

America's Civil War and the Advent of Total War

In modernity, scorched-earth total-war tactics — punishing and killing soldiers and civilians alike — began with the French, in the French Revolution, and continued in America.



War going forward: Cavalry commander General Hugh Kilpatrick charged his way into the world of total war by plotting war against Richmond's civilians, and then by burning his way across Georgia as part of General Sherman's March to the Sea.

by *Thomas R. Eddlem*

Union Colonel Ulric Dahlgren embarked upon a bold plan to end the three-year-long Civil War between the North and South in March 1864. The 21-year-old officer and his 500 men illegally donned Confederate garb and marched south over the James River to liberate a POW camp full of Union soldiers on Belle Isle. Backed by a cavalry force of 3,500 additional men commanded by Major General Hugh Kilpatrick, Dahlgren planned to use the liberated prisoners to assault and burn the lightly defended Confederate capital of Richmond and organize his commanders to assassinate

Confederate President Jefferson Davis and his Cabinet. Union cavalry officer George Armstrong Custer would provide a diversionary attack some 30 miles from Richmond. Printed orders found on Dahlgren — who was killed in the failed assault — stipulated: “The bridges once secured, and the prisoners loose and over the river, the bridges will be secured and the city destroyed. The men must keep together and well in hand, and once in the city it must be destroyed and Jeff. Davis and Cabinet killed.”

But the operation didn't go as planned. Dahlgren's force was delayed, and Kilpatrick's forces were forced to flee the staging area under pursuit by Confeder-

ate cavalry. Dahlgren eventually ran into the Virginia home guard and, cut off from his main force, most of the 100 men in his detachment were killed or captured. Dahlgren — the son of an active-duty Union admiral — was killed in the failed battle. Dahlgren's written orders — captured from his body by Confederate soldiers — were published widely across the South a few days later. Union leaders protested the documents were forgeries. After the war the original documents were transferred to Secretary of War Edwin Stanton and never seen again. Though the originals disappeared in an apparent coverup, lithographs of the originals survived.

The documents flatly contradicted Pres-



Backfire: Colonel Ulric Dahlgren and his men became the first initiates and casualties of total war in the United States. The Virginia home guard trapped his men and exposed Dahlgren's plan to burn Richmond and assassinate Confederate President Jefferson Davis and his Cabinet.

ident Lincoln's General Order No. 100 of the previous year, the so-called Lieber Code drafted by Prussian immigrant Dr. Franz Lieber. Article 148 of the Lieber code explicitly banned assassination as a policy tool, proclaiming: "Civilized nations look with horror upon offers of rewards for the assassination of enemies as relapses into barbarism." The Lieber Code also regarded the use of enemy uniforms as seriously illegal, pronouncing in Article 63: "Troops who fight in the uniform of their enemies, without any plain, striking, and uniform mark of distinction of their own, can expect no quarter." The Lieber Code had been the first attempt in the United States to draft a comprehensive list of just war principles, even more succinct and thorough than Hugo Grotius' *On the Laws of War and Peace*, published in 1625 in Europe.

The publication of Dahlgren's papers by Southern newspapers generated widespread anger, and Southern officers requested the execution of those prisoners who participated in the abortive assault on Richmond. But Confederate commander General Robert E. Lee quashed the request in a letter that read, in part, "I presume that the blood boils with indignation in the veins of every officer and man as they read the account of the barbarous and inhuman plot, and under the impulse of the moment many would counsel extreme measures. But I do not think that reason and reflection would justify such a course. I think it

better to do right, even if we suffer in so doing, than to incur the reproach of our consciences and posterity."

In essence, Lee determined that his forces would follow the principles of just war — even if his foes would not.

Regardless of whether Dahlgren, Kilpatrick, and Custer planned the assassination of the Confederate president and Cabinet as Confederates claimed, the plot to burn civilian Richmond was undoubtedly part of the Union plan. The spring and summer of 1864 marked the most desperate point of the Union cause, as the better-equipped and numerically superior Union forces had been completely outmaneuvered by the Confederacy's superior commanders at battles such as Manassas, Chancellorsville, and Fredericksburg. The Union had made some progress in the West under Generals Grant and Sherman, taking sole control of the Mississippi River and splitting the Confederacy in two. But even with the Confederate loss at Gettysburg, Lee's Army of Northern Virginia in the East had remained intact and had given little ground, and even in the spring of 1864 it still threatened the Union capital of Washington, D.C.

The "Dahlberg Affair," as it was called, became the point at which Union forces abandoned the Lieber Code entirely and engaged in an all-out war against Southern civilians. The Lieber Code was redundant on the necessity of banning attacks on private property. Article 22 of the Lieber

Code stipulated "that the unarmed citizen is to be spared in person, property, and honor as much as the exigencies of war will admit," while Article 37 stated, "The United States acknowledge and protect ... strictly private property" and "Offenses to the contrary shall be rigorously punished." Article 44 stated, "All robbery, all pillage or sacking ... are prohibited under the penalty of death, or such other severe punishment as may seem adequate for the gravity of the offense."

Though Kilpatrick had been fired from his position for the disastrous attack, his cavalry regiment was soon laying waste to a wide swath of Georgia farmland as part of General William T. Sherman's 1864 "March to the Sea." After taking Atlanta in July 1864, Sherman took 60,000 soldiers and divided them into two columns that burned a 60-mile-wide path through Georgia. Sherman's Special Field Order 120 on November 9, 1864 was explicit: "To corps commanders alone is intrusted the power to destroy mills, houses, cotton-gins, etc.; and for them this general principle is laid down: In districts and neighborhoods where the army is unmolested, no destruction of such property should be permitted; but should guerrillas or bushwhackers molest our march, or should the inhabitants burn bridges, obstruct roads, or otherwise manifest local hostility, then army commanders should order and enforce a devastation more or less relentless, according to the measure of such hostility."

"The Burning"

The path of General Philip Sheridan and his Third Division cavalry commander, George Armstrong Custer, in Virginia's Shenandoah Valley was even less discriminating between combatants and civilians. Lincoln's new commanding general, Ulysses S. Grant, ordered Sheridan on August 26, 1864, "Do all the damage to railroads and crops you can. Carry off stock of all descriptions and negroes, so as to prevent further planting. If the war is to last another year we want the Shenandoah Valley to remain a barren waste." Residents of the Shenandoah Valley simply called the fall campaign "The Burning."

Sheridan willingly complied, writing back to Grant, "When this is completed the Valley, from Winchester up

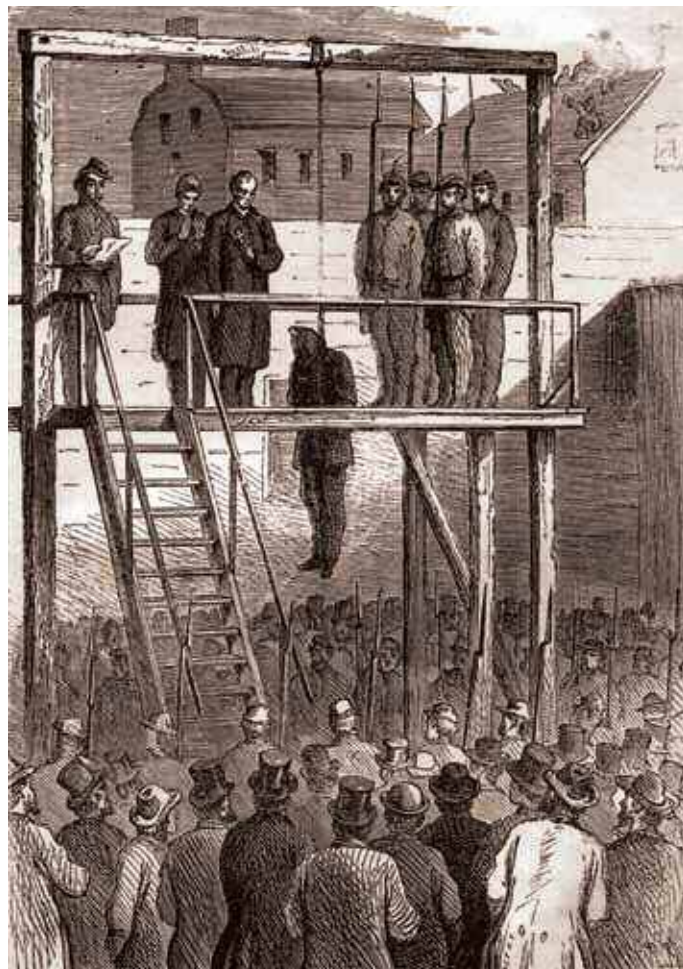
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to Staunton, ninety-two miles, will have but little in it for man or beast.” Nothing could have been a more open repeal of the Lieber Code’s Article 16, which stressed, “Military necessity does not admit of cruelty — that is, the infliction of suffering for the sake of suffering or for revenge.... It does not admit of ... the wanton devastation of a district.”

Sheridan and Custer’s brutality sometimes took on a personal tone. To avenge the shooting of his engineer Lieutenant John R. Meigs by a party of spies dressed in Union garb between the villages of Dayton and Harrisonburg, Sheridan boasted in his memoirs, “Determining to teach a lesson to these abettors of the foul deed — a lesson they would never forget — I ordered all the houses within an area of five miles to be burned. General Custer, who had succeeded to the command of the Third Cavalry division ... was charged with this duty, and the next morning proceeded to put the order into execution.”

Sheridan and Custer’s opposition included Confederate partisan commander Colonel John Singleton Mosby, who became known as the “Grey Ghost” for his force’s ability to move and strike quickly, then fade back into farm life. Sheridan wrote to Custer: “The families of most of Mosebys [sic] men are know[n] and can be collected. I think they should be taken and kept at Ft. McHenry or some secure place as hostages for good conduct of Mosby and his men. When any of them are caught with nothing to designate what they are hang them without trial.” After General Custer captured seven Shenandoah farmers in Loudon County,

Virginia, who he suspected were Mosby’s raiders and hanged them without trial, Mosby retaliated by creating a lottery to hang seven of Custer’s Union men being held as prisoners. In the end, three of the seven were killed, two survived a pistol shot to the head at point-blank range, and two escaped that night in the confusion of the resulting melee. Mosby left a note over the corpses: “These men have been hung in retaliation for an equal number of Colonel Mosby’s men hung by order of General Custer, at Front Royal. Measure for measure.” The retaliation served its purpose, and the Union forces subsequently refrained from murdering helpless Confederate prisoners for the duration of the campaign.



Origin of Just War Rules

Christian just war principles grew out of a mixture of the Roman Catholic Church’s just war principles and sanctuary movement. The first Christian king of England, Aethelbert, had already codified the sanctuary movement in England as early as the seventh century. The idea behind the sanctuary movement was to keep violence out of the churches, and it forbade soldiers and sheriffs from entering a church and removing someone by force unless they were stealing church property. A criminal could stay in a church for up to 30 days, after which he was required to leave.

Over in France, the movement caught on with the archbishop of Bordeaux, who proclaimed at the Synod of Charroux in 989, “Anathema against those who break into churches,” as well as those soldiers who rob the poor or assault a clergyman. The term became known as the *Pax Deus*, or “peace of God.” Over the next century, Catholic Church leaders across feudal Western Europe tried to foster rules on warfare, even trying to create a “truce of God” by crafting days in which fighting was prohibited in war entirely, with far less success.

A comprehensive application of Christian principles to warfare was not attempted in Western Europe until Hugo Grotius wrote *On the Laws of War and Peace* from his native Netherlands in 1625, but his influence was limited by the denominational squabbles at the height of the Protestant reformation.

Perhaps Christianity — especially feudal Europe’s Christianity — had little need for just war principles being written down. War rarely directly impacted the masses of nations, as they were primarily fought by an elite class of ennobled

Not the only war criminal: Captain Henry Wirz, commandant of the notorious Andersonville POW camp in Georgia, was the only man executed for war crimes during the Civil War. Union generals who waged war against civilians were not prosecuted because they were on the winning side of the war.



Sheridan's march to the "Burning": Union General Philip Sheridan was romanticized in the North — as in this *Harper's Weekly* illustration — but he carried with him in his march to the Shenandoah Valley orders from General Grant to burn the fertile valley into a wasteland. Sheridan ruthlessly complied with his orders.

knights. Feudal wars were largely about taking in larger rents in land through taxation; burning crops or killing civilians was bad for the business of governance. And with regard to prisoners of war, many of the nobles were distant relations of the king or prince. Most of the rest were soldiers of fortune — such as the Hessians of the American War for Independence — who could easily be bribed into changing allegiance after the defeat of the local king or lord.

The French Revolution: The Advent of Total War

In modernity, the idea of total war began in Europe during the Napoleonic wars, when all men in revolutionary France were first subject to conscription under the *levée en masse* of 1793, and further solidified by a law proposed by General Jean-Baptiste Jourdan in 1798. France had crossed a Rubicon that led to the slaughter of Catholic civilians in the French coastal region of Vendée who were rebelling against the anti-Christian Paris revolutionaries. Each Catholic farmer in the Vendée became a potential soldier against the regime best symbolized by the guillotine, and each farm in the district was potentially growing crops for the armies that may someday march against Paris. So a scorched-earth policy was followed, with houses and villages destroyed, crops burned, and civilians of all ages and both sexes killed. Napoleon Bonaparte reputedly stated that “an army marches upon its stomach” (though

the quote is also attributed to Frederick the Great), which perfectly represents the “total war” mentality.

By 1864, Europeans were meeting in Geneva, Switzerland, to draw up principles guaranteeing the protection of medical personnel in the battlefield, and to stop additional crimes against just war principles across the states of Europe. This Geneva meeting was the beginning of both the International Red Cross and the Geneva Conventions.

While France burned though Europe during the Napoleonic wars, the United States entered war against Britain. By default, America entered the war on the side of France in 1812. The American “warhawks,” eager to hand Britain a military drubbing, quickly found that their war was not going well. As in the War for Independence a generation earlier, America lost most of the battles in the War of 1812 against their technologically superior and more industrialized foe. America’s invasions of British Canada ended disastrously. British soldiers took and burned Washington, D.C., in the summer of 1814, the third year of what many foolhardy congressmen had expected to be a quick war. After the burning of Washington, the new secretary of war, James Monroe, recommended to Congress that military conscription be instituted and the French system be brought over to the United States.

Some congressmen argued that the

military draft was both unconstitutional and a badge of the total state that the U.S. Constitution was written to prevent. One such congressman was a young New Hampshire Whig named Daniel Webster, who spoke against Colonel Monroe’s proposal in a House of Representatives speech December 9, 1814:

Is this civil liberty? Is this the real character of our Constitution? No, sir, indeed it is not. The Constitution is libeled. The people of this country have not established for themselves such a fabric of despotism. They have not purchased at a vast expense of their own treasure and their own blood a Magna Carta to be slaves. Where is it written in the Constitution, in what article or section is it contained, that you may take children from their parents, and parents from their children, and compel them to fight the battles of any war in which the folly or the wickedness of government may engage it?

In the end, it may not have been Webster’s stunning oratory that killed Monroe’s proposal; the peace negotiations in Belgium were well under way, and the adversaries signed a peace agreement at the city of Ghent on Christmas Eve two weeks later.

While many Americans today argue that a military draft spreads the risk of war around to more voters and makes war less palatable to politicians, the reality is that

the military draft transforms every male American into a potential soldier. This was the lesson learned 50 years later in the War Between the States.

America's First Draft

The reticence of Congress in 1814 to enact a military draft was abandoned by both sides of the War Between the States 50 years later. Both the Union Congress and the Confederate Congress quickly passed laws mandating widespread conscription — even though the power had not been enumerated in either constitution. But with the onset of the total war mentality during the Civil War, Congress enacted the draft anyway. And generals increasingly viewed most civilians as potential enemies, and civilian farms as the food supply of the enemy. The result was the burning of the Shenandoah Valley and much of Georgia, and a famine in much of the South immediately after the war.

The irony of the American Civil War was that the Lieber Code — so flagrantly violated by Union commanders during that war — inspired Europeans to draw up the Geneva Conventions. The war criminals Sherman and Sheridan were lauded as war heroes in America, or at least they were in the North. Neither ever had to face a trial for their crimes.

Confederate Captain Henry Wirz, commandant of the notorious Andersonville prisoner-of-war camp in Georgia, was the only Confederate official hanged after the war for crimes of “murder, in violation of the laws and customs of war.” It is worth stressing that the death rate at Andersonville was only slightly higher than at the Union prison for Confederate soldiers in Elmira, New York — despite far more widely abundant supplies in the North — but the commanders of the Elmira prison never saw the inside of a military courtroom.

The practice of applying just war principles only to the losing side of a war has continued throughout American history in this era of total war. After the United States indiscriminately bombed the cities of Japan during the Second World War, some American statesmen wondered if they had gone too far. “Killing 50-90 percent of the people in 67 Japanese cities — and then bombing them with two nuclear bombs — is not proportional in



Making war “upon armed men only”: General Robert E. Lee insisted that his troops follow Christian just war principles, strictly protecting non-combatants, in stark contrast with several Union generals after the spring of 1864.

the minds of some people to the objectives we were trying to achieve,” former Secretary of Defense Robert S. McNamara observed in the movie *The Fog of War*. An Office of Statistical Control official during the Second World War advising the bombing campaign, McNamara continued, “Was there a rule then that said you shouldn’t bomb, shouldn’t kill, shouldn’t burn to death 100,000 civilians in a night? [Strategic Air Command General Curtis] LeMay said, if we’d lost the war, we’d all have been prosecuted as war criminals. And I think he’s right. He — and I’d say, I — were behaving as war criminals.” Likewise, both McNamara and LeMay continued in high public office after the war to the accolades of many citizens.

Against this tide of total war stands the Christian tradition of just war principles eloquently summarized by Robert E. Lee

during his Gettysburg campaign into Union territory. Lee issued orders from his Chambersburg headquarters on June 27, 1863 to his soldiers to leave civilians alone: “The commanding general considers that no greater disgrace could befall the army, and through it our whole people, than the perpetration of the barbarous outrages upon the unarmed, and defenceless [sic] and the wanton destruction of private property that have marked the course of the enemy in our own country.... It must be remembered that we make war only upon armed men, and that we cannot take vengeance for the wrongs our people have suffered without lowering ourselves in the eyes of all whose abhorrence has been excited by the atrocities of our enemies, and offending against Him to whom vengeance belongeth, without whose favor and support our efforts must all prove in vain.” ■