

America's Two Just Wars: 1775 and 1861

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Much of "classical international law" theory, developed by the Catholic Scholastics, notably the 16th-century Spanish Scholastics such as Vitoria and Suarez, and then the Dutch Protestant Scholastic Grotius and by 18th- and 19th-century jurists, was an explanation of the criteria for a just war. For war, as a grave act of killing, needs to be justified.

My own view of war can be put simply: a *just* war exists when a people tries to ward off the threat of coercive domination by another people, or to overthrow an already-existing domination. A war is *unjust*, on the other hand, when a people try to impose domination on another people, or try to retain an already existing coercive rule over them.

During my lifetime, my ideological and political activism has focused on opposition to America's wars, first because I have believed our waging them to be unjust, and, second, because war, in the penetrating phrase of the libertarian Randolph Bourne in World War I, has always been "the health of the State," an instrument for the aggrandizement of State power over the health, the lives, and the prosperity, of their subject citizens and social institutions. Even a just war cannot be entered into lightly; an unjust one must therefore be anathema.

There have been only two wars in American history that were, in my view, assuredly and unquestionably proper and just; not only that, the opposing side waged a war that was clearly and notably unjust. Why? Because we did not have to question whether a threat against our liberty and property was clear or present; in both of these wars, Americans were trying to rid themselves of an unwanted domination by another people. And in both cases, the other side ferociously tried to maintain their coercive rule over Americans. In each case, one side – "our side" if you will – was notably just, the other side – "their side" – unjust.

To be specific, the two just wars in American history were the American Revolution, and the War for Southern Independence.

I would like to mention a few vital features of the treatment of war by the classical international natural lawyers, and to contrast this great tradition with the very different "international law" that has been dominant since 1914, by the dominant partisans of the League of Nations and the United Nations.

The classical international lawyers from the 16th through the 19th centuries were trying to cope with the implications of the rise and dominance of the modern nation-state. They did not seek to "abolish war," the very notion of which they would have considered absurd and Utopian. Wars will always exist among groups, peoples, nations; the *desideratum*, in addition to trying to persuade them to stay within the compass of "just wars," was to curb and limit the impact of existing wars as much as possible. Not to try to "abolish war," but to constrain war with limitations imposed by civilization.

Specifically, the classical international lawyers developed two ideas, which they were broadly successful in getting nations to adopt: (1) above all, don't target civilians. If you must fight, let the rulers and their loyal or hired retainers slug it out, but keep civilians on both sides out of it, as much as possible. The growth of democracy, the identification of citizens with the State, conscription, and the idea of a "nation in arms," all whittled away this excellent tenet of international law.

(2) Preserve the rights of neutral states and nations. In the modern corruption of international law that has prevailed since 1914, "neutrality" has been treated as somehow deeply immoral. Nowadays, if countries A and B get into a fight, it becomes every nation's moral obligation to figure out, quickly, which country is the "bad guy," and then if, say, A is condemned as the bad guy, to rush in and pummel A in defense of the alleged good guy B.

Classical international law, which should be brought back as quickly as possible, was virtually the opposite. In a theory which tried to limit war, neutrality was considered not only justifiable but a

positive virtue. In the old days, “he kept us out of war” was high tribute to a president or political leader; but now, all the pundits and professors condemn any president who “stands idly by” while “people are being killed” in Bosnia, Somalia, Rwanda, or the hot spot of the day. In the old days, “standing idly by” was considered a mark of high statesmanship. Not only that: neutral states had “rights” which were mainly upheld, since every warring country knew that someday it too would be neutral. A warring state could not interfere with neutral shipping to an enemy state; neutrals could ship to such an enemy with impunity all goods except “contraband,” which was strictly defined as arms and ammunition, period. Wars were kept limited in those days, and neutrality was extolled.

In modern international law, where “bad-guy” nations must be identified quickly and then fought by all, there are two rationales for such world-wide action, both developed by Woodrow Wilson, whose foreign policy and vision of international affairs has been adopted by every President since. The first is “collective security against aggression.” The notion is that every war, no matter what, must have one “aggressor” and one or more “victims,” so that naming the aggressor becomes a prelude to a defense of “heroic little” victims. The analogy is with the cop-on-the-corner. A policeman sees A mugging B; he rushes after the aggressor, and the rest of the citizens join in the pursuit. In the same way, supposedly, nations, as they band together in “collective security” arrangements, whether they be the League, the United Nations, or NATO, identify the “aggressor” nation and then join together as an “international police force,” like the cop-on-the-corner, to zap the criminal.

In real life, however, it’s not so easy to identify one warring “aggressor.” Causes become tangled, and history intervenes. Above all, a nation’s current border cannot be considered as evidently just as a person’s life and property. Therein lies the problem. How about the very different borders ten years, twenty years, or even centuries ago? How about wars where claims of all sides are plausible? But any complication of this sort messes up the plans of our professional war crowd. To get Americans stirred up about intervening in a war thousands of miles away about which they know nothing and care less, one side must be depicted as the clear-cut bad guy, and the other side pure and good; otherwise, Americans will not be moved to intervene in a war that is really none of their business. Thus, feverish attempts by American pundits and alleged foreign-policy “experts” to get us to intervene against the demonized Serbs ran aground when the public began to realize that *all three* sides in the Bosnian war were engaging in “ethnic cleansing” whenever they got the chance. This is even forgetting the fatuity of the propaganda about the “territorial integrity” of a so-called “Bosnian state” which has never existed even formally until a year or two ago, and of course in actuality does not exist at all.

If classical international law limited and checked warfare, and kept it from spreading, modern international law, in an attempt to stamp out “aggression” and to abolish war, only insures, as the great historian Charles Beard put it, a futile policy of “perpetual war for perpetual peace.”

The second Wilsonian excuse for perpetual war, particularly relevant to the “Civil War,” is even more Utopian: the idea that it is the moral obligation of America and of all other nations to impose “democracy” and “human rights” throughout the globe. In short, in a world where “democracy” is generally meaningless, and “human rights” of any genuine sort virtually non-existent, that we are obligated to take up the sword and wage a perpetual war to force Utopia on the entire world by guns, tanks, and bombs.

The Somalian intervention was a perfect case study in the workings of this Wilsonian dream. We began the intervention by extolling a “new kind of army” (a new model army if you will) engaged in a new kind of high moral intervention: the U.S. soldier with a CARE package in one hand, and a gun in the other. The new “humanitarian” army, bringing food, peace, democracy, and human rights to the benighted peoples of Somalia, and doing it all the more nobly and altruistically because there was not a scrap of national interest in it for Americans. It was this prospect of a purely altruistic intervention – of universal love imposed by the bayonet – that swung almost the entire “anti-war” Left into the military intervention camp. Well, it did not take long for our actions to have consequences, and the end of the brief Somalian intervention provided a great lesson if we only

heed it: the objects of our “humanitarianism” being shot down by American guns, and striking back by highly effective guerrilla war against American troops, culminating in savaging the bodies of American soldiers. So much for “humanitarianism,” for a war to impose democracy and human rights; so much for the new model army.

In both of these cases, the modern interventionists have won by seizing the moral high ground; *theirs* is the cosmic “humanitarian” path of moral principle; those of us who favor American neutrality are now derided as “selfish,” “narrow,” and “immoral.” In the old days, however, interventionists were more correctly considered propagandists for despotism, mass murder, and perpetual war, if not spokesmen for special interest groups, or agents of the “merchants of death.” Scarcely a high ground.

The cause of “human rights” is precisely the critical argument by which, in retrospect, Abraham Lincoln’s War of Northern Aggression against the South is justified and even glorified. The “humanitarian” goes forth and rights the wrong of slavery, doing so through mass murder, the destruction of institutions and property, and the wreaking of havoc which has still not disappeared.

Isabel Paterson, in *The God of the Machine*, one of the great books on political philosophy of this century, zeroed in on what she aptly called “The Humanitarian with the Guillotine.” “The humanitarian,” Mrs. Paterson wrote, “wishes to be a prime mover in the lives of others. He cannot admit either the divine or the natural order, by which men have the power to help themselves. The humanitarian puts himself in the place of God.” But Mrs. Paterson notes, the humanitarian is “confronted by two awkward facts: first that the competent do not need his assistance; and second, that the majority of people, if unperverted, positively do not want to be ‘done good’ by the humanitarian.” Having considered what the “good” of others might be, and who is to decide on the good and on what to do about it, Mrs. Paterson points out: “Of course what the humanitarian actually proposes is that *he* shall do what he thinks is good for everybody. It is at this point that the humanitarian sets up the guillotine.” Hence, she concludes, “the humanitarian in theory is the terrorist in action.”

There is an important point about old-fashioned, or classical, international law which applies to any sort of war, even a just one:

Even if country A is waging a clearly just war against country B, and B’s cause is unjust, this fact by no means imposes any sort of moral obligation on any other nation, including those who wish to abide by just policies, to intervene in that war. On the contrary, in the old days neutrality was always considered a more noble course, if a nation had no overriding interest of its own in the fray, there was no moral obligation whatever to intervene. A nation’s highest and most moral course was to remain neutral; its citizens might cheer in their heart for A’s just cause, or, if someone were overcome by passion for A’s cause he could rush off on his own to the front to fight, but generally citizens of nation C were expected to cleave to their own nation’s interests over the cause of a more abstract justice. Certainly, they were expected not to form a propaganda pressure group to try to bulldoze their nation into intervening; if champions of country A were sufficiently ardent, they could go off on their own to fight, but they could not commit their fellow countrymen to do the same.

Many of my friends and colleagues are hesitant to concede the existence of universal natural rights, lest they find themselves forced to support American, or world-wide intervention, to try to enforce them. But for classical natural law international jurists, that consequence did not follow at all. If, for example, Tutsis are slaughtering Hutus in Rwanda or Burundi, or *vice versa*, these natural lawyers would indeed consider such acts as violations of the natural rights of the slaughtered; but that fact in no way implies any moral or natural-law obligation for any other people in the world to rush in to try to enforce such rights. We might encapsulate this position into a slogan: “Rights may be universal, but their enforcement must be local” or, to adopt the motto of the Irish rebels: *Sinn Fein*, “ourselves alone.” A group of people may have rights, but it is *their* responsibility, and theirs alone, to defend or safeguard such rights.

To put it another way, I have always believed that when the left claims that all sorts of entities – animals, alligators, trees, plants, rocks, beaches, the earth, or “the ecology” – have “rights,” the proper response is this: when those entities act like the Americans who set forth their declaration of rights, when they speak for themselves and take up arms to enforce them, then and only then can we take such claims seriously.

I want to now return to America’s two just wars. It is plainly evident that the American Revolution, using my definition, was a just war, a war of peoples forming an independent nation and casting off the bonds of another people insisting on perpetuating their rule over them. Obviously, the Americans, while welcoming French or other support, were prepared to take on the daunting task of overthrowing the rule of the most powerful empire on earth, and to do it alone if necessary.

What I want to focus on here is not the grievances that led the American rebels to the view that it had become “necessary for One People to dissolve the political bonds which have connected them with another.” What I want to stress here is the ground on which the Americans stood for this solemn and fateful act of separation. The Americans were steeped in the natural-law philosophy of John Locke and the Scholastics, and in the classical republicanism of Greece and Rome. There were two major political theories in Britain and in Europe during this time. One was the older, but by this time obsolete, absolutist view: the king was the father of his nation, and absolute obedience was owed to the king by the lesser orders; any rebellion against the king was equivalent to Satan’s rebellion against God.

The other, natural law, view countered that sovereignty originated not in the king but in the people, but that the people had delegated their powers and rights to the king. Hugo Grotius and conservative natural lawyers believed that the delegation of sovereignty, once transferred, was irrevocable, so that sovereignty must reside permanently in the king. The more radical libertarian theorists, such as Father Mariana, and John Locke and his followers, believed, quite sensibly, that since the original delegation was voluntary and contractual, the people had the right to take back that sovereignty should the king grossly violate his trust.

The American revolutionaries, in separating themselves from Great Britain and forming their new nation, adopted the Lockean doctrine. In fact, if they *hadn’t* done so, they would not have been able to form their new nation. It is well known that the biggest moral and psychological problem the Americans had, and could only bring themselves to overcome after a full year of bloody war, was to violate their oaths of allegiance to the British king. Breaking with the British Parliament, their *de facto* ruler, posed no problem; Parliament they didn’t care about. But the king was their inherited sovereign lord, the person to whom they had all sworn fealty. It was the king to whom they owed allegiance; thus, the list of grievances in the Declaration of Independence mentioned only the king, even though Parliament was in reality the major culprit.

Hence, the crucial psychological importance, to the American revolutionaries, of Thomas Paine’s *Common Sense*, which not only adopted the Lockean view of a justified reclaiming of sovereignty by the American people, but also particularly zeroed in on the office of the king. In the words of the New Left, Paine delegitimized and desanctified the king in American eyes. The king of Great Britain, Paine wrote, is only the descendent of “nothing better than the principal ruffian of some restless gang; whose savage manner or preeminence in subtlety obtained him the title of chief among plunderers.” And now the kings, including the “Royal Brute of Great Britain,” are but “crowned ruffians.”

In making their revolution, then, the Americans cast their lot, permanently, with a contractual theory or justification for government. Government is not something imposed from above, by some divine act of conferring sovereignty; but contractual, from below, by “consent of the governed.” That means that American polities inevitably become republics, not monarchies. What happened, in fact, is that the American Revolution resulted in something new on earth. The people of each of the 13 colonies formed new, separate, contractual, republican governments. Based on libertarian doctrines and on republican models, the people of the 13 colonies each set up independent sovereign states: with powers of each government strictly limited, with most rights and powers

reserved to the people, and with checks, balances, and written constitutions severely limiting state power.

These 13 separate republics, in order to wage their common war against the British Empire, each sent representatives to the Continental Congress, and then later formed a Confederation, again with severely limited central powers, to help fight the British. The hotly contested decision to scrap the Articles of Confederation and to craft a new Constitution demonstrates conclusively that the central government was not supposed to be perpetual, not to be the sort of permanent one-way trap that Grotius had claimed turned popular sovereignty over to the king forevermore. In fact, it would be very peculiar to hold that the American Revolutionaries had repudiated the idea that a pledge of allegiance to the king was contractual and revocable, and break their vows to the king, only to turn around a few short years later to enter a compact that turned out to be an irrevocable one-way ticket for a permanent central government power. Revocable and contractual to a king, but irrevocable to some piece of paper!

And finally, does anyone seriously believe for one minute that any of the 13 states would have ratified the Constitution had they believed that it was a perpetual one-way Venus fly trap – a one-way ticket to sovereign suicide? The Constitution was barely ratified as it is!

So, if the Articles of Confederation could be treated as a scrap of paper, if delegation to the confederate government in the 1780s was revocable, how could the central government set up under the Constitution, less than a decade later, claim that *its* powers were permanent and irrevocable? Sheer logic insists that: if a state could enter a confederation it could later withdraw from it; the same must be true for a state adopting the Constitution.

And yet of course, that monstrous illogic is precisely the doctrine proclaimed by the North, by the Union, during the War Between the States.

In 1861, the Southern states, believing correctly that their cherished institutions were under grave threat and assault from the federal government, decided to exercise their natural, contractual, and constitutional right to withdraw, to “secede” from that Union. The separate Southern states then exercised their contractual right as sovereign republics to come together in another confederation, the Confederate States of America. If the American Revolutionary War was just, then it follows as the night the day that the Southern cause, the War for Southern Independence, was just, and for the same reason: casting off the “political bonds” that connected the two peoples. In neither case was this decision made for “light or transient causes.” And in both cases, the courageous seceders pledged to each other “their lives, their fortunes, and their sacred honor.”

What of the grievances of the two sets of seceders? Were they comparable? The central grievance of the American rebels was the taxing power: the systematic plunder of their property by the British government. Whether it was the tax on stamps, or the tax on imports, or finally the tax on imported tea, taxation was central. The slogan “no taxation without representation” was misleading; in the last analysis, we didn’t want “representation” in Parliament; we wanted not to be taxed by Great Britain. The other grievances, such as opposition to general search warrants, or to overriding of the ancient Anglo-Saxon principle of trial by jury, were critical because they involved the power to search merchants’ properties for goods that had avoided payment of the customs taxes, that is for “smuggled” goods, and trial by jury was vital because no American jury would ever convict such smugglers.

One of the central grievances of the South, too, was the tariff that Northerners imposed on Southerners whose major income came from exporting cotton abroad. The tariff at one and the same time drove up prices of manufactured goods, forced Southerners and other Americans to pay more for such goods, and threatened to cut down Southern exports. The first great constitutional crisis with the South came when South Carolina battled against the well named Tariff of Abomination of 1828. As a result of South Carolina’s resistance, the North was forced to reduce the tariff, and finally, the Polk administration adopted a two-decade long policy of virtual free trade.

John C. Calhoun, the great intellectual leader of South Carolina, and indeed of the entire South, pointed out the importance of a very low level of taxation. All taxes, by their very nature, are paid,

on net, by one set of people, the “taxpayers,” and the proceeds go to another set of people, what Calhoun justly called the “tax-consumers.” Among the net tax-consumers, of course, are the politicians and bureaucrats who live full-time off the proceeds. The higher the level of taxation, the higher the percentage which the country’s producers have to give the parasitic ruling class that enforces and lives off of taxes. In zeroing in on the tariff, Calhoun pointed out that “the North has adopted a system of revenue and disbursements, in which an undue proportion of the burden of taxation has been imposed on the South, and an undue proportion appropriated to the North, and for the monopolization of Northern industry.”

What of the opposition to these two just wars? Both were unjust since in both the case of the British and of the North, they were waging fierce war to maintain their coercive and unwanted rule over another people. But if the British wanted to hold on and expand their empire, what were the motivations of the North? Why, in the famous words of the abolitionist William Lloyd Garrison, at least early in the struggle, didn’t the North “let their erring sisters go in peace?”

The North, in particular the North’s driving force, the “Yankees” – that ethnocultural group who either lived in New England or migrated from there to upstate New York, northern and eastern Ohio, northern Indiana, and northern Illinois – had been swept by a new form of Protestantism. This was a fanatical and emotional neo-Puritanism driven by a fervent “postmillennialism” which held that as a precondition for the Second Advent of Jesus Christ, man must set up a thousand-year Kingdom of God on Earth.

The Kingdom is to be a perfect society. In order to be perfect, of course, this Kingdom must be free of sin; sin, therefore, must be stamped out, and as quickly as possible. Moreover, if you didn’t try your darndest to stamp out sin by force you yourself would not be saved. It was very clear to these neo-Puritans that in order to stamp out sin, government, in the service of the saints, is the essential coercive instrument to perform this purgative task. As historians have summed up the views of all the most prominent of these millennialists, “government is God’s major instrument of salvation.”

Sin was very broadly defined by the Yankee neo-Puritans as anything which might interfere with a person’s free will to embrace salvation, anything which, in the words of the old Shadow radio serial, could “cloud men’s minds.” The particular cloud-forming occasions of sin, for these millennialists, were liquor (“demon rum”), any activity on the Sabbath except reading the Bible and going to Church, slavery, and the Roman Catholic Church.

If anti-slavery, prohibitionism, and anti-Catholicism were grounded in fanatical post-millennial Protestantism, the paternalistic big government required for this social program on the state and local levels led logically to a big government paternalism in national economic affairs. Whereas the Democratic Party in the 19th century was known as the “party of personal liberty,” of states’ rights, of minimal government, of free markets and free trade, the Republican Party was known as the “party of great moral ideas,” which amounted to the stamping-out of sin. On the economic level, the Republicans adopted the Whig program of statism and big government: protective tariffs, subsidies to big business, strong central government, large-scale public works, and cheap credit spurred by government.

The Northern war against slavery partook of fanatical millennialist fervor, of a cheerful willingness to uproot institutions, to commit mayhem and mass murder, to plunder and loot and destroy, all in the name of high moral principle and the birth of a perfect world. The Yankee fanatics were veritable Patersonian humanitarians with the guillotine: the Anabaptists, the Jacobins, the Bolsheviks of their era. This fanatical spirit of Northern aggression for an allegedly redeeming cause is summed up in the pseudo-Biblical and truly blasphemous verses of that quintessential Yankee Julia Ward Howe, in her so-called “Battle Hymn of the Republic.”

Modern left-liberal historians of course put this case in a slightly different way. Take for example, the eminent abolitionist historian of the Civil War James McPherson. Here’s the way McPherson revealingly puts it: “Negative liberty [he means “liberty”] was the dominant theme in early American history – freedom *from* constraints on individual rights imposed by a powerful state.” “The Bill of Rights,” McPherson goes on, “is the classic expression of negative liberty, or

Jeffersonian humanistic liberalism. These first ten amendments to the Constitution protect individual liberties by placing a straitjacket of 'shall not' on the federal government." "In 1861," McPherson continues, "Southern states invoked the negative liberties of state sovereignty and individual rights of property [i.e., slaves] to break up the United States."

What was McPherson's hero Abraham Lincoln's response? Lincoln, he writes, "thereby gained an opportunity to invoke the positive liberty [he means "statist tyranny"] of reform liberalism, exercised through the power of the army and the state, to overthrow the negative liberties of disunion and ownership of slaves." Another New Model Army at work! McPherson calls for a "blend" of positive and negative liberties, but as we have seen, any such "blend" is nonsense, for statism and liberty are always at odds. The more that "reform liberalism" "empowers" one set of people, the less "negative liberty" there is for everyone else. It should be mentioned that the southern United States was the only place in the 19th century where slavery was abolished by fire and by "terrible swift sword." In every other part of the New World, slavery was peacefully bought out by agreement with the slaveholders. But in these other countries, in the West Indies or Brazil, for example, there were no Puritan millennialists to do their bloody work, armed with gun in one hand and hymn book in the other.

In the Republican Party, the "party of great moral ideas," different men and different factions emphasized different aspects of this integrated despotic world-outlook. In the fateful Republican convention of 1860, the major candidates for president were two veteran abolitionists: William Seward, of New York, and Salmon P. Chase of Ohio. Seward, however, was distrusted by the anti-Catholic hotheads because he somehow did not care about the alleged Catholic menace; on the other hand, while Chase was happy to play along with the former Know-Nothings, who stressed the anti-Catholic part of the coalition, he was distrusted by Sewardites and others who were indifferent to the Catholic question. Abraham Lincoln of Illinois was a dark horse who was able to successfully finesse the Catholic question. *His* major emphasis was on Whig economic statism: high tariffs, huge subsidies to railroads, public works. As one of the nation's leading lawyers for Illinois Central and other big railroads, indeed, Lincoln was virtually the candidate from Illinois Central and the other large railroads.

One reason for Lincoln's victory at the convention was that Iowa railroad entrepreneur Grenville M. Dodge helped swing the Iowa delegation to Lincoln. In return, early in the Civil War, Lincoln appointed Dodge to army general. Dodge's task was to clear the Indians from the designated path of the country's first heavily subsidized federally chartered trans-continental railroad, the Union Pacific. In this way, conscripted Union troops and hapless taxpayers were coerced into socializing the costs on constructing and operating the Union Pacific. This sort of action is now called euphemistically "the cooperation of government and industry."

But Lincoln's major focus was on raising taxes, in particular raising and enforcing the tariff. His convention victory was particularly made possible by support from the Pennsylvania delegation. Pennsylvania had long been the home and the political focus of the nation's iron and steel industry which, ever since its inception during the War of 1812, had been chronically inefficient, and had therefore constantly been bawling for high tariffs and, later, import quotas. Virtually the first act of the Lincoln administration was to pass the Morrill protective tariff act, doubling existing tariff rates, and creating the highest tariff rates in American history.

In his First Inaugural, Lincoln was conciliatory about maintaining slavery; what he was hard-line about toward the South was insistence on collecting all the customs tariffs in that region. As Lincoln put it, the federal government would "collect the duties and imposts, but beyond what may be necessary for these objects, there will be no invasion, no using of force against . . . people anywhere." The significance of the federal forts is that they provided the soldiers to enforce the customs tariffs; thus, Fort Sumter was at the entrance to Charleston Harbor, the major port, apart from New Orleans, in the entire South. The federal troops at Sumter were needed to enforce the tariffs that were supposed to be levied at Charleston Harbor.

Of course, Abraham Lincoln's conciliatory words on slavery cannot be taken at face value. Lincoln was a master politician, which means that he was a consummate conniver, manipulator, and liar. The federal forts were the key to his successful prosecution of the war. Lying to South Carolina, Abraham Lincoln managed to do what Franklin D. Roosevelt and Henry Stimson did at Pearl Harbor 80 years later – maneuvered the Southerners into firing the first shot. In this way, by manipulating the South into firing first against a federal fort, Lincoln made the South appear to be “aggressors” in the eyes of the numerous waverers and moderates in the North.

Outside of New England and territories populated by transplanted New Englanders, the idea of forcing the South to stay in the Union was highly unpopular. In many middle-tier states, including Maryland, New Jersey, and Pennsylvania, there was a considerable sentiment to mimic the South by forming a middle Confederacy to isolate the pesky and fanatical Yankees. Even after the war began, the Mayor of New York City and many other dignitaries of the city proposed that the city secede from the Union and make peace and engage in free trade with the South. Indeed, Jefferson Davis's lawyer after the war was what we would now call the “paleo-libertarian” leader of the New York City bar, Irish-Catholic Charles O'Connor, who ran for President in 1878 on the Straight Democrat ticket, in protest that his beloved Democratic Party's nominee for President was the abolitionist, protectionist, socialist, and fool Horace Greeley.

The Lincoln Administration and the Republican Party took advantage of the overwhelmingly Republican Congress after the secession of the South to push through almost the entire Whig economic program. Lincoln signed no less than ten tariff-raising bills during his administration. Heavy “sin” taxes were levied on alcohol and tobacco, the income tax was levied for the first time in American history, huge land grants and monetary subsidies were handed out to transcontinental railroads (accompanied by a vast amount of attendant corruption), and the government went off the gold standard and virtually nationalized the banking system to establish a machine for printing new money and to provide cheap credit for the business elite. And furthermore, the New Model Army and the war effort rested on a vast and unprecedented amount of federal coercion against Northerners as well as the South; a huge army was conscripted, dissenters and advocates of a negotiated peace with the South were jailed, and the precious Anglo-Saxon right of *habeas corpus* was abolished for the duration.

While it is true that Lincoln himself was not particularly religious, that did not really matter because he adopted all the attitudes and temperament of his evangelical allies. He was stern and sober, he was personally opposed to alcohol and tobacco, and he was opposed to the private carrying of guns. An ambitious seeker of the main chance from early adulthood, Lincoln acted viciously toward his own humble frontier family in Kentucky. He abandoned his fiancée in order to marry a wealthier Mary Todd, whose family were friends of the eminent Henry Clay, he repudiated his brother, and he refused to attend his dying father or his father's funeral, monstrously declaring that such an experience “would be more painful than pleasant.” No doubt!

Lincoln, too, was a typical example of a humanitarian with the guillotine in another dimension: a familiar modern “reform liberal” type whose heart bleeds for and yearns to “uplift” remote mankind, while he lies to and treats abominably actual people whom he knew. And so Abraham Lincoln, in a phrase prefiguring our own beloved Mario Cuomo, declared that the Union was really “a family, bound indissolubly together by the most intimate organic bonds.” Kick your own family, and then transmute familial spiritual feelings toward a hypostatized and mythical entity, “The Union,” which then must be kept intact regardless of concrete human cost or sacrifice.

Indeed, there is a vital critical difference between the two unjust causes we have described: the British and the North. The British, at least, were fighting on behalf of a cause which, even if wrong and unjust, was coherent and intelligible: that is, the sovereignty of a hereditary monarch. What was the North's excuse for their monstrous war of plunder and mass murder against their fellow Americans? Not allegiance to an actual, real person, the king, but allegiance to a non-existent, mystical, quasi-divine alleged entity, “the Union.” The King was at least a real person, and the

merits or demerits of a particular king or the monarchy in general can be argued. But where is “the Union” located? How are we to gauge the Union’s deeds? To whom is this Union accountable?

The Union was taken, by its Northern worshipers, from a contractual institution that can either be cleaved to or scrapped, and turned into a divinized entity, which must be worshipped, and which must be permanent, unquestioned, all-powerful. There is no heresy greater, nor political theory more pernicious, than sacralizing the secular. But this monstrous process is precisely what happened when Abraham Lincoln and his northern colleagues made a god out of the Union. If the British forces fought for bad King George, the Union armies pillaged and murdered on behalf of this pagan idol, this “Union,” this Moloch that demanded terrible human sacrifice to sustain its power and its glory.

For in this War Between the States, the South may have fought for its sacred honor, but the Northern war was the very opposite of honorable. We remember the care with which the civilized nations had developed classical international law. Above all, civilians must not be targeted; wars must be limited. But the North insisted on creating a conscript army, a nation in arms, and broke the 19th-century rules of war by specifically plundering and slaughtering civilians, by destroying civilian life and institutions so as to reduce the South to submission. Sherman’s infamous March through Georgia was one of the great war crimes, and crimes against humanity, of the past century-and-a-half. Because by targeting and butchering civilians, Lincoln and Grant and Sherman paved the way for all the genocidal horrors of the monstrous 20th century. There has been a lot of talk in recent years about memory, about never forgetting about history as retroactive punishment for crimes of war and mass murder. As Lord Acton, the great libertarian historian, put it, the historian, in the last analysis, must be a moral judge. The muse of the historian, he wrote, is not Clio, but Rhadamanthus, the legendary avenger of innocent blood. In that spirit, we must always remember, we must never forget, we must put in the dock and hang higher than Haman, those who, in modern times, opened the Pandora’s Box of genocide and the extermination of civilians: Sherman, Grant, and Lincoln.

Perhaps, some day, *their* statues, like Lenin’s in Russia, will be toppled and melted down; their insignias and battle flags will be desecrated, their war songs tossed into the fire. And then Davis and Lee and Jackson and Forrest, and all the heroes of the South, “Dixie” and the Stars and Bars, will once again be truly honored and remembered. The classic comment on that meretricious TV series *The Civil War* was made by that marvelous and feisty Southern writer Florence King. Asked her views on the series, she replied: “I didn’t have time to watch *The Civil War*. I’m too busy getting ready for the next one.” In that spirit, I am sure that one day, aided and abetted by Northerners like myself in the glorious “copperhead” tradition, the South shall rise again.