts of Stephen Douglas and John Bell acquired them some followers but not enough for a substantial showing in the election of

1860. The Democratic Party split with Stephen Douglas and John Breckinridge running in direct opposition along purely regional lines. Bell, a southern unionist, ran as the nominated candidate of the Constitutional Unionist party. With the election of Lincoln, the fire-eaters went to work and successfully convinced the cotton South that their worst fears of emancipation and levied federal power would come to fruition. South Carolina, not waiting for a unified southern response, was the first state to officially secede from the union.

Secessionist threats, conventions, and rallies did not keep Congress from drafting compromise proposals. In Part Three, “The Road to War,” Abrahamson introduced John Crittenden, his failed compromise, the attack on Fort Sumter, and the secession debates in the Upper South. By the time of Crittenden’s Compromise, few delegates from the seceded states had any interest in reconciliation. The new Confederacy was working to draft a constitution and establish a government. Even the components of the compromise that included keeping slavery as a federally sanctioned institution and upholding the Missouri Compromise standards for the expansion of slavery into the territories could not entice them to strike a bargain with the Union. Their focus instead switched to seizing federal arsenals. Lincoln, Abrahamson notes, opposed unnecessary violence but was determined to protect the federal property at Fort Sumter in South Carolina, Fort Pickens in Florida, and two other forts in the Florida Keys. The Confederate firing on Fort Sumter led to significant internal struggles among the Border States and the secession of four additional Upper South states. This act of aggression by the Confederacy also led Lincoln to request 75,000 90-day militiamen for what he thought would be a three-month war.

Abrahamson did an excellent job presenting the events and protagonists of the years immediately leading up to the Civil War in a clear and concise manner. This book is a great resource for students looking for a foundation on this subject in a single location. This reviewer’s sole critique of this text was that as a graduate student, one would find little new information not previously encountered in academic studies on the subject of Antebellum America. However, one would appreciate the material provided in one condensed location for future research, and the background information Abrahamson provided on the men highlighted in his text offered readers a clearer understanding of why they supported either unionism or secession. The work elegantly humanized and personalized the struggles, both internally and politically, experienced by these famed men.

Martin, Joseph Plumb. *A Narrative of a Revolutionary Soldier: Some of the Adventures, Dangers, and Sufferings of Joseph Plumb Martin*. 1830. Reprint, New York: Signet Classic, 2001.

Anne Midgley

Initially published anonymously by the author in 1830, Joseph Plumb Martin's memoir chronicles his role as a private soldier during the American Revolutionary War. Martin wrote and published his story many years after his experiences, yet in most instances it reads as fresh as if it had been written as a journal during the heat of the action. Martin initially enlisted for a six-month stint at the age of fifteen, wishing "only to take a priming before I took upon me the whole coat of paint for a soldier."¹ Despite his better judgment, he reenlisted for three years or the duration of the war in the spring of 1777.

Revolutionary War historians, including David Hackett Fischer, John Pancake, John Ferling, Don Higginbotham and the authors of *Rebels and Redcoats: The American Revolution through the Eyes of Those Who Fought and Lived It*, George F. Scheer and Hugh F. Rankin, have utilized Martin's memoir as a source for their works—Scheer and Rankin used Martin's memoirs extensively throughout their book. In virtually every instance, historians used Martin's memoirs to illustrate the experiences of a common soldier during the war or to provide insight into the social conditions of the day, yet Martin wrote for a purpose beyond simply telling the tale of the hardships that he endured as a private soldier during the war. He wrote his text to prove that Continental Army veterans deserved the gratitude of their countrymen and the financial assistance promised them under the Revolutionary War Pension Act of 1818. Seen from the viewpoint of contemporary conditions experienced by Martin in the 1820s when he chose to write his tale, the book was a powerful exposé. Martin's tale provided insight into the treatment of the common soldier by his officers and the populace in general; all too frequently, a shameful disgrace.²

Though he claimed to have a poor command of grammar and punctuation, Martin's tale is riveting; he forcefully accomplished his purpose to provide to his readers "an idea, though but a faint one, of what the army suffered that gained and secured our independence."³ Martin attacked his work with humor, often inserted in the least expected places, as when he frequently depicted the British as ill-behaved guests. He took historians to task as he sought to set the record straight in his

description of the “famous Kipp’s Bay affair, which has been criticized so much by the Historians (sic) of the Revolution. I was there, and will give a true statement of all that *I* saw during that day.”⁴ He accused contemporary historians of pandering to the highly placed persons of his day; he described a heated battle during the war that received little notice as “no Washington, Putnam, or Wayne [was] there. Had there been, the affair would have been extolled to the skies.”⁵ Martin repeatedly underscored the misery of the common soldier, who suffered with little to no food or adequate clothing, little shelter from brutal weather conditions, and ill treatment from officers and civilians alike. Yet he often delivered examples of situations where individuals, be they officers, civilians, or soldiers broke the mold and provided startling displays of human courage, empathy and charity. One touching incident, which Martin related “excited in me feelings which I shall never forget.”⁶ It described the burial of an unknown soldier, a man who had died in the course of the rebel retreat from New York City. Despite the confusion surrounding the retreat, Martin and his comrades sought to provide a grave for the stranger. Just as they completed their woeful task, two young women from a nearby dwelling joined the soldiers and displayed such sympathy and sorrow for the dead man that it caused Martin to extol their virtues; “yet he had mourners, and females too. Worthy young ladies! You, and such as you, are deserving the regard of the greatest of men.”⁷ Martin recognized the bravery and heroism of certain officers while he derided others for their treatment of the soldiers under their command. He provided glimpses of the harrowing nature of what was essentially a civil war in the Middle States; depicting the “Tories” as murderous villains and traitors to their country. Throughout his tale, he emphasized the soldiers’ lack of sustenance. He depicted his sufferings and those of his fellow soldiers, “keeping up the old system of starving,” yet often called upon to exert uncommon efforts on behalf of the rebels’ struggle against Britain.⁸

Martin frequently reminded his readers that he is writing from memory and that the reader “must not expect to have an exact account of dates . . . as to years and months I shall not be wide from the mark.”⁹ He also not infrequently reminded his readers that he told his story, not an overall history of the war. His story was compelling and clearly supported his argument that the common “regular” soldiers of the American Revolutionary War were the backbone of American military efforts to wrest independence from Britain. He compared and contrasted the contributions of the militia and the regulars; he did not minimize the

efforts of the militia but he “insist[ed] that they would not have answered the end so well as the regular soldiers.” Martin’s arguments compel readers to agree; his contemporaries should not have derided the “good fortune” of the remaining Continental Army veterans to an honorable pension; that pension should have been provided by grateful countrymen for services that were borne by the soldiers through years of suffering yet which proved to bring forth a new nation.¹⁰

Notes

1. Joseph Plumb Martin, *A Narrative of a Revolutionary Soldier: Some of the Adventures, Dangers, and Sufferings of Joseph Plumb Martin* (1830; repr., New York: Signet Classic, 2001), 16.

2. John Ferling, *Almost a Miracle: The American Victory in the War of Independence* (New York: Oxford University Press, 2007), 197, 333, 335-338, 341, 412, 532, 575; David Hackett Fischer, *Washington's Crossing* (New York: Oxford University Press, 2004), 21, 102-103, 106; Don Higgenbotham, *The War of American Independence* (New York: The Macmillan Company, 1971), 392; Catherine Kaplan, “Theft and Counter-Theft: Joseph Plumb Martin’s Revolutionary War,” *Early American Literature*, 41, no. 3 (2006): 515-534. <http://search.proquest.com.ezproxy2.apus.edu/docview/215394296?accountid=8289> (accessed October 21, 2012); John S. Pancake, *This Destructive War: The British Campaign in the Carolinas, 1780-1782* (Tuscaloosa: The University of Alabama Press, 1985), 45-46; George F. Scheer and Hugh F. Rankin, *Rebels and Redcoats: The American Revolution Through the Eyes of Those Who Fought and Lived It* (1957; repr., New York: Da Capo Press, 1987), 168, 180-181, 248-249, 289-291, 329-333, 368-372, 477, 481-482, 487, 493, 495, 502-503.

3. Martin, *A Narrative of a Revolutionary Soldier*, 2.

4. Ibid., 30.

5. Ibid., 83.

6. Ibid., 39.

7. Ibid., 39-40.

8. Ibid., 44.

9. Ibid., 18.

10. Ibid., 63, 249.