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# "We Have Never Known What Death Was Before"- -A Just War Doctrine Critique of U.S. History Textbooks

Mark Pearcy

*University of South Florida*, [mpearcy@mail.usf.edu](mailto:mpearcy@mail.usf.edu)

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“We Have Never Known What Death Was Before”—  
A Just War Doctrine Critique of U.S. History Textbooks

by

Mark Percy

A dissertation submitted in partial fulfillment  
of the requirements for the degree of  
Doctor of Philosophy  
Department of Secondary Education  
College of Education  
University of South Florida

Major Professor: Howard Johnston, Ph.D.  
John Belohlavek, Ph.D.  
Michael Berson, Ph.D.  
Stephen Thornton, Ph.D.

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## DEDICATION

This study is dedicated to my wife, Michelle, and my two daughters, Katie and Thea. Thank you for everything, and I love you with my all my heart.

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## ABSTRACT

Textbooks are a significant element of the social studies curriculum and teacher pedagogical choice (Apple, 2004; Apple & Christian-Smith, 1991). Students' views of American history are dramatically affected by the textbook narratives to which they are exposed, and teachers often tilt their curricular choices based on the textbooks available to them (Luke, 2006; Schug, Western & Enochs, 1997). The history of our nation's armed conflicts is often presented, through our textbooks and our pedagogy, as a history of reluctant violence, which promotes a particular moral agenda that exerts control over our students' future beliefs and decisions. This is particularly important with regard to our textbook depictions of the U.S. Civil War, which holds a curricular status as a necessary and moral conflict. The "just war" doctrine is a philosophical framework which allows individuals to consider the ethical conditions under which war may be morally permissible, and it provides our students with an opportunity to engage in critical thinking regarding our nation's historical policies. The utility of the "just war" doctrine in American history classrooms is a topic that is largely unexplored in social science education. Therefore, using a critical analysis methodology that evaluates textbook depictions of the U.S. Civil War from a "just war" doctrinal perspective, the ensuing study will contribute to the research base in social science education by elaborating a framework from which teachers may approach the moral realities of war with their students.

Now tell us what 'twas all about,"  
Young Peterkin, he cries;  
And little Wilhelmine looks up  
With wonder-waiting eyes;  
"Now tell us all about the war,  
And what they fought each other for."

"With fire and sword the country round  
Was wasted far and wide,  
And many a childing mother then,  
And new-born baby died;  
But things like that, you know, must be  
At every famous victory.

"They said it was a shocking sight  
After the field was won;  
For many thousand bodies here  
Lay rotting in the sun;  
But things like that, you know, must be  
After a famous victory.

"And everybody praised the Duke  
Who this great fight did win."  
"But what good came of it at last?"  
Quoth little Peterkin.  
"Why, that I cannot tell," said he,  
"But 'twas a famous victory."

Robert Southey, "The Battle of Blenheim," 1805

Either war is finished or we are.

Herman Wouk, *War and Remembrance*

## CHAPTER ONE THE INTRODUCTION

There had to be something somewhere in all of them, in all of us that loved it. Some dark, aggressive, masochistic side of us, racial perhaps, that makes us want to spray our blood in the air, throw our blood away, for some damned misbegotten ideal or other. Whether the idea is morally right or wrong makes no difference so long as the desire to fight for it remains in us. Fanatics willing to die for ideals. It was territory, back when we were animals. Now that we have evolved into higher beings and learned to talk, territoriality has moved up a step higher with us, and become ideals. We like it. Cynical as it sounds, one is about led to believe that only the defeated and the dead *really* hate war. And of course, as we all know, they do not count.

James Jones, *WWII*, 1975

The Second Battle of Bull Run was fought near Manassas, Virginia, from August 28-30, 1862, between forces of the Confederate States of America and the Union in the second year of the U.S. Civil War. There were famous names involved—on the Southern side, mainstays like Robert E. Lee and Thomas J. “Stonewall” Jackson; for the North, lesser luminaries such George McClellan, John Pope and Irwin McDowell. Compared to other engagements of the Civil War, it was not a particular distinguished battle—no

major territory was won or lost, no crucial towns seized or conceded, no changes on either side precipitated by the battle's outcome (other than the cashiering of another Union general after a loss—this time, General Pope). After the battle, General Alpheus S. Williams said this about its outcome: “A splendid army almost demoralized, millions of public property given up or destroyed, thousands of lives of our best men sacrificed for no purpose” (as cited in Hennessey, 1993).

*The American Vision* (Appleby, Brinkley, Broussard, McPherson, & Ritchie, 2005) is a U.S. history secondary-level textbook, written by several eminent historians, including Dr. Joyce Appleby of UCLA. It is published by Glencoe, a division of McGraw-Hill, one of the four large publishing companies—Pearson, Reed Elsevier, and Houghton Mifflin Harcourt are the other three—that publish a variety of textbooks, for all grade levels and practically all subjects (Sewall, 2005). This textbook enjoys wide usage across the nation, including many Florida school districts (Florida School Book Depository, 2008). *The American Vision* has this to say about the Second Battle of Bull Run:

As McClellan's troops withdrew, Lee decided to attack the Union forces defending Washington. The maneuvers by the two sides led to another battle at Bull Run, near Manassas Junction—the site of the first major battle of the war. Again, the South forced the North to retreat, leaving the Confederate forces only 20 miles (32 km) from Washington. (p. 362)

The textbook narrative moves then in a longer discussion of the Battle of Antietam, considered by most historians to be of greater importance than Second Bull Run, a battle with over twenty-three thousand casualties on both sides.

One such victim was James Palmer, a young man from the Santee region of South Carolina. Upon learning his fate, his sister, Sarah, found herself experiencing a degree of grief for which she was unprepared—to their sister, Harriet, she wrote, “I can’t realize that I am never to see that dear boy again [.]” The loss of a loved one, in a battle far from home, with little hope of explanation or even the recovery of his remains, was a cruelty far removed from the general understanding of death in the nineteenth century. “We have never known what death was before,” Sarah wrote to her sister (Faust, 2008, p. 144).

The depiction of the Second Battle of Bull Run found in *The American Vision* is free of such human costs or considerations. It is a factual, dispassionate account of a minor battle in the midst of a larger, more important narrative, the Civil War. In that account, however, *The American Vision* does what most textbooks do—it presents a single, unifying picture of American history, generally free from depictions of the inherent brutality and cruelty of war.

### **Background Information**

Death and destruction are endemic to wars, but Americans, throughout our history, have conceptualized our participation in war as a matter of inevitability. At many points in American history, political leaders have cast a decision to enter into armed conflict as a reluctant choice, one taken only after all other options have been exhausted. For example, in his war message to Congress prior to the War of 1812, James Madison affirmed that the U.S. had “exhausted remonstrances and expostulations, and that no



proof might be wanting of their conciliatory dispositions”; and yet, with Great Britain’s continuing bellicosity, war was now unavoidable (Madison, 1995). Abraham Lincoln, before a special session of Congress on July 4, 1861, claimed that the declaration of war against the seceding Southern states was a policy “to the exhaustion of all peaceful measures, before a resort to any stronger ones” (McPherson, 1988, p. 309). In 1898, William McKinley prepared the nation for war with Spain over Cuba by asserting that “I have exhausted every effort to relieve the intolerable condition of affairs which is at our doors” (McKinley, n.d.). Prior to overt military action in Vietnam (a conflict in which the U.S. faced no imminent territorial threat), President Lyndon Johnson justified military intervention after the Gulf of Tonkin incident by avowing “America keeps her word...we must and shall honor our commitments” (Johnson, 2008). In March 2003, President George H.W. Bush addressed the nation and provided a similar justification for the use of American military force: “The danger is clear...War has no certainty, except the certainty of sacrifice. Yet, the only way to reduce the harm and duration of war is to apply the full force and might of our military, and we are prepared to do so... Free nations have a duty to defend our people by uniting against the violent” (Public Papers of the Presidents of the United States: George W. Bush, 2003). It is certainly not unique among nations to adopt a voice of moral clarity when pursuing a violent course of action, yet America seems particularly to require an overt declaration of our own reluctant, yet determined, motives—defense, not aggression, and bloodshed only when unavoidable.

Americans can debate the political and moral implications of our nation’s decisions to go to war. In our collective memory, though, we have conceptualized war as a grim, but often necessary event, which is forced upon us by external contingencies.

Moreover, our textbooks seem to indicate a belief that our wars are always fought on moral high ground—that our decisions to go to war are made both in the best interests of the American nation and in defense of our national principles. This is certainly debatable, but our textbooks rarely give students the tools or opportunities to critically analyze such issues. Zinn (1967), for example, claims that the U.S. foreign policy of containment, which led to the conflict in Vietnam, was in fact suppressive of social movements around the world, primarily in its support of non-communist dictatorships in Central and South America, the Caribbean, Africa, and Asia. This interpretation is open for discussion, but not in our school textbooks.

### **Rationale for Study**

Wars in American history are generally presented as inevitabilities which are non-negotiable; that is to say, Americans do not “choose” to go to war, but are instead forced into conflict. While the cost of war in human lives is generally presented in terms of the number of military dead, there is little to no discussion of the economic costs of losing so many fathers and sons, the emotional damage inflicted on families and children, or the continuing agonies of those that survive. Wars are presented as social and political hurricanes, which we are incapable of avoiding or nudging off-course; and the costs, while tragic, are necessary and noble.

Of greater concern is the possibility that our textbooks may not provide our students with the critical skills necessary to make wars less common and more avoidable. Watkins (2008) points out that one significant goal of history instruction should be “to inform and empower students to prevent such atrocities and discrimination from happening again” (p. 2). Our textbooks rarely lead our students to consider peace as a viable option

in historical circumstance. Our textbooks, whether they are used little or often, represent the knowledge we wish our children to know—more than that, they represent the value structure we wish our children to adopt. Krug (1963) asserts that “what young people read about the history of their country... affects the degree of their commitment to international peace and understanding” (p. 425). The conceptualizations of war that our textbooks impress upon our students may be diluting this commitment. Our textbooks avoid the questions Nel Noddings (2006) raised in her book *Critical Lessons*: “What makes war so exciting? Why are so many people drawn to it? And why do educators accept texts and curricula that fail to address the psychology of war” (p. 5)?

### **Purpose Statement**

This study is an analysis of U.S. history secondary-level textbooks, emphasizing how the U.S. Civil War is conceptualized and presented. I chose the Civil War because, despite its status as the most destructive war in U.S. history (in terms of lives lost), it has achieved a status in most history texts as a historical necessity, a war that *had* to be fought.

I analyzed textbook depictions of the causes, consequences, and conduct of this war in light of the “just war” doctrine, a philosophical framework that allows for the moral justification of armed conflict under certain conditions. This contrasts with the concept of pacifism, which contends that there is never an adequate justification for war as a policy choice, and simultaneously serves as a critical framework against which traditionally uncritical textbook narratives can be measured.

Perhaps more importantly, there is significant dissonance between textbook depictions of war and narratives that discuss more intrinsically the psychological impact of war, on participants and non-participants. Given the impact that textbooks have on instructional design, even among teachers who do not rely actively on such material, it is vital to understand the connection (if any) between what textbooks present and what we want students to know about war.

### **Research Questions**

The subject of this study revolves around a central question: how do textbooks present the Civil War, in light of the doctrine of “just war”? I looked at selected events and topics from the historical period prior to the outbreak of hostilities, during the war itself, and after the war’s conclusion. The following research questions are subsumed under the central question:

- How do textbooks present the Civil War, in light of the “just war” conditions of *jus ad bellum*? Specifically, how do textbook narratives present the following historical topics: secession and states’-rights, the presidential election of 1860, and the Confederate attack on Fort Sumter in April 1861?
- How do textbooks present the Civil War, in light of the “just war” conditions of *jus in bello*? Specifically, how do textbook narratives present the following historical topics: the experience of Civil War battle (on combatants and non-combatants), the treatment of prisoners-of-war, and General William T. Sherman’s “March to the Sea” of 1865?

- How do textbooks present the Civil War, in light of the “just war” conditions of *jus post bellum*? Specifically, how do textbook narratives present the following historical topics: Robert E. Lee’s surrender at Appomattox, the passage of the 14th Amendment to the U.S. Constitution, the competing plans for Southern Reconstruction, and the Compromise of 1877?

### **Educational Significance**

Harrison-Wong (2003) asserts that “[textbooks] not only shape how students understand the past but also influence how they envision the future” (p. 1). There is little doubt about the impact that textbooks have on teachers and their instructional choices. Despite efforts to move teacher practices away from traditional, text-centered approaches (Thornton, 1997), textbooks remain the centerpiece of most classroom instruction (Sleeter & Grant, 1991; Ravitch, 2003). Textbooks, in fact, often play a more central role in curriculum and instruction than does the teacher (Zevin, 1992). Textbooks form the standard by which most teachers, even experienced ones, conceptualize their instruction, especially in terms of topic selection; and wars are often the milestones by which teachers move through historical events. It is a common observation that American history is often taught as a grim procession from one war to the next.

The National Council for the Social Studies (NCSS) advocates the implementation of ten “themes” in the classroom, including that of Civic Ideals and Practices. Under the description of this theme, the authors include this passage: “What is the role of the citizen in the community and the nation, and as a member of the world community? How can I make a positive difference” (National Council for the Social Studies, 2010)? The

message implicit in this theme is the idea that education should be aimed at something larger than skill acquisition or profitable future careers for our students. Instead, we should be in the practice of helping our students form positive values, with the goal of helping them become virtuous, ethical individuals. If our textbooks (and thus, by extension, our pedagogy) leads students to the belief that American wars are *always* necessary, and thus *always* justifiable, we do a disservice both to the skills we hope to foster—primarily, critical thinking and investigation of multiple perspectives—and to the possibility that we as educators may have a role to play in the reduction of war in our national lives.

### **“Just War” Doctrine**

The “just war” doctrine was first conceptualized by thinkers like Aristotle and Cicero, and was more fully articulated by St. Augustine as a theory of defense for the early Catholic Church. Its precepts have been formalized in modern documents like The Hague and Geneva Conventions and the United Nations Charter. “Just war” is an ethical response to those who consider law to be inapplicable to hostile acts (what was referred to in Rome as *inter arma silent leges*, “In time of war the law is silent”). Modern “just war” theory and its application to American history has been the focus of two key scholars—James Turner Johnson and Michael Walzer. Johnson, in *Ideology, Reason, and the Limitation of War* (1975), considers “just war” to be the natural outgrowth of any human community. A community, Johnson claims, is a “group of people sharing a common end who are internally driven to seek that end and help one another toward it” (p. 12). In a community, “the *coordination of effort* is the primary function of law. Since

everyone agrees as to the ends to be sought, law coordinates their activities so as to maximize attainment of those ends.” This “law of coordination,” claims Johnson, is the foundation of “just war” doctrine. A given community’s sense of ideological purpose gives greater weight to these acts of coordination; and “just war,” since it was a product of early canon law and Christian theology, carried a “relevance and an adequacy, both moral and political, that it could not have had otherwise” (Johnson, 1975, p. 12-13).

Johnson asserts that there is a distinction between “classic” just war doctrine and modern theory. The former existed prior to around 1500 and was mostly derived from the work of Augustine and other theologians of early church canon law. It was generally concerned with issues of *jus ad bellum* (the right to make war), while modern “just war” doctrine is mostly dated to the late Middle Ages and is primarily aimed at “the proper mode of fighting,” *jus in bello* (Johnson, 1975, p. 7-8).

Together with James T. Johnson, Michael Walzer is the most noted scholar of “just war” doctrine in the modern era. In *Just and Unjust Wars* (1977) and *Arguing About Wars* (2004), Walzer considers the moral standing of war, arguing that aggression is “the only crime that states can commit against other states” (Walzer, 1977, p. 51). Walzer asserts that the fundamental argument behind “just war,” is the idea that “war is sometimes justifiable and that the conduct of war is always subject to moral criticism” (Walzer, 2004, p. ix). While his concept of “just war” stands in contrast to pacifist theory—and that of Nel Noddings, who states that “the deliberate killing of people who do not want to die can never be considered virtuous” (Noddings, 2006, p. 54)—Walzer’s work encompasses an ethical element missing in textbook conceptualizations of war.

“Just war” doctrine divides the theory of war into three parts: *jus ad bellum*, the act of choosing war; *jus in bello*, the proper conduct of war after its beginning; and *jus post bellum*, the justice of peace agreements and the manner in which wars are brought to a conclusion. Brian Orend in his work “The Morality of War” (2006), as well as his essay “War” for the *Stanford Encyclopedia of Philosophy* (2005), has created a framework for the elements of “just war” which incorporates the traditional components of that theory, as well as more modern iterations and elaborations.

“Just war” doctrine with regard to *jus ad bellum* contains six primary components:

1. *Just cause*: this commonly includes: self-defense from external attack; defense of others from external attack; protection of innocents from brutal, repressive regimes; punishment for a grievous wrongdoing which remains uncorrected
2. *Right intention*: a nation must intend to fight only in defense of its just cause, or in light of its justification.
3. *Proper authority/public declaration*: this issue is often addressed within a state’s constitution or the legitimacy of its governmental system.
4. *Last resort*: from Brian Orend (2005, para. 23): “A state may resort to war only if it has exhausted all plausible, peaceful alternatives to resolving the conflict in question, in particular diplomatic negotiation.”
5. *Probability of success*: the intention of this requirement is to prevent unnecessary and futile bloodshed.
6. *Proportionality*: again, from Orend (2005, para. 25): “A state must, prior to initiating a war, weight the universal goods expected to result from it, such as securing the just cause, against the universal evils to result, notably casualties.”



*Jus in bello*, the second component of “just war” doctrine, refers generally to behavior during the conflict itself, and thus adherence and articulation falls typically on military commanders and the soldiers themselves. There is usually a division between *internal* and *external* elaborations of *jus in bello*—the former referring to moral conduct towards the enemy, its combatants and its civilians, the latter aimed at a state’s moral conduct towards its own citizens (Orend, 2005). *External jus in bello* is comprised of the following components:

1. *The observance of international laws on the prohibition of certain weapons*: e.g., chemical or biological weapons, and to a lesser degree, nuclear weapons.
2. *Discrimination and non-combatant immunity*: soldiers may only target those who are “engaged in the business of war” (Walzer, 2004, p. 43), which implies the “discrimination” between combatants (and attendant, morally permissible targets, such as political or industrial facilities) and civilians, who are morally immune from attack. It is expected that some civilian deaths may occur (referred to euphemistically as “collateral damage”), but all due care must be expended in trying to prevent such death.
3. *Proportionality*: only the force “proportional to the end [soldiers] seek” is appropriate (Orend, 2005, para. 31). “Weapons of mass destruction” are typically considered out of proportion.
4. *Benevolent quarantine for prisoners of war (POWs)*: the surrender of enemy soldiers delegitimizes them as threats (they are no longer, by definition, “engaged in harm”). In that case, it is morally wrong to threaten, harm, or use them inappropriately, a standard spelled out by various international laws, including the

Geneva Conventions, which require “benevolent” quarantine away from battle zones (“Convention III Relative to the Treatment of Prisoners of War. Geneva, 12 August 1949,” 1949). Ultimately, they should be returned in exchange for the opposing state’s POWs, at the conclusion of hostilities.

5. *No Means Mala in Se*: Translating as “evil in themselves,” this component condemns the use of weapons, tactics, and methods that unequivocally immoral, such as: “mass rape campaigns; genocide or ethnic cleansing; using poison or treachery (such as disguising soldiers to look like the Red Cross); forcing captured soldiers to fight against their own side; and using weapons whose effects cannot be controlled, like biological agents” (Orend, 2005, para. 33).
6. *No reprisals*: this component addresses the failure of a given state to observe just in bello, which may then cause the attacked state to retaliate with a similar violation of “just war” prohibitions. This limitation is aimed at preventing an escalation of violence, and the usual descent into atrocity that follows.

The final category of the “just war” doctrine, *jus post bellum*, concerns moral behavior after the cessation of hostilities between two states. In the modern world, most international law concerns itself with the first two components of “just war,” and thus *jus post bellum* is heavily dependent on traditional “just war” theory. There are five basic principles:

1. *Proportionality and publicity*: Any peace agreement or treaty should be “measured and reasonable, as well as publicly proclaimed” (Orend, 2005, para. 37). This condition generally excludes demands for unconditional surrender.

2. *Rights vindication*: Any conflict, ultimately, is begun over a perceived violation of rights, on a party's behalf; the restoration of those rights, therefore, must be the basis for any lasting or moral peace.
3. *Discrimination*: Postwar settlements must distinguish between parties on the defeated side (leaders, combatants, and civilians), and postwar disposition must be apportioned reasonably. This is aimed at discouraging mass punishments of an entire citizenry.
4. *Punishment*: "Proportionate punishment" must be assigned to a defeated state (and, most importantly, its leaders) when it has clearly committed blatant violation of other states'-rights. Similarly, soldiers, on both sides, can commit war crimes; and they, too, should be held accountable and punished if necessary.
5. *Compensation*: A defeated state may be required to make financial restitution (so long as such restitution is both proportional and discriminates between those who are blameworthy and those, like civilians, who are immune).
6. *Rehabilitation*: It is expected that a victorious state may enact reforms within the institutions of a defeated country, which may include "demilitarization and disarmament; police and judicial re-training; human rights education; and even deep structural transformation towards a minimally just society governed by a legitimate regime" (Orend 2005, para. 43). The degree of rehabilitation is largely dependent on the "depravity" of the defeated regime, which makes this component of *jus post bellum*

### Why “Just War?”

It is important to consider why “just war” doctrine can not only be a valuable measurement of a textbook’s moral component, but also a necessary addition to a textbook’s depiction of U.S. wars. There are two reasons why “just war” can serve as an appropriate framework from which to judge historical action—a moral stance and an empathetic stance.

Dewey, in *Moral Principles in Education* (1909), points to the necessity to consider morality as a facet of historical instruction. Without morality, Dewey claims, history is essentially a useless subject to students:

When treated simply as a record of what has passed and gone, [history] must be mechanical, because the past, as the past, is remote. Simply as the past there is no motive for attending to it. The ethical value of history teaching will be measured by the extent to which past events are made the means of understanding the present. (p. 36)

Morality, and the teaching of moral ideas, is not something from which to shy away in our classrooms. As Dewey writes, “when a study is taught as a mode of understanding social life it has positive ethical import.... what we need in education is a genuine faith in the existence of moral principles which are capable of effective application” (p. 57).

Barton and Levstik (2004) write that the study of history includes by necessity a moral component: “Although we may not often speak in terms of morality, we nonetheless expect students to celebrate the good things in history and condemn the bad” (p. 91). One reason we teach history is to encourage a proper path to the future, a set of

behaviors that we consider correct and virtuous. “Just war” doctrine is, ultimately, a framework that encompasses a moral approach to war, and to life.

In terms of historical empathy, the “just war” doctrine gives students an opportunity to perform the essential task of any historian, “to understand and interpret past events,” and to answer an essential question of historical inquiry—“why did an individual or group of people, given a set of circumstances, act in a certain way” (Yeager & Foster, 2001, p. 15)? Students can use “just war” to consider not only the moral status of historical action, but also to consider the restrictions under which combatants and civilians operated in the Civil War era.

An important distinction is necessary here—the use of a moral and empathetic tool, such as “just war,” should not be considered a form of indoctrination, a phenomenon about which we should be rightly concerned. “Just war” is not pacifistic, unilaterally opposed to all violent conflict for any reason; neither is it militaristic, accepting (and sometimes, even enthusiastic endorsing) the necessity of war. Cicero (1924), in his *Philippics* against Marc Antony in 44 and 43 BCE, remarked on the cautious realism of the “just war” philosophy, when he said “Therefore, if we wish to enjoy peace, we must wage war; if we fail to wage war, peace we will never enjoy...the name of peace is sweet, and the thing itself is not only pleasant, but salutary” (p. 255). The use of an ethical scaffold does not necessarily mean that its moral foundations are being offered as valuable or even desirable to our students. Instead, it is the empathetic nature of “just war” that makes it most valuable as a teaching tool; rather than considering whether or not “just war” is appropriate in the modern age, students are asked whether or not

historical figures lived according to the moral precepts they espoused. It is the difference between moral education and moral propaganda.

### **Why the Civil War?**

The Civil War holds a singular and exalted place in most American history classrooms. It is often presented, in textbooks and in our collective memory, as a nationally defining event, one that shaped the American body politic into a unified entity. In 1990, PBS' landmark series *The Civil War* made an unlikely celebrity out of historian Shelby Foote, who charmed millions with his homespun anecdotes and sharp observations about the war, its impact on participants, and on the country. In a memorial to Foote after his death on PBS' *Newshour* program, titled "Remembering Shelby Foote" (2005), Foote offered this illustration as to the importance of the Civil War to American identity:

Before the war, it was said "the United States are." Grammatically, it was spoken that way and thought of as a collection of independent states. And after the war, it was always "the United States is," as we say today without being self-conscious at all. And that sums up what the war accomplished. It made us an "is."

There is little doubt that the Civil War had a massive impact on the development of a national identity. Dionne (2010) refers to the Civil War as a "mass democratic experience...the 19<sup>th</sup> century's great social revolution" (p. A15). Winik (2001) characterizes the Civil War as the forge in which the concept of "nation" left undefined by the Constitution was ultimately created—the "embodiment of a sturdy people...the stitch in the fabric that even the Founders missed" (p. 387). McPherson (1988) considers

the immense transformation brought about by the national devastation—“From the war sprang the great flood that caused the stream of American history to surge into a new channel” (p. 861-862). Williams (2005) critiques the large emphasis by historians on the political and military implications of the war, but in so doing, highlights the massive social changes brought about by the sectional crisis and the violence that ensued, especially for African-Americans, women, and Native Americans. Foner (1988), in considering the impact of the post-Civil War era on the U.S., points to the singular impact of the war on the next one hundred years of race relations in America, what he calls a “sweeping redefinition of the nation’s public life” (p. xxvii). Scholars have long recognized the dominant place of the Civil War in national history, and that recognition is firmly entrenched in textbooks.

Textbooks uniformly present the Civil War as a unique and defining national event. Lapansky-Werner, et al. (2010), in Prentice Hall’s *United States History*, characterize the war as a struggle for “national survival” (p. 360), and describe the changes brought about in economic terms, social, and political terms with considerable detail, concluding that “the United States had never experienced a war like the Civil War...more Americans would see themselves as citizens not just of a state but of a unified nation” (p. 394-396). Cayton, et al. (2007), in *America: Pathways to the Present*, note that Americans, through the Civil War, had “gained an undivided nation, a democracy that would continue to seek the equality Lincoln had promised for it” (p. 417). And Danzer, et al. (2005), in McDougal Littell’s *The Americans*, comments that “the Civil War caused tremendous political, economic, technological, and social change in the United States. It also exacted a high price in the cost of human life” (p. 366). The

unanimity of historians and textbook authors signal the unique curricular status of the Civil War in American history narrative.

### **Limitations**

While there are a wide variety of armed conflicts in U.S. history, both in size and scope, this study examined only the Civil War. Other wars and the manner in which they are depicted in textbooks are beyond the scope of this study and were not addressed.

An additional problem is determining a given textbook's popularity. Such information is usually not released by textbook companies, and though one may infer based on outside sources (e.g., national groups such as the American Textbook Council or state-specific instructional materials catalogs), there is no definitive source for a textbook's popularity or ubiquity (Ansary, 2005; Loewen, 1995; Fitzgerald, 1979). This being so, it is difficult to address the scope of a textbook's usage.

Similar to issues regarding textbooks, there are limitations present in the use of the "just war" doctrine. This doctrine has been critiqued, in some quarters, as insufficient to the modern age and the emergence of non-state violence (e.g., terrorism). Certainly, there is room for this criticism when the doctrine is applied to historical conflicts which may not be appropriate for its restrictions; but when focused solely on a conflict which adheres to its conditions, certainly "just war" can be considered appropriate to its uses. The U.S. Civil War, fought in the last half of the nineteenth century, was prior to the formal adoption of most international law. Still, European nations had been heavily steeped in the traditions of "just war" (Johnston, 1975), and by the mid-19<sup>th</sup> century they had already begun the process of formalizing "just war" precepts into statutes of



international law. The earliest formal agreement regarding international military behavior appeared with the Declaration of Paris of 1856, which abolished privateering, formalized the concept of maritime neutrality, and identified the elements of binding blockades (Best, 1980). Shortly after this, in August 1864, the Geneva Convention of the Wounded in Armies in the Field was produced by a multi-state conference and established the red cross as an officially neutral symbol, as well as proclaiming the neutrality of the sick, wounded, and the personnel that cared for them (Doty, 1998).

The United States did not participate in either of these conferences (though it ultimately did sign the Geneva Convention in 1882), largely due to the traditional avoidance of “entangling” European alliances. Still, the U.S. had been the first nation to codify moral principles into law with regard to the conduct of war. In 1863, President Lincoln commissioned Francis Lieber, a Swiss-born philosopher and jurist, to write the first code of conduct for the U.S. military. Officially called the Instructions for the Government of Armies of the United States in the Field (“General Order No. 100”), it was more commonly referred to as the “Lieber Code,” and its admonitions are drawn virtually intact from the *jus in bello* tradition—humane treatment of prisoners (it specifically forbade the practice of showing “no quarter” to surrendering troops), the banning of certain weapons (e.g., poison), and the delineation of proper and improper targets of hostilities. Lieber’s work served as the model for practically all future international codes—Geoffrey Best (1980) says that “Lieber’s code...served as the quarry from which all subsequent codes were cut” (p.172). While the Civil War was not, by definition, a state-to-state conflict, it was largely conducted as one, to the degree that departures from “just war” restrictions (such as William T. Sherman’s notorious “March

to the Sea” in 1864) were considered extremely abnormal in their time. The conceptualization of “just war” was deeply embedded in Northern and Southern tradition prior to, during, and after the Civil War.

A final limitation is methodological. The textbook analysis is a format that analyzes ideological representations in text (including word choice and sentence construction), graphics, maps/charts, and topic selection. It may offer insight into author beliefs and resulting student opinions, and can unpack the connections between ideology and desired student beliefs. There are specific advantages and disadvantages to the two evaluative tools used in this study, a historical narrative approach and a categorical analysis approach, which are addressed in Chapter 3 in greater detail. The one general limitation of the textbook analysis is its inability to show the measurable impact of such factors on student learning. There have never been any major longitudinal studies on this subject (Loewen, 1995; Nietz, 1961; Ravitch, 2003). This study focuses on textbook conceptualizations of war and their depictions of such events as compared to historiographical narratives, and not the impact of such depictions on students.

### **How I Came to the Study**

My family has a military tradition that would appear, to most outsiders, as fairly deep and historical. My grandfather volunteered for the U.S. Navy shortly after Pearl Harbor in 1941, becoming a corpsman (a medic) on board a LCI (Landing Craft, Infantry) and participating in a number of military operations, including the invasion of Normandy on June 6, 1944. My father was a captain in the U.S. Air Force and served from 1969 to 1970, in the Vietnam conflict, as an air traffic controller stationed in

Saigon. My brother volunteered for the U.S. Navy and served for twelve years. At the same time, we are a family of diverse political and religious practices. My grandfather is a conservative Irish Catholic who has voted for Republican candidates practically his entire adult life. My father is a Methodist minister, as is my mother, both of whom are considerably more liberal in their political attitudes. He was opposed to the Vietnam War, but chose to join the Air Force rather than risk being drafted into the U.S. Army and compelled to join the infantry. I went to college, earning my bachelor's degree in history and my master's degree in secondary education, deeply aware of the sacrifices and risks my family had endured in order to afford me such a privilege.

I have taught social studies, primarily American History, at the high school level for 17 years. As is very normal for high school, wars play a large role in the American history curriculum. I have designed and used many activities about various armed conflicts from our national narrative, especially the American Revolution, the Civil War, and World War II. I have used multimedia sources, including film clips and audio clips, to accentuate the impact of my lessons, and I have noted an avid and generally positive response to our activities. I have been struck, any number of times, by the impact such activities have, not only with regard to the dramatic power inherent in armed conflict but also in the enthusiasm of student response. Americans seem to understand, by and large, that wars are destructive and catastrophic on a number of levels; and yet we also seem to stand by the firm conviction that sometimes, in some situations, wars are necessary (in essence, the fundamental belief of the "just war" doctrine). But it was not grim acquiescence I observed among my students, when I previewed upcoming topics in my

classroom and mentioned the study of a particular war—it was excitement. Students (at least, a considerable number of them) seemed to construe war as *fun*.

It would be easy, under such circumstances, to blame any number of external factors—family, society, media, popular entertainment. But I began to wonder if teachers—and, by extension, how and what we taught—were as impactful in the formation of student conceptualizations of war. Since textbooks form the basis of most classroom instruction, either implicitly or explicitly, I wanted to know to which perspectives on American wars these materials were trying to lead students. What began as a comparatively simple textbook analysis became, for me, an investigation into my own role in creating conceptualizations of war and warfare, and whether or not teachers can influence the occurrence or necessity for war in the future.

From an epistemological standpoint, I adhere to the constructivist belief that our own selves, unique and immutable, form the lens through which we interact with the universe. I do not believe there is the possibility of truly value- or bias-free research, primarily given the fact that the selection, organization, and presentation of knowledge to students is determined through a process infused with politics and ideology, especially in the social studies. This perspective has led me to qualitative research traditions, which I find encompass my worldview more wholly than the more traditional quantitative approach.

CHAPTER TWO:  
THE LITERATURE REVIEW

Literature in this area is reviewed and separated into the following categories: the theoretical framework of this study (critical pragmatism, power, moral education, and the ethic of care in schools); the role of the textbook and general historical criticism; textbook bias; and relevant historiography and works on the psychology of war.

**Critical Pragmatism**

This study's theoretical framework is that of critical pragmatism, the philosophical belief that the value of an idea, and an education, must be measured by its relation to life. Cherryholmes (1999), in a hypothetical question-and-answer format, addressed some of the fundamental tenets of critical pragmatism:

Q: Why do we do what we do?

A: To get results...that are satisfying and fulfilling. We get these conceptions from experience, through construction. We submit our ever-changing conceptions of satisfaction and self-fulfillment to multiple interpretations, exposing them to criticism, making our selections through democratic solidarity and not by appealing to foundational and fundamentalist principles...we increase the risk of making unsatisfactory choices to the extent that "other" conceptions, beliefs, individuals, and groups are excluded and silenced. (p. 5)

Critical pragmatism finds its roots in the work of John Dewey and William James, both of whom still are critical to the nature of pragmatic inquiry. As Richard Rorty (1982) put it, “James and Dewey were not only waiting at the end of the dialectical road which analytic philosophy traveled, but are waiting at the end of the road which, for example, Foucault and Deleuze are currently traveling” (p. xviii). James (1943), who was largely inspired by the work of C.S. Peirce (Thompson, 1953; Moore & Robin, 1994), achieved greater acclaim for what he called *the pragmatic method*: “the attitude of looking away from first things, principles, ‘categories,’ supposed necessities; and of looking towards last things, fruits, consequences, facts” (p. 47).

Pragmatism is, in large part, about *doing*, without an emphasis on empty intellectualism; put another way, there is no such thing as any educational pursuit for its own sake. As Dewey (1927) wrote, “the doctrine that intelligence develops within the sphere of action for the sake of possibilities not yet given is the opposite of a doctrine of mechanical efficiency. Intelligence *as* intelligence is inherently forward-looking; only by ignoring its primary function does it become a mere means for an end already given. The latter *is* servile, even when the end is labeled moral, religious, or esthetic” (p. 6-7). In *Democracy and Education* (1916), Dewey is more direct—“Mere amassing of information apart from the direct interests of life makes mind wooden; elasticity disappears” (p. 245). Pragmatism, ultimately, is about the twin goals of social hope and liberation (Rorty, 1982, p. 160). Such goals are attainable, ultimately, through the adoption of the approach of “disciplined skepticism” (Cornbleth & Waugh, 1995, p. 28) that is deeply value-laden. The goal of education is to improve life, hardly a neutral or trivial idea. Instructional technique or content, devoid of meaning or value, amounts to

what Shaver (1979) refers to as "mindlessness," involving "the thoughtless use of method and/or content without examination of the underlying assumptions and the potential outcomes that may impact the achievement of one's purposes" (p. 44).

Critical pragmatism stands in opposition to this sort of "mindlessness." It is centered on the concept that controversy and disagreement are natural products of the discourse over what should be taught and how. Educational choices are driven by struggles (sometimes benign, sometimes violent) between groups at all levels of a society, in a variety of arenas—personal, cultural, and political. The struggle between dominant groups and marginalized minorities form the heart of a critical perspective on the role of textbooks in the classroom.

### **Power and Ideology**

The textbook, as the most visible and immediate manifestation of a school's accepted curriculum, exerts a form of political, cultural, and educational power that abrogates any claim to official neutrality of perspective (Giroux, 1979). Apple (1993) explores the decision to define some groups' knowledge as the most legitimate, as official knowledge, while other groups' knowledge is marginalized, obfuscated, or deleted entirely. All curricula, Apple states, must go through the process of "subjectifying" themselves, the overt acknowledgement of the degree to which they are rooted in the particular cultural norms and values from which they were derived. The same, by extension, is true of textbooks. Put another way, we must acknowledge, tacitly, that textbooks are not only manifestations of a subjective, constructed narrative, but they are

also the tools that can be used to minimize nontraditional voices, perspectives, and dissent.

Anyon (1979) adopts a critical perspective of the ideological impact of textbooks by linking their content and their mode of production to the interests of capitalism. Whitty (1985) concurs that there is certainly a connection between textbook production and the transmission of a dominant political paradigm through them (he cites Anyon's contention that militant labor unions were routinely denied the role in textbooks that scholarly historiographical sources indicated they should have). While he questions the degree to which Anyon explores the precise relationship between textbooks and controlling interests, he neatly clarifies her point by saying "the texts, then, serve to emphasize and legitimate the existence of some groups at the expense of others" (p. 42). This process is an example of what Giroux (1979) called the "often ignored relationship between school knowledge and social control" (p. 20).

Giroux explored the process by which a preexisting social order can be replicated through the classroom. He asserts that the fragmented approach social studies educators take to reform—mainly focusing on content and methodology—does nothing to correct the underlying nature of the "hidden curriculum"—the "unstated norms, values and beliefs that are transmitted to students through the underlying structure of meaning in both the formal content as well as the social relations of school and classroom life" (p. 22). Textbooks are shielded from contrary ideology—students are taught, implicitly and overtly, that the knowledge in textbooks is beyond question, which only prepares them for a life of intellectual passivity—"If the fragile ideological nature of these



considerations are not made clear to students, then they will learn more about social conformity than critical inquiry” (Giroux, 1979, p. 30).

Such “intellectual passivity” is fertile ground for what Apple (1995) calls the “grand narrative under which all relations of domination can be subsumed; the idea of the decentered subject where identity is both unfixed and a site of political struggle” (p. 11). Apple rejects this belief, as does Giroux (1985), who argues that schools are not neutral, utilizing the textbook as the instrument of social control. James Loewen (1995), in his popular work, *Lies My Teacher Told Me*, not only highlighted the frequent historical errors made in standard issue history textbooks, but also the degree to which they routinely subsumed the narratives of minorities and the underprivileged, on behalf of a largely white, Eurocentric paradigm. In his 2010 work *Teaching What Really Happened*, Loewen points to the powerful necessity of teaching history: “[H]istory is power...Students who do not know their own history or how to think critically about historical assertions will be ignorant and helpless before someone who does claim to know it. Students need to be able to fight back” (Loewen, 2010, p. 12). Jean Anyon (2006) writes in a similar vein when she focuses on the use of schools and textbooks, with an aim to “expose and reduce the reproductive effects of schooling and increase the liberatory possibilities of education” (p. 38).

Anyon’s efforts, similar to other scholars from this theoretical background, are focused on the issue of hegemony. *Hegemony*, in this context, is the ability of dominant groups to define “legitimate” areas of agreement and disagreement, to shape which political agendas are made the public face of educational discourse in the U.S. McLaren (1998) describes hegemony as “the maintenance of domination not by the sheer exercise

of force, but primarily through consensual social practices, social forms, and social structures produced in specific sites such as the church, the state, the school, the mass media, the political system, and the family” (p. 177). The mechanism that is used to establish this hegemony is the textbook—through its writing, adoption, and use in the classroom. Apple (2006) points to the hegemony intrinsic to textbooks, how in consideration of marketing and potential sales, “any content that is politically or culturally critical or can cause a negative reaction by powerful groups is avoided” (p. 244).

Textbooks can be examined as a mechanism of hegemony, for the transmission of a dominant cultural paradigm and narrative. Apple (2004) refers to the process of “systems management” in the construction of school curricula and their visible material manifestations (e.g., textbooks) and the prevailing belief in the “inherent neutrality” of such procedures. Apple points out that these manifestations are hardly neutral, but instead aim to effect and maintain what he terms “technical control” and “certainty.” Just as educators evaluate their students’ success and failure through their own ideological positions, textbooks are purposed to provide students with an “appropriate” body of knowledge, one that is intellectually valid and morally certain.

In large part and in many places, the textbook forms the heart of the curriculum, even though there is no law or framework that says this must be so. Luke (2006) refers to this as a “de facto national mandate” (p. 139), one which tends to obscure or avoid contradictory accounts or controversy. The power of the textbook often translates into the practical marginalization of both nontraditional narratives and controversial issues. For example, Dillabough and McAlpine (1996) examined this hegemony in light of the

degree to which social studies textbooks were isolated from culturally isolated groups (in their case, people from native Canadian First Nations), arguing for a higher degree of racial equity for those voices either minimized or absent from history texts. With regard to controversial subject matter (arguably, one of the most crucial components of the social studies), the movement towards a dominant cultural paradigm created by the narrow perspective of textbooks (combined with the economically consolidated reality of modern textbook publishing) has contributed to a body of “official knowledge” that is “homogenized” and absent of any topics that may be deemed controversial (Carlson & Apple, 1998).

It is important to note that there is much debate about the motivations for such hegemonic distortions inherent in textbooks. Any assertion, for example, that there is a malevolent or conspiratorial goal on the part of textbook publishers or corporations, is hardly unanimous. Apple (1986) probably goes farthest in indicting the role of the government as a controlling entity, and the manifestations of control in the classroom—“from systematic integration of testing, behavioral goals and curriculum, competency-based instruction and prepackaged curricula” (p. 40)—are all mechanisms to control the work of teachers and the knowledge presented to students. Even the absence of ill intent, however, can create a fracturing of the value of knowledge, a removal of the substance and context of a given fact that makes it worth knowing in the first place (Dewey, 1926). Regardless of motive, however, some textbook critics are far more blunt in their descriptions of what textbooks do—Clements (1981), for example, claims that, on behalf of patriotism and the desire to promulgate “misleading information about other countries, critical events in our own history and the character and contribution of celebrated

individuals...textbooks lie” (p. 88). In her study of textbook presentation of the Hiroshima bombing, Harrison-Wong (2003) looked at textbooks which excluded more recent historiography on the decision to use nuclear weapons. In 1995, on the 50<sup>th</sup> anniversary of the Hiroshima bombing, the Smithsonian had bowed to pressure from veterans’ and political action groups to remove “revisionist” perspectives on the event. With regard to textbooks that similarly excluded such interpretations, Harrison-Wong concluded that these were not overt cases of censorship, but was rather an example of the impact of power and ideology on school curriculum.

Textbooks, teachers, and schools are impacted by (and participate in) the political process of choosing instructional techniques and content. Carnoy (1989) asserts that American schools are influenced by direct political pressures, conditioned by the economy and labor market, and affected by various social groups seeking equality. Apple (2004) claims that “formal schooling by and large is organized and controlled by the government...how it is paid for, what goals it seeks to attain and how these goals will be measured, who has power over it, what textbooks are approved, who does well in school and who does not, who has the right to ask and answer these questions, and so on—is by definition political” (p. 3). It is impossible to separate a single unifying voice and consider it “objective” or “true,” given “the ability of dominant groups to exert leadership in the struggle” over instructional choices and content (p. 4).

There is, of course, disparagement of textbooks from the other end of the political spectrum, as well. From this perspective, critics have decried the failure of constructivist curricula to pass on a dominant ideology, a failure which results in the failure of appropriate socialization, the encouragement of dissent, relativism, and the adoption of

nontraditional values (Shor, 1986). There is considerable pressure to raise the standards of texts, to standardize their content and to make them more “difficult.” In addition, there has been a push from many quarters to make certain that the texts place more stress on “American” themes of patriotism, free enterprise, and the “Western tradition,” and link their content to statewide and national tests of educational achievement. Such pressure is driven by the belief in an objective, fixed narrative of American history that can be passed on from generation to generation, forming the core of transmissible values (Ravitch, 1994; Cheney, 1995; Leming, Ellington, & Porter, 2003; Finn & Ravitch, 2004).

Critiques have been expanded to the manner in which textbooks are being written to allow the incorporation of “special interest” narratives, to the exclusion of a broader, unifying “American” story (Ezarik, 2005). This conservative critique is rejected by Krug (1963), who highlighted the degree to which American history textbooks typically adopt a tone of triumphalism—our textbooks, he asserts, announce overtly their intent to create patriotism and a strong belief in American exceptionalism. The desire to incorporate nontraditional sources and voices, and to acknowledge at most the lack of a singular unifying narrative, at worst its diffusion, is neither negative nor unpatriotic. It is, instead, an attempt to provide a crucial counterbalance for our students, who otherwise will be led inexorably to faulty and potentially harmful conclusions about their national culture and history (Parsons, 1982). Even worse, a failure to understand comparative or oppositional cultural norms from other countries may result in narrow misinterpretation and “destructive thinking” among our students (Tran, 2008). Textbooks that do not

incorporate alternative values limit our students' opportunity to critically examine such values.

### **Moral Education**

The next component of this theoretical framework is the role of moral education schools. B. Edward McClellan, in *Moral Education in America: Schools and the Shaping of Character from Colonial Times to the Present* (1999), traces the various attempts in U.S. history to develop ethical instruction in public schools, since the earliest incarnation with the “Old Deluder Satan” Law of 1647. He argues that early efforts to promote morality through schools were largely sporadic and intermingled with the functions of other social institutions (family, community, and apprenticeship). This was the case until after the American Revolution, when figures like Thomas Jefferson and Benjamin Rush advocated a national school system that would promote “republican virtue,” generally conceptualized as a quasi-civic devotion to the common good, rather than selfish concerns. After 1830, massive waves of national growth—fueled primarily by immigration—led to the expansion of this public system of education, and the role of the textbook as a vehicle of moral clarity was unquestioned. Moral education, at this point, was mostly behaviorist in model—a series of correct actions, manners, or conduct choices that were extolled by the teacher and emulated by the student.

By 1900, the calls for moral education emanated from three camps. First, there were advocates for *character education*, who generally adhered to the virtue-as-behavior model. Second, there were supporters of *religious education*, who pushed for the continued presence of overt Christian doctrine in the schools. And finally, there were the

reformers of the new *Progressive* movement, led by figures like John Dewey, who called for a reconsideration of morality as less a collection of desirable behaviors and more as a “habit of mind” that allowed students to determine the best path forward in life, the path that would lead them to be contributing members of a constantly changing society.

The twin social challenges of the 1940s and 1950s—the fights against global fascism and communism—diluted the intensity of the struggle over moral education, as most government officials and educators focused on what was perceived the greater external threat to American security. The tumultuous decade of the 1960s (with the attendant growth of cultural relativism as an educational philosophy) mostly ended the stringent push for moral or character education in American schools. In the 1980s and 1990s, there was a renewed push for character education, though one of its chief proponents, Alan Lockwood, was quick to point out that many advocates of this renewal were decidedly vague on what form such education may take in the classroom (Lockwood, 1993). Lockwood’s support of a concept termed “civic decency” (2001), a form of public discourse bounded by the precepts of private etiquette, is one of the modern reformulations of moral education. Generally, the various calls for moral education today still emanate from several clearly delineated camps—values clarification, represented most notably by the work of Louis E. Raths, Merrill Harmin, and Sidney B. Simon (1978); cognitive developmentalism, encompassing the theories of Lawrence Kohlberg (Power, Higgins-D’Alessandro, & Kohlberg, 1989); and the final major component of this work’s theoretical framework, the ethic of care promoted most vigorously and successfully through the work of Nel Noddings.

### **The Ethic of Care**

Noddings (2006) emphasizes the role of critical thinking in schools, in order to “challenge deeply held beliefs or ways of life” (p. 1). This view is deeply invested in the traditions of critical pragmatism: “A theory held stubbornly against every objection becomes an ideology, and as an ideology it loses some of its usefulness as a guide to practice” (p. 14). Education should not be aimed at teaching a trivial canon of knowledge; instead, it should aim at deeply moral principles, and first among these should be “a commitment to building a world in which it is both possible and desirable for children to be good—a world in which children are happy” (Noddings, 2003, p. 2).

Noddings ties the act of caring in the public sphere to moral education—“Everyone must learn to care, and an ethic of caring reminds us that we are responsible for each other's moral development” (Noddings, 1990, p. 124). Noddings urges us to consider other human beings as a form of relation, a continually evolving product of interaction with others. Given this, we are responsible, says Noddings, for our conduct towards others—the ethic of caring rejects the concept of ontological individuality (“I am responsible for myself”) and encourages us to move towards the creation of a relational self, through caring interaction with others.

Noddings goes on to distinguish between “caring-for” (a highly personal encounter with another person, where the act of caring is focused and intentional) and “caring-about,” a more generalized concern over often abstract issues, like human suffering in other nations (Noddings, 1984). “Caring-about” is often typified by a form of benign neglect, our willingness to interact with a cause or issue for a limited period of time before moving on in our lives (a charitable donation, for example). Noddings



believes that “caring-about” is embedded in the public sphere and is thus the subject of education. Caring is, ultimately, a moral attitude—and if teachers and schools are aimed at inculcating a set of values in our students, values we hold dear and vital to our national life, we must both care for and about their emotional, intellectual, and moral well-being. On this, Noddings’ work on the psychology of war is particularly germane.

In *Critical Lessons* (2006), Noddings asserts that the greatest goal of education is to move students towards self-understanding, utilizing critical thinking to make them capable of interacting in society in a moral and beneficial way. She addresses the issue of war as it is taught in classrooms across the U.S.; we consider the causes of war, the results (this is generally manifested as the ability to recall the victors and losers in a particular conflict), but we avoid, whether consciously or not, the greater costs presented by the possibility of war, the chance that our students “might lose a cherished part of their moral identity” (p. 36).

Throughout history, war has been conceptualized as an opportunity for heroism and personal displays of courage. William James, in an effort to discourage war, even sought to develop an alternative way of life that would provide the opportunity to prove one’s courage and heroism without risking life and limb (James & McDermott, 1967). Noddings proposes that we examine why the warrior-model and the fascination with war still have deep significance in human society, and the impact such significance has on our students. Moreover, she suggests that peace movements would present an opportunity to teach the values of war without the requisite horror—conscientiousness, devotion, courage, honor, and even patriotism (though to critics who suggest that teaching about antiwar movements may move our students towards “un-American” attitudes, Noddings

points out that teaching about Karl Marx does not necessarily move our students towards communism). More important than embedded values, though, is the opportunity for critical thinking—the chance for students to evaluate protestors’ arguments, to consider their merit, and then choose to accept or reject them.

At the heart of caring in education is the idea that we, as educators, should want to give our students the skills and values necessary for a critically examined, moral life. Textbooks that present war as a grim yet moral necessity, the actions of a government forced into combat against its choosing, and war itself as a brutal exercise but one infused with glory, grandeur, and nobility, do a disservice to our moral identity and that of our students. Noddings’ argument forms the cornerstone of this study: “How can we claim to educate young people if we do not prepare them for the psychological upheavals that accompany war and violence” (Noddings, 2006, p. 63)?

### **The Role of the Textbook**

Criticism of the role and content of textbooks has been a standard feature of educational debate for decades, especially since the Progressive era. In 1894, the National Education Association’s Committee of Ten, in their report on secondary schools in the U.S. (1969), commented disapprovingly on “the dry and lifeless system of instruction by textbook.” In the early 20<sup>th</sup> century, Harold Rugg wrote a series of textbooks intended to promote values that could make school experience more real and meaningful to students, with the overarching goal of preparing students to transform and improve society. The “reconstructionist” approach promoted by reformers like Rugg and Harold Counts was adopted by a considerable number of schools, and for a time such textbooks were in wide

use around the country. In spite of their goals, however, these efforts caused a backlash of criticism, which asserted that such books were, at best, thin on traditional content, and at worst, flatly subversive and unpatriotic (Bagenstos, 1977; Singleton, 1980). Other “revisionist” textbook approaches, like that of Jerome Bruner (1960), met similar criticisms. Throughout the last century, textbooks have been regularly targeted by critics from both the left and the right, politically and educationally. Often, the criticisms focus on the degree of inaccuracy and bias in a given textbook (Loewen, 1995), or on the degree to which textbooks generally promote recall of basic information but little in the way of higher-level critical thinking skills (Brady, 2008). More radical critiques have emerged in the last several decades. Fitzgerald (1979) explored the degree to which history textbooks present one overriding narrative, to the exclusion of others, for the explicit goal of improved citizenship; and in so doing, perpetuates the implicit notion of “official knowledge.”

Of course, one of the most regular criticisms of textbook is simple inadequacy. They are generally derided as bland, devoid of emotion or interest. At best, students view them as inert objects to be hauled from class to class; at worst, they are actual impediments to learning. Forbes (1996) notes that “the textbook presented history and historical events in neat, non-controversial, inevitable, matter-of-fact narrative...any events or people not judged crucial by the author are left out. The reader of the text is exposed to a narrow version of the story which leads to endings that appear inevitable” (p. 456). Harriet Tyson-Bernstein, in *A Conspiracy of Good Intentions: America's Textbook Fiasco* (1988), highlights the major failings of textbooks, primarily the manner in which they are written. Tyson-Bernstein points out that many problems in textbooks

are simply a matter of bad writing; the language has been made as accessible and colorless as possible, making most textbooks fact-oriented, ordinary, and bland. These efforts are driven by an overarching motive to wash any and all controversy out of the content, combined with an overt reliance on readability formulas. These formulas, while well-meant, have become in many ways the lynchpin of the adoption process (too high a readability score, and the likelihood that a book will be purchased drops precariously) and have thus contributed grossly to the “dumbing-down” of all student material (Tyson-Bernstein, 1988, p. 25). An overemphasis on learning “skills” (e.g., packing a given paragraph with words featuring the same vowels, rather than concentrating on valuable and engaging content), as well as falling prey to the “mentioning” problem (hopping from fact to fact in the text, without context or connection) are other ways textbooks are now not only of little value in the classroom, but might actually be harmful.

The role of the textbook in determining and dictating curriculum is well-explored (Stevens & Wood, 1992, Apple, 1993, 2000 & 2004, Apple & Christian-Smith, 1991). Ross (1996) cites a 1978 study of fifth-grade curricula that found 78% of what students studied in class was derived from textbooks, as well as a 1979 study that showed 90% of instructional time was directly tied to textbooks and related materials (cited in McCutcheon, 1995). Marker and Mehlinger (1992) found that the percentage of social studies teachers that depended on a single textbook was almost 50%, whereas the number that depended on less than three was about 90%. Wade (1993) found that between 70% and 90% of classroom instructional time in social studies was based on textbooks. Anyon (1978) claims that social studies textbooks are generally a student's “only sustained exposure to disciplined social thought” (p. 41). And the primacy of textbooks seems

unlikely to change; Schug, Western, and Enochs (1997) found that teachers generally rely on textbooks because they see it as a cost-effective method of teaching, one they are loath to surrender unless they believe they can gain more, instructionally, from a switch to available alternatives.

Of course, in a rapidly changing technological environment, the role of the textbook may be apt to change, as well. In March 2010, a controversy in Texas over the revision of textbook curricular standards resulted in widespread national attention and debate. Given the impact of Texas in the national textbook market, the possibility of politically-motivated revisionism in textbook narratives prompted critics to charge that such changes might result in a ripple effect across the country, as publishers rushed to produce similar texts for consumption in other state markets (McKinley, 2010). Some experts, however, asserted that this was unlikely, given the impact and availability of new technology—Jay Diskey, executive director of the schools division of the Association of American Publishers, commented on the Texas controversy by saying, “It’s an urban myth, especially in this digital age we live in, when content can be tailored and customized for individual states and school districts” (“Texas Ready for Schoolbook Showdown,” 2010). Still, teachers face considerable impediments in the effective implementation of technology in the classroom, including time demands, a lack of pedagogical training in effective use of such technology, and a comparatively low comfort level with applications that may be markedly different from their preexisting skill set (Berson & Balyta, 2004). In spite of routine criticism, “it is textbooks, and not primary sources, that are placed in the hands of American history teachers” (Paxton, 1999).

Often, the use of the textbook is prosaic. Nietz (1961) describes how, in the early part of the twentieth century, the textbook formed the borders of a teacher's content knowledge to such a degree that she might have assumed there was little else to know about a subject beyond what was recorded in the textbook. Since content plays such a vital role in secondary social studies instruction, many teachers rely almost exclusively on the textbook as their source of relevant information (Romanowski, 1993). Apple (1995) points out that, even without a national curriculum intended to unify instructional choices and practices, the standardized textbook provides much of the framework for a hidden national curriculum. Some teachers resist this, and perform explicit or implicit oppositional readings of the text to provide their students with the opportunity to critique textbooks for "their silences," to analyze "whose stories are included and excluded" (Apple, 1995, p. 14). Still, while many teachers may use the textbook as a "jumping-off point" for instruction rather than an ironclad template, it is undeniable that "teachers in the United States do in fact use the textbook as the fundamental curriculum artifact in classrooms to a remarkable degree" (Apple, 1995, p. 36). Teachers are the primary determinant of what actually occurs in classrooms, irrespective of standards or external bureaucratic mandates (Thornton, 1991), and thus their understanding of textbooks is vitally important to their use.

### **Textbook Bias**

Critical pragmatism, deeply invested with the critical perspective on the nature of hegemony, provides a solid epistemological platform from which to approach textbooks in American history. It rejects the concept of scientific objectivity and relies instead on

critical judgment; pedagogically, it recognizes the role of the student in historical thinking and the manner in which knowledge is constructed, rather than received. It also provides the best framework from which to examine a factor which, to positivists, only exists in nontraditional historical narratives—that of textbook bias.

Though not common among most scholars, there is a strong positivist tradition that views textbooks as a neutral, unbiased, indisputable collection of “important” facts. In March 2010, the Texas State Board of Education approved a wide-ranging series of changes to state curriculum standards, including “the superiority of American capitalism, questioning the Founding Fathers’ commitment to a purely secular government and presenting Republican political philosophies in a more positive light” (McKinley, 2010). Supporters of these revisions did not characterize it as an effort to indoctrinate students with a specific historical perspective; instead, Dr. Don McLeroy, the Board’s most vocal proponent of the changes, claimed that the effort was aimed at “adding balance...History has already been skewed. Academia is skewed too far to the left” (p. A10).

The contrasting views of historical perspective, constructivist and traditional, creates a difficult climate for textbook authors. An “insider’s” view of textbook writing is presented in Norton’s (2005) piece, “Reflections of a Longtime Textbook Author; or, History Revised, Revised—and Revised Again.” Norton and her colleagues wrote the textbook *A People and A Nation* (Norton, Sheriff, Katzman, & Blight, 2008) with the intent that it would be “different” from other textbooks, traditional in design yet nontraditional in content, with a deeper emphasis on social history and an organizational structure that used introductory vignettes as a device to engage student interest at the beginning of each chapter. With the success of their first edition, the publisher called on

the team to prepare a second, and ultimately, a sixth and seventh. With each edition came a near constant process of revision, primarily about expanding certain chapters—mostly because reviewers and analysts, when asked, generally request additions much more frequently than deletions of material (Levstik & Tyson, 2008). Norton admits, as Apple and others have charged, that there is at least “some” market consideration in the editing process. Moreover, Norton freely states that she finds it “immensely gratifying to realize that hundreds of thousands of American college students (and high school students in honors or Advanced Placement courses) have read *my* version of early American history” (p. 1383). While no one should pounce on this statement as evidence of Norton’s malevolent bias, it does highlight the larger issue of author perspective—a textbook represents a *chosen* narrative, not an objective or value-free one.

Goodman, Homma, Najita, and Becker (1983), in their comparison of Japanese and American textbooks, draw attention to the homogenizing influences present in the U.S., despite the absence of an official national or federal organ. Among these are state approval of textbooks (referred to as the “Texas and California Principle,” given those two states’ preeminence in textbook adoption nationwide); publishing for a national market over the more expensive option of preparing region-specific texts; the restricting tendencies of school-appropriate writing parameters, as passed on by editors to writers; and the issue of the “lowest common denominator,” the principle that a book which “offends absolutely no one will sell everywhere” (p. 542). Such practical considerations are important to keep in mind when considering textbook bias.

While some studies assail textbooks on issues of bias, based on the implicit belief that objectivity and neutrality were possible (Billington & Hill, 1966), many others have



focused largely on issues of historical inaccuracy. Logan and Needham (1985) criticize the presentation of the Vietnam War in elementary schoolbooks, pointing out numerous factual errors and obfuscations. Anyon (1983), in reviewing 17 U.S. history textbooks, searched for evidence of an expressed ideology in curriculum that would privilege one group or set of groups over others—among her results, she found “omissions, stereotypes, and distortions that remain in ‘updated’ social studies textbook accounts of Native Americans, blacks, and women [that] reflect the relative powerlessness of these groups” (p. 49). Noah, Prince, and Riggs (1962), in “History in High-School Textbooks: A Note,” attack a number of secondary-level American history textbooks for either including outdated historiographical interpretation or none at all, particularly with regard to the social-class distinctions among historical actors in the American Revolution period. Loewen (1995) focuses on a number of U.S. history textbooks and highlights the frequent occasions on which their assertions are unsupported or contradicted by more scholarly work. In his discussion of the Civil War, Loewen points out that textbooks largely remove ideology from their narrative on Union motives and morale—in removing ideas of ethics, justice, and morality from their pages, textbooks have taken away the power of such ideas to help students understand historical events like the Civil War. As Loewen states, “In reality, soldiers, who began fighting to save the Union and not much more, ended fighting for all the vague but portentous ideas in the Gettysburg Address” (p. 189).

U.S. history textbooks routinely have been criticized both for their avoidance of controversial subjects and their embrace of nationalistic bias. Moreau (2003) points out that historians in the last several decades have begun to address nontraditional narratives and stories with greater frequency, and that these narratives have filtered down to

students in textbook form—but always through the distortion of publishing concerns, political conflict, and social hegemony. Santoli (1997), in comparing treatment of subjects from World War II across a spectrum of textbooks from various European countries and the U.S., found that American texts were routinely the most biased in their description of events which included U.S. involvement. Zhao and Hoge (2006), in highlighting a Japanese history textbook and its treatment of Japan's behavior during World War II, claim that history textbook writers typically avoid anything that might reflect negatively on national culture or character, a similar argument to the one outlined by Apple (2004) with regard to textbook publishing. The “sanitized” history that results tends to insulate students from controversial events and contributes to what Epstein (1994) found in her survey of high school students. She found that a majority of students judged a standard history textbook to be a well-written compilation of events, without offering reasons for the events described therein or the political motives of the authors. The tendency of textbooks to avoid controversy leads teachers to inevitably avoid it in their pedagogical choices (Levitt & Longstreet, 1993). This runs contrary to our desire, as educators, to have students engage critically with the text, not merely to act as passive recipients of knowledge (Leahey, 2007).

Sugnet, Yiannoussi, and Sommers (1993) highlighted the manner in which textbooks, even without explicit motive, may distort historical reality. In their comparison of two textbooks and their depictions of the events of the year 1492, the authors used two checklists—one dealing with facts that should be included in order for the textbook to be considered appropriate according to the Minnesota Department of Education; and another that would indicate the degree to which a textbook was inclusive of nontraditional

viewpoints (such as race and gender), as well as conceptually sufficient. They found the textbooks often made serious errors of historical interpretation, often stressing, for example, the role of disease in the extermination of Native American population over that of overwork or colonial violence. While these textbooks are not, in terms of fact, “wrong,” they have chosen one version of reality to value over another—the role of random, unplanned infection, over conscious policy decisions.

Romanowski (1996), in “Problems of Bias in History Textbooks,” explored the manner in which textbooks do not help students develop an understanding of the traditional values that many critics call for. In examining five textbooks, Romanowski found that the books did reflect important events and aspects of American history, but also were deeply invested with the moral and ethical beliefs of their authors. Worse still, students who read the textbooks accepted their narrative without question or critique, a passive receipt of knowledge that is valueless and without reason.

According to Harrison-Wong (2003), there has been little in the way of textbook analyses primarily focused on war. She notes a singular exception: Griffen and Marciano’s (1980) study on textbook treatment of the Vietnam War. In studying 28 textbooks, the authors found that the books routinely left out details regarding issues like environmental damage done by U.S. military policy, CIA espionage and anti-subversive campaigns, suppression of the anti-war movement within the United States, and similar controversies. The books took an “official” stance regarding tumultuous policies such as the invasion of Cambodia and involvement in Indochina, describing them generally as part of the broader U.S. strategy of containment. In general, the study found that

textbooks, on this issue, adopted an approach similar to most issues—non-controversial and oriented to the dominant ideological paradigm.

### **Historiography and the Psychology of War**

Unlike the far-ranging chronological sweep of textbooks, historians can afford to explore in greater depth and specificity, as opposed to textbooks, which are fixed on the concept of a single, unifying national history. A historian may devote hundreds of pages to an esoteric event or little-known individual, freed from the expectations of addressing the broad swath of American history. Seixas (1993) examined the degree to which those who champion a single, “star-spangled,” “gripping” narrative of American exceptionalism represent an antiquated view of historiography, which has recently trended towards the inclusion of nontraditional narrative sources and voices. This study will contrast depictions of war in U.S. history textbooks with the more nuanced and detailed historiography on the subject.

Textbooks are often written from a positivist foundation—the singular and progressive narrative of American history, where “facts” are knowable and the understanding of perspective is secondary to the “names, dates, and places” that form the backbone of historical knowledge. Recently, there has been a growing number of scholars that treat the subject of history in much the same way as educators do—essentially, that “fact” is less important than understanding the particular lenses (e.g., political, cultural, religious) through which historical figures viewed the world. Many of these “postmodern” historians (such as Robert J.C. Young, Walter Hixson, Robert Berkhofer, and Hayden White) derive their theoretical grounding from Michel Foucault’s work, as

many recent educational scholars have done. And, similar to educational constructivists like Michael Apple, many historians are recognizing the impact of power and ideology on the accepted versions of history.

In historians' parlance, the documents that form the basis of historiography are impacted by *discourse*, which Hixson (2008) defines as "language or text governed by conventions and built-in assumptions of which the user may be unaware yet internalizes all the same" (p. 309). The control of discourse, therefore, is a major consideration in the adoption of a given historical narrative, the root of the common bromide "history is written by the winners." That phrase, a common assertion about the creation of history, forms what historians term a "trope," meaning a figure of speech that implicitly adopts an ideological position. Berkhofer (1995) asserts that the study of these structures of language in historical works (such as textbooks) can uncover "authors' attempts to naturalize, essentialize, or universalize the categories they employ as foundational to their texts" (Berkhofer, 1995, p. 310).

In general, there has been significant historiography written on the subject of war and its impact on soldiers and civilians in general. Paul Foos (2002), in *A Short, Offhand, Killing Affair*, considers the Mexican War of 1846-1848 as a period of brutality and mayhem marked by America's reliance on volunteer "citizen-soldiers," who, driven by the principles of manifest destiny and American exceptionalism, committed multiple atrocities in Mexico. The combat experiences of regular Americans in their first foreign war became the template for Civil War expectations and predictions two decades later, and thus Foos' analysis of the Mexican war's impact on the American citizenry is particularly relevant. Paul Fussell, in *The Great War and Modern Memory* (1975),

sketches a portrait of wartime experiences that are meant to educate civilians and noncombatants on the violence and degradation in war—in Fussell’s personal experience, World War II. In *Doing Battle* (1996), Fussell recounts the everyday brutality of war, recounting events in which he took part (including, for example, the shooting of surrendering German soldiers) that certainly would be worthy of moral critique.

Research in military science and theory have produced significant findings with regard to the psychology of war and killing. Shortly after the conclusion of World War II, S.L.A. Marshall, in *Men against Fire: the Problem of Battle Command in Future War* (2000), unveiled a stunning analysis of behavior under combat conditions. He concluded, through interviews of veterans that revolved around two questions—“did you see the enemy?” and “did you fire?”—that, in World War II, no more than one in four infantrymen actually fired their weapons during combat. While these findings have been subject in recent years by criticism (largely over Marshall’s methodology), his conclusions have enough merit to have been accepted as part of the foundational belief of U.S. military training programs, as reflected in the endorsement of Marshall in the United States Training and Doctrine Command (TRADOC) monograph on the subject (Williams & Canedy, 1994).

Dave Grossman, in his work *On Killing: the Psychological Costs of Learning to Kill in War and Society* (1995), examines the psychological impact of killing on soldiers and reaches a surprising conclusion—most soldiers do not have an innate instinct to kill, and find varying ways in which to resist such activity. Grossman focuses on the increasing expertise the U.S. military has acquired in breaking down such individual barriers: “Indeed, the history of warfare can be seen as a history of increasingly more

effective mechanisms for enabling and conditioning men to overcome their innate resistance to killing their fellow human beings” (Grossman, 1995, p. 13). Richard Gabriel, in *Military Psychiatry: a Comparative Perspective* (1986), examined the tendency, which may be the prevailing one, among many soldiers throughout history to avoid the opportunity to kill.

Some historiography serves a revisionist purpose of recasting not just the nature of war, but its omnipresence in U.S. history and its lasting impact. Richard Hofstadter and Mike Wallace (1970) wrote *American Violence: A Documentary History* with the goal of refuting the notion of liberal consensus with regard to war and violence in the U.S. Written in the midst of the Vietnam War, Hofstadter’s work attacked the concept of American history as a nation moving forward, progressively and peacefully, with only occasional bursts of violence marring our positivist sweep. In so doing, Hofstadter noted Americans’ “remarkable lack of memory” for violence, a trait that is present implicitly in our textbooks today. Some literature, though not directly connected to U.S. history, serves a similar revisionist agenda regarding traditionally accepted narrative.

With regard to the Civil War (certainly America’s most famous and popular war), the literature can be categorized as relevant to the three components of the “just war” doctrine. In terms of *jus ad bellum*, most historiography on the Civil War is a radical departure from the narrative of standard-issue textbooks. James McPherson’s Pulitzer Prize-winning *Battle Cry of Freedom: the Civil War Era* (1988) is considered the best single volume on the conduct of the Civil War. David Williams, in *A People’s History of the Civil War: Struggles for the Meaning of Freedom* (2005), presents a view of the conflict from a social historical position, in the tradition of Howard Zinn. Christopher

Olsen's *The American Civil War: a Hands-On History* (2006) is a relatively recent and brief "survey" text on the Civil War.

The second component of "just war," *jus in bello*, is largely concerned with a state's conduct during wartime. One of the two topics drawn from *jus in bello* and featured in this study is that of the impact of Civil War battle on soldiers and civilians. There is research that directly impacts the traditional narrative about the impact of the war on both combatants and non-combatants. One researcher that examined similar experiences prior to the war's formal outbreak was Michael Fellman, in *Inside War: the Guerrilla Conflict in Missouri during the American Civil War* (1989). He asserts that the impact of war on rural Missourians served as a "frontal attack" on "the base for their prior values—their 'moral structure'" (Fellman, p. xvi). With regard to the experiences of average soldiers in Civil War combat, there is significant recent research. J. Tracy Power examines the combat experiences of Confederate soldiers (primarily enlisted men) through an exhaustive study of personal letters and diaries, in *Lee's Miserables: Life in the Army of Northern Virginia from the Wilderness to Appomattox* (Power, 1989).

There are contrasting historiographical approaches as to the impact of combat on the average soldier. Earl J. Hess, in *The Union Soldier in Battle: Exploring the Ordeal of Combat* (1997), claims that in spite of unimaginable brutalities and terror, the vast majority of Union soldiers managed to not only acquit themselves well, but to also acclimate positively to life after the war, secure in the ideological purity of their cause. Conversely, Gerald Linderman asserts in *Embattled Courage: the Experience of Combat in the American Civil War* (1987) that the unprecedented violence of the war wreaked



tremendous psychological damage on the average soldier, who tended to lose faith in the overall cause and concerned himself mainly with the day-to-day business of survival.

The second topic drawn from *jus in bello* is the “March to the Sea,” led by Union General William T. Sherman in late 1864, from Atlanta to Savannah. This event is common to virtually every history textbook (and all ten in this study’s sample), and is the subject of considerable historiography. James McPherson (2007), in *This Mighty Scourge: Perspectives on the Civil War*, explores a range of *jus in bello* issues, including the policy decisions that led to Sherman’s march and the political, ideological, and military justifications for it. Michael Grimsley (1995), in *The Hard Hand of War: Union Military Policy Toward Southern Civilians, 1861-1865*, presents a moderate view of the March, casting it as a tough, but even-handed policy of attrition (one he terms a “hard” policy) that was well within the norms of military expectations for the age. Works such as these provide a comprehensive historiographical platform from which to evaluate *jus in bello* issues.

Events like Sherman’s March were notorious, in their own time and now, for the psychological trauma inflicted upon the South, as a military and social entity. The psychological impact of the Civil War on the average soldier, and his family, has been the subject of several major works. Paddy Griffith (1989) conducted impressive studies on the firing and hit rates of Civil War soldiers, concluding that most soldiers of the era either did not fire their weapons in battle, or when they did, rarely aimed with the intent to kill the enemy. In *The Vacant Chair: the Northern Soldier Leaves Home* (1993), Reid Mitchell examined the development of the Union soldier’s state of bravery, viewing it as a product of home and family experiences prior to the war that became conceptualized by

most soldiers as a “coming of age” process that led to the development of admirable, “manly” character traits. Most recently, Drew Gilpin Faust (2008) approached the Civil War from a philosophical direction entirely absent in our textbooks. In *This Republic of Suffering*, Faust considers the devastation wrought by the Civil War—typically related in arithmetical quantities of deaths in most textbooks—in terms of social upheaval, suffering, family and community rituals, and the conception of sacrifice and value in war. The nineteenth-century tradition of the *ars moriendi*, the “Good Death”—at peace and in resignation, surrounded by family and friends at home—was swept aside by the morass of unidentified corpses, mass graves, mutilations, and atrocities. “Individuals found themselves in a new and different moral universe, one in which unimaginable destruction had become daily experience” (Faust, 2008, p. 267). The practical impact of such devastation was a massive expansion in the federal government’s ability and will to care for the dead and the surviving; the moral implications went much farther, as Americans struggled to account for their own individuality in the face of industrial, mass carnage.

The third component of “just war,” *jus post bellum*, is most significantly represented by the period of Reconstruction, after the Confederacy’s surrender in 1865. With regard to this period, there are several important studies, though a common criticism of most of the works in this area is a singular focus on either race or politics, but rarely a symbiosis of the two. There is a general lack of comprehensive volumes on Reconstruction, whether because of publishers’ unwillingness to support them or historians’ failure to produce such volumes. Eric Foner’s *Reconstruction: America’s Unfinished Revolution* (1988) is probably the most esteemed single volume, but it is often critiqued as too heavily tilted towards a focus on race and racism in the postwar South. Many Civil War texts contain

reliable and insightful sections on Reconstruction, including Randall, Donald, & Randall's *The Divided Union* (1961), Allen C. Guelzo's *The Crisis of the American Republic: Civil War and Reconstruction* (1995), and Charles P. Roland's *The American Iliad* (2004).

## CHAPTER THREE: METHOD AND PROCEDURES

Methods for this study are addressed in this section under the following headings: research design, description of participants, sampling, data collection, and issues of reliability and validity.

### **Research Design**

Because a textbook analysis does not involve human participants, it presents a research design that is nontraditional in many aspects. In a very literal sense, there are no subjects at all, given the inanimate nature of the textual material being analyzed; and more technically, textbooks in this study are not randomly selected for investigation, instead relying on a combination of sources to obtain a sample of texts that can be considered representative of the current field.

Beck and McKeown (1991) assert that most textbook analyses are overwhelmingly critical of textbook narrative, but accomplish little beyond that since they routinely do not consider, to any great degree, “the textual features that contribute to the negative evaluations of textbooks and the effects these features might have on student learning” (p. 496). Textbook analyses that focus on cognitive perspectives and try to “get inside” the textual presentations of the narrative will generally prove more useful in

understanding the specific areas in which a given textbook may succeed or fail. Given that, this study focuses, through critical analysis, on the conceptualizations that textbooks present with regard to specific events and topics of the Civil War.

### **Description of Textbooks**

This study focuses on secondary-level U.S. history textbooks, primarily those furnished by the four largest publishing companies—Glencoe/McGraw-Hill, Pearson, Prentice Hall, and Houghton Mifflin. All the textbooks in this survey are aimed for general American History survey courses, not for specialized programs such as International Baccalaureate classes, which typically use materials either aimed at a collegiate audience or designed specifically for the objectives of that program.

### **Sampling**

There is wide divergence on the issue of sampling, varying from one textbook analysis to the next. In terms of content, textbooks are generally similar in breadth, length, and scope. There is great flexibility in size of textbook analyses, largely mediated by a researcher's scope and the nature of his/her questions—some studies use as few as five (Su, 2007; Watkins, 2008), while some choose much larger samples (e.g., Harrison-Wong, 2003; Tompkins, Rosen & Larkin, 2006).

For this study, the sample is drawn from nationally known, widely used textbooks. In twenty-two states, state textbook adoption committees determine which books will be used in their classrooms, mostly in the South and West. Because three

states—Texas, Florida, and California—tend to start the adoption process earlier, and because textbook companies market their products aggressively there, these states’ textbooks are often adopted by other states, including many without textbook committees themselves (Ezarik 2005; Harrison-Wong 2003). While local adoption varies from district to district, all of these textbooks are generally similar in scope and sequence of topic; and though narrative style may change from source to source, there is typically little variance in either style or graphic presentation. The unanimity of textbook narrative accounts for the wide variance in sample size. My sample includes ten books, all produced by national publishing houses, all contained on the approved textbook lists from California, Florida, and Texas:

Table 1

*Textbook Sample List*

Publisher	Publication Date	Lead Author	Title
Pearson-Prentice Hall	2007	D. Goldfield	<i>The American Journey</i>
Pearson/Prentice Hall	2008	M. Carnes	<i>The American Nation</i>
Pearson/Prentice Hall	2007	A. Cayton	<i>America: Pathways to the Present</i>
Pearson/Prentice Hall	2009	J.W. Davidson	<i>America: History of Our Nation</i>
Pearson/Prentice Hall	2010	E.J. Lapansky-Werner	<i>United States History</i>
McDougal/Littel	2010	G.A. Danzer	<i>The Americans</i>
Norton	2008	E. Foner	<i>Give Me Liberty!</i>

Prentice Hall	2010	J.D. Keene	<i>Visions of America</i>
Houghton Mifflin	2006	D.M. Kennedy	<i>American Pageant</i>
Houghton Mifflin	2008	P.S. Boyer	<i>The Enduring Vision</i>

## Data Collection

This study utilizes a critical analysis method to evaluate the textbook presentation of the Civil War. The analysis method will be similar to ones used by Jean Anyon (1979) in *Ideology and United States Textbooks*, and Carol Harrison-Wong (2003) in *Educational Significance of how U.S. History Textbooks Treat Hiroshima*. There are two main components to the procedure: a historical narrative approach and a categorical analysis approach. Below is a discussion of the critical analysis method in general, followed by an overview of the two methodological approaches.

Textbook analyses generally fall into two categories. The first is called a *content analysis*, and it is defined by Merriam (1988) as “a systematic procedure for describing the content of communications...that captures relevant characteristics of the document’s content” (p. 116-117). This method uses quantitative methodology to “code” the statements and assertions in the books by measuring the literal amount of coverage for selected topics (generally measured in the number of occasions a given topic is addressed within the text). This is effective at indicating the sheer volume of attention a given topic may receive in a textbook, and is often used to focus on what most textbook analyses are researching—primarily, issues of bias or accuracy. The second type, a *critical analysis*, attempts to uncover evidence of ideology and implicit motive through the selection, prioritization and arrangement of content. Critical textual analysis searches for

“ideological perspectives” embedded “in the use of language, through nuance, descriptors, and choice of wording, and in visual images accompanying the text” (Harrison-Wong 2003, p. 33). Also, the design, goals, and placement of instructional exercises are analyzed to determine whether or not they present students with the opportunity to engage in critical evaluation of U.S. policy choices, or if instead they lead to a consensus viewpoint. Paxton (1999) point out that historical narrative is not scientifically produced, but is instead a personally configured creation of the author, an “act of rhetorical interpretation” (p. 6). Critical analysis methodology, in this case, is used to explore the motives and impact of such textbook narrative.

This study incorporates two different methodological approaches—a historical narrative approach and a categorical analysis approach. Leahy (2007), in his study of textbook analysis methodologies, describes different procedures for textbook analysis. Two of these procedures serve as the primary evaluative tools of this study. The first, the *historical narrative approach*, compares textbook narrative with other historical narratives, while pointing out alternative interpretations, omissions, distortions, and the presence of historical “myth.” There are three main advantages to this method. First, it allows the analysis to more accurately reflect the historical record, as a variety of historical sources are used as a foundation to construct a narrative from which to critique textbooks. Second, the emphasis on the historical record highlights the similarities and differences between the textbook sample and other historical accounts in a manner that is easy for readers to follow and comprehend. Third, this method allows the major historiographical works surrounding the topic to set the scope of the analysis, rather than relying on the scope and sequence of the textbook narrative or arbitrary categories



determined by the researcher. Conversely, according to Leahy there is a singular disadvantage to this method—its inherent subjectivity, since the critique is necessarily limited to topics selected by the researcher (a criticism often leveled at James Loewen, the most noted practitioner of this method). Given the qualitative nature of this brand of research, subjectivity is not considered a fundamental flaw; and, as Leahy points out, being “openly self-reflective, including alternative interpretations, and seeking out disconfirming evidence can minimize this approach’s inherent subjectivity” (Leahy 2007, p. 125).

The second major method for this study is the *categorical analysis approach*. In his study of textbook methodologies, Leahy critiques the work of Podeh (2002) who examined the history of the Israeli-Arab conflict in Israeli history textbooks by comparing narrative accounts to preselected categories for analysis. According to Leahy, this approach has three distinct advantages. First, it allows the researcher to focus more exclusively on the structure, tone, and style of the textbook narratives. Second, it allows the researcher to avoid the linear restrictions that come from relying on the chronology of the textbook accounts. And finally, the method is designed to determine the degree to which textbooks offer a complete, balanced narrative by assessing the narrative’s tone, as well as supporting pictures, assessments, and activities. There are, however, two distinct disadvantages to this method: first, as with the historical narrative approach, it is highly subjective and contains no measure of validity; and second, it requires textbook narratives and corresponding historical accounts to be subjective to the criteria, which in the case of this method are categories predetermined by the researcher. In the case of this study, the categories to be used—the three broad classifications of “just war” (*jus ad*

*bellum*, *jus in bello*, and *jus post bellum*) and their constituent subcategories—have a distinct advantage over Podesh’s method, in they were not arbitrarily selected or created. Instead, they are the distillation of a historically stable and academically verifiable tradition of scholarship, one that has been present over a broad swath of history.

The two methodologies help to provide a comprehensive analysis of the moral content of textbooks, with regard to the depictions of the Civil War. The historical narrative method will examine the degree to which textbooks represent historical content that formed the basis for Northern and Southern views of the war (e.g., topics such as the Fugitive Slave Law of 1850, the passage of which was viewed by both sides as a major component of the increase in hostility). The categorical analysis method allows for an investigation of the manner in which moral content is present, implicitly or explicitly, in textbooks. In this study, then, there will be three sections, in each of the following chapters. In each section, textbook narratives are analyzed with two methodologies—a historical narrative approach and a categorical analysis approach. Under the first approach, textbook depictions of selected events/topics are compared and contrasted to relevant historiographical sources, in order to identify issues of inaccuracy, bias, interpretive discrepancies, and omissions. Under the second approach, textbook depictions of selected events/topics are compared to the categories of the “just war” doctrine. The historical events/topics were chosen because of their conceptual similarity to prominent elements of “just war.” For this section, the three broad divisions of “just war” and the nineteen subcategories identified by Brian Orend, in *The Morality of War* (2006), form the framework for the categorical analysis. This framework is useful, given

the manner in which Orend has organized the historical traditions and antecedents of “just war” into a model that is clear, parsimonious, and comprehensive.

Data was summarized in clustered summary tables, derived from Miles and Huberman’s (1984) techniques of qualitative data analysis. See Appendices A and B for the table in question. Using this tool, the conceptualization of war presented in standard U.S. history textbooks can be evaluated for moral and ethical assumptions. Prior to the categorical analysis in each of the three chapters, a brief discussion of the “just war” components to which textbook narrative will be compared is included.

In Chapter 4, *Jus Ad Bellum*, there are three historical events/topics used for analysis, which were chosen because of their conceptual connection to the “just war” category of “justice before war.” The first event, the issue of secession and states’-rights prior to 1860, was used by Southern states as a broad justification for their potential refusal to submit to federal authority in the years prior to the outbreak of open war in 1861; and, conversely, was used by Northern states as evidence of Southern treason against the cause of national union (McPherson, 1988). This topic aptly encompasses the major component of *jus ad bellum*, that of just cause. For the purposes of this study, the issue of secession and states’-rights will be examined in relation to the following subtopics: the Virginia and Kentucky Resolutions of 1798-1799 (because of its status as the philosophical roots of secession), the nullification crisis of 1828-1832, between the federal government and South Carolina (given the fact that it was the first time a state had proposed the idea of political secession from the Union), the Wilmot Proviso of 1846 (given its preeminence in the issue of slavery’s potential expansion into newly acquired territories after the Mexican War), and the Fugitive Slave Law of 1850 (because of the

Southern view that an adequate federal prosecution of this law was vital for the preservation of the Union).

The second event, the presidential election of 1860, was the event to which most Southerners pointed to as the singular moment that made secession an inevitability, given the contemporary (and inaccurate) Southern view of Abraham Lincoln as a strident abolitionist. For example, upon its secession, the state of Mississippi issued a declaration in February 1861 wherein the election of Lincoln was referred to as “a blow at slavery [and] a blow at commerce and civilization...there was no choice left us but submission to the mandates of abolition, or a dissolution of the Union, whose principles had been subverted to work out our ruin” (“A Declaration of the Immediate Causes which Induce and Justify the Secession of the State of Mississippi from the Federal Union,” 2008). Arguably, the election of Lincoln provided a suitably convenient justification for a course of action already favored by those in power. In any case, the Southern and Northern reactions to this election are conceptually analogous to the *jus ad bellum* categories of just cause and right intention.

The third event, the Southern attack on Fort Sumter, in Charleston, South Carolina, in April 1861, is typically identified in textbooks as the initial hostile act of the Civil War. The conceptualization of this event, within textbook narrative, is analogous to the *jus ad bellum* categories of “just cause” and “last resort.” For the historical narrative approach, these events were compared to relevant historiographical work, including James McPherson’s *Battle Cry of Freedom* (1988), David Williams’ *A People’s History of the Civil War: Struggles for the Meaning of Freedom* (2005), and Christopher Olsen’s *The American Civil War: a Hands-On History* (2006).

The second section of this study, Chapter 5, concerns the “just war” category of *jus in bello*, “justice during war.” For this section, two events/topics drawn from textbook narratives are considered. The first topic is broadly conceived as the experience of soldiers and civilians in combat. Most textbooks contain narrative descriptions of the nature of Civil War battle, concerned less with overarching strategic implications and more with the day-to-day reality of war for the Union and Confederate soldier, their families at home, and non-combatants in general. For the historical narrative approach, these descriptions are compared with relevant historiographical work, including Fellman’s *Inside War: the Guerrilla Conflict in Missouri during the American Civil War* (1989), J. Tracy Power’s *Lee’s Miserables: Life in the Army of Northern Virginia from the Wilderness to Appomattox* (1989), Earl J. Hess’ *The Union Soldier in Battle: Exploring the Ordeal of Combat* (1997), Drew Gilpin Faust’s (2008) *This Republic of Suffering*, and Gerald Linderman’s *Embattled Courage: The Experience of Combat in the American Civil War* (1987). For the categorical analysis approach, the events in question will be measured against the “just war” category of proportionality.

The second event addressed in this chapter is one of the most noted events of the Civil War era, the “March to the Sea” led by Union General William T. Sherman in late 1864. This event is ubiquitous to textbooks and is typically presented as evidence of the escalation of the war, against both combatants and non-combatants. For the historical narrative approach, historiographical works like Mark Grimsley’s (1995) *The Hard Hand of War: Union Military Policy toward Southern Civilians, 1861-1865*, and J.M. McPherson’s (2007) *This Mighty Scourge: Perspectives on the Civil War* will be used. For the categorical analysis approach, textbook depictions of Sherman’s march are

evaluated against the “just war” components of benevolent quarantine and the ethical treatment of prisoners of war (POWs), means that may be considered *mala in se*, and proportionality.

The third section of the study, Chapter 6, addresses issues of *jus post bellum*, “justice after war.” This chapter considers textbook portrayals of events/topics dating from the war’s cessation to 1877, the date at which most textbook narrative mark the end of the Reconstruction period (and thus, the conclusion of narrative regarding *jus post bellum* issues). Narrative depictions of the following events are considered: the surrender of Robert E. Lee and his Army of Northern Virginia to General Ulysses S. Grant at Appomattox Court House, on April 9, 1865, which is generally depicted in most textbooks as the “unofficial” end to the Civil War; the passage of the 14<sup>th</sup> Amendment after the war’s end; the competing plans for the South’s reconstruction, those of President Andrew Johnson and the Radical Republicans of the U.S. Congress; and the Compromise of 1877, which determined the victor of the presidential election of the previous year and is displayed in most textbooks as the practical end of the Reconstruction period. For the historical narrative approach, the following historiographical works are utilized: Eric Foner’s *Reconstruction: America's Unfinished Revolution* (1988), Randall, Donald, and Randall’s *The Divided Union* (1961), Allen C. Guelzo’s *The Crisis of the American Republic: Civil War and Reconstruction* (1995), and Charles P. Roland’s *The American Iliad* (2004).

The first event, Lee’s surrender to Grant at Appomattox, is depicted in most textbooks as the most prominent cessation of violence (although three other Confederate armies were still in the field at the time), and is generally presented as the closest thing to

a formal peace agreement. In this sense, it is analogous to the “just war” requirement of proportionality and publicity, as well as the components of discrimination. It should be recalled that Orend, in *The Morality of War* (2006) distinguishes between the *jus in bello* conception of proportionality and discrimination, and the *jus post bellum* usage of the same terms (p. 15-17).

The three other events/topics analyzed in this section of the study are drawn from the historical period broadly designated Reconstruction. This era is usually chronologically measured between April 1865, the practical end of violence (since there were regular occurrences of low-intensity hostility well after that point), and 1877, the point at which federal troops were finally removed from Southern states. The second event, the passage of the 14<sup>th</sup> Amendment, is analogous to the “just war” components of rights vindication, given its designers’ general intent to provide political and social equality to newly-freed Southern blacks (as well as preventing the Supreme Court from invalidating the Civil Rights Act of 1866, which accorded citizenship to all people born within the United States). The third event/topic—the two plans for Reconstruction presented by President Andrew Johnson (largely drawn from the elements of President Lincoln’s “ten-percent” plan) and by Radical Republicans in the U.S. Congress—is conceptually linked to the “just war” components of compensation and rehabilitation. The third event, the Compromise of 1877, is typically depicted in textbooks as the formal end of Reconstruction (though there is considerable historical debate about the legality of the “compromise”), and thus is analogous to the “just war” requirement of rights vindication.

In the final chapter, “A Framework for the Moral Critique of War,” the utility and application of the “just war” doctrine for the study of war and policies that may result in

violent conflict is explored. Additionally, I will explore the manner in which the psychological effects of war are largely misrepresented in our classrooms. For this, I will rely on works addressing the psychological and social implications of combat (from both the Civil War and throughout history) on soldiers and civilians. These works include Grossman's (1995) *On Killing*, Paddy Griffith's (1989) *Battle Tactics of the Civil War*, S.L.A. Marshall's (2000) *Men Against Fire: The Problem of Battle Command in Future War*, and These works will be used to compare and contrast textbook depictions of the experience and impact of war on participants and onlookers in the North and South.

Table 2: Methodological Framework

<i>Jus Ad Bellum</i>	<i>Jus In Bello</i>	<i>Jus Post Bellum</i>
Historical Narrative Analysis	Historical Narrative Analysis	Historical Narrative Analysis
Secession & States' Rights <ul style="list-style-type: none"> <li>• Virginia/Kentucky Resolutions</li> <li>• Nullification Crisis</li> <li>• Wilmot Proviso</li> <li>• Fugitive Slave Law</li> </ul> Election of 1860 Fort Sumter	Experience of battle for combatants <ul style="list-style-type: none"> <li>• Battle and casualties</li> </ul> Experience of battle for non-combatants <ul style="list-style-type: none"> <li>• Women in the war</li> <li>• Discontent on the Home Front</li> <li>• Death and Dying</li> <li>• Vicksburg</li> </ul> Prisoners of War (POWs) Sherman's "March to the Sea"	Lee's surrender at Appomattox Presidential Reconstruction v. Radical Reconstruction The 14 <sup>th</sup> Amendment Compromise of 1877
Categorical Analysis	Categorical Analysis	Categorical Analysis
Just Cause Right Intention Proper Authority Last Resort	Benevolent Quarantine of POWs <i>Mala in Se</i> Proportionality	Proportionality and Publicity Compensation and Punishment Rehabilitation Rights Vindication Discrimination



## Reliability and Validity

In this section, the issues of reliability and validity are discussed. This study is based in part on Beck and McKeown's (1991) three-part framework for a comprehensive textbook analysis. From a constructivist point of view, the threat of bias is not a *prima facie* danger to the validity of the study, since *all* research (including the questions, the data, the findings and the recommendations) is drawn from and influenced by our individual perspectives. A greater impediment to reliability, rather than the omnipresent influence of the researcher, is the quality of the research itself. The findings of many textbook analyses seem to revolve around textbooks' generic quality, their dullness, or their tendency to homogenize the American experience and, in so doing, to abbreviate or entirely delete the perspectives of minority or marginalized groups. With that general finding, the recommendations of most textbook analyses are similarly redundant—textbooks should provide more coverage, from more points of view (therefore, of course, compounding the problem of immense, generic textbooks that try and please everyone, rarely succeeding).

If a researcher critiques a textbook, it should be generally assumed that such criticism derives from a belief on the researcher's part that there is a certain understanding learners should acquire from using a textbook—and, subsequently, a textbook's ability to help students acquire such an understanding is a measurement of its acceptability. While this assumption is implicit, Beck and McKeown hold that it should be specifically addressed in a textbook analysis. They put forth three elements that should be present for a textbook analysis to comprehensively address a textbook's content. First, the analysis should contain a *situation model*, "the set of ideas and their relationships that

a researcher believes would constitute student understanding about a specific topic” (p. 503). Put another way, the situation model represents a researchers’ view of what a textbook should look like, or what content a textbook should present and roughly in what manner.

Beck and McKeown point to another element that should be present in any comprehensive textbook analysis, the presence of extensive examples. A common feature of textbook analyses is their reliance on generalizations about what the researcher thinks is appropriate or inappropriate, without the detail necessary to augment such conclusions. Beck and McKeown assert that text excerpts are vital; with regard to the issue of practicality (especially given the degree of coverage a textbook may dedicate to a given topic, such as the Civil War), the authors state:

It is not always feasible or practical to present extensive excerpts in a report to illustrate text treatment of a topic; discursive descriptions of text content can also provide a faithful portrayal of a text presentation, particularly if they are liberally salted with some direct quotes. (p. 508)

The final element of Beck and McKeown’s elements for a comprehensive textbook analysis is *commentary*. It is common, in textbook analyses, for the researcher to investigate a given text to a much greater degree of depth than would be expected among more casual readers. Concurrently, it is common for the researcher to make assertions about text narrative that may seem quite self-evident, but may be less so to a party less knowledgeable about the topic being researched or the text being investigated. To combat this tendency, Beck and McKeown call for a comprehensive explanation to follow the presentation of evidence, in order to facilitate a reader in verifying inferences that may be

drawn from a given argument—“for a reader to understand an example as an instance of something, it is frequently necessary for an investigator to provide a commentary that explains how and why the example illustrates what the investigator says it does” (p. 504).

The presence of these three elements helps make a textbook analysis reliable in its structure. But to make such a study worthwhile and of value to the academic field, it is vital to avoid, as much as possible, the common pitfalls of contraction, incoherence, or the support (whether implicit or explicit) of a particular ideological purpose. In an effort to insure data integrity and quality, this study will also incorporate Holder’s five criteria for the confirmation of interpretation through data analysis (cited in Gall, Gall, & Borg 2007, p. 283):

- Internal coherence (the different parts of a theoretical argument do not contradict one other and the conclusions follow from the premises)
- External coherence (the interpretation fits theories accepted in and outside the discipline)
- Correspondence between theory and data
- Fruitfulness of theoretical suppositions (how many new directions, lines of inquiry, or perspectives are opened up)
- Trustworthiness, professional credentials, and status of the author (and his/her supporters)

In terms of validity, there is considerable debate about the value of the traditional use of that term with regard to qualitative research. Certainly, external validity, as a theoretical (rather than statistical) concept has its value; yet a qualitative textbook analysis will not yield the measurements that are typical to quantitative studies and are

more visibly evaluated. Lincoln and Guba (1985) propose an alternative formulation for “qualitative validity,” comprised of four components (p. 300-301):

- Credibility (can the findings be construed as “true?”)
- Transferability (can the findings be applied to other contexts?)
- Dependability (are the findings consistent and repeatable?)
- Confirmability (an iteration of the subjective/objective distinction, wherein a study’s findings are shaped by respondents and not the researcher; in effect, where fact is confirmed, confirmable, and reliable)

These criteria are not without controversy, and are aimed generally at qualitative interview data, rather than textbook analyses. But since textbooks are human products, they are subject to the same individual construction of perspective as any testimonial or interview, the process that Lincoln and Guba call “the daily fender-bender of reality” (p. 85).

## CHAPTER FOUR:

### *JUS AD BELLUM*

The purpose of this study is to examine the moral implications of textbook narrative depictions of the Civil War, as measured against the “just war” doctrine. This chapter focuses on three topics/events connected to the “just war” category of *jus ad bellum*: the issue of secession and states’-rights, the presidential election of 1860, and the Confederate attack on Fort Sumter in April 1861.

#### **Secession and States’-Rights**

The issue of states’-rights has been a prominent theme in American history since the nation’s founding. States, in the eyes of many early Americans (especially in the South), were the dominant political institutions of the Union, and the federal government was viewed as, at best, a partner rather than as a master. Whether or not a given state was justified in breaking the governmental compact and leaving the Union was fundamental to that state’s moral standing, and is deeply connected to the “just war” component of just cause. The issue of secession, for the purposes of this study, will be examined in relation to the following foundational subtopics: the Virginia and Kentucky Resolutions of 1798-1799, the nullification crisis between South Carolina and the U.S. government between 1828 and 1832, the Wilmot Proviso of 1846, and the Fugitive Slave Law of 1850. These

issues are prominent in historiographical literature, where they are generally displayed as contributory to development of secession and states'-rights in the South prior to the Civil War. The Virginia and Kentucky Resolutions are depicted as the philosophical underpinning upon which Southern arguments for secession would ultimately be based; and, similarly, the nullification crisis of 1828-1832 is often considered by historians to be a major conceptual step towards disunion, thirty years later. The Wilmot Proviso of 1846, and its attempt to restrict slavery from entering newly-won territories in the southwest, was perceived by many Southerners as the first open assault on their defining institution; and the Fugitive Slave Law was seen by both the North and the South as a crucial and provocative step towards civil war—in the North, because of the moral outrage attending the apprehension and extradition of freedmen; in the South, because of the perceived failure by the North to adequately enforce the Act, once passed.

### **Historical Narrative Analysis**

This section includes the historical narrative analysis of textbook depictions of the following event: the Virginia and Kentucky Resolutions of 1798-1799, the nullification crisis of 1828-1832, the Wilmot Proviso of 1846, and the Fugitive Slave Law of 1850.

#### **The Virginia and Kentucky resolutions.**

The notion of secession had been a latent political issue since 1798-99, when Thomas Jefferson and James Madison anonymously penned the Virginia and Kentucky Resolutions in reaction to the passage of the Alien and Sedition Acts by the U.S.

Congress. The resolutions put forth the idea that individual states had the right to deny acts of the federal government that exceeded strict constitutional allowance. These documents had no legal authority, and were written before the Supreme Court had adopted the power of judicial review, leaving the states, to Madison and Jefferson, as the final bulwark against governmental tyranny. But the notion that a state could legally defy the Union took root in the South, and became the guiding ideology of Southern secession, the seemingly logical end result of what John Calhoun termed “nullification” (Olsen, 2006, p. 8).

Major historiographical works bear out the importance of these two resolutions as the theoretical underpinning of both the South Carolina nullification crisis of 1828-1832 (the most infamous and radical states’-rights episode, prior to the Civil War) and the secession movement of the early 1860s. Noted historians like Henry Steele Commager and Samuel Eliot Morison (1942) pointed to the philosophical development of the states’-rights position with the Virginia and Kentucky Resolutions and their embedded “compact” theory, and its reflection in minority views throughout American history. Morrison goes on to connect Madison and Jefferson’s doctrine and its manifestation in concurrent historical events—in New England states’ attempt to renounce the federal embargo on trade with Great Britain and France in 1809, the South Carolina nullification crisis of the late 1820s, and the secession movement prior to the Civil War (Commager & Morison, p. 377, 641-642). In John C. Miller’s *The Federalist Era, 1789-1801* (1960), the author describes the manner in which the twin resolves led ultimately to the South Carolina nullification crisis. In proposing that the final arbiter for Constitutional interpretation was not the Supreme Court but instead the states, the theory behind the

resolutions “ultimately led to the nullification by a state of a Federal law” (p. 239). Harry Watson, in *Liberty and Power: the Politics of Jacksonian America* (2006), links the famous debate between Senators Daniel Webster of Massachusetts and Robert Y. Hayne of South Carolina in the winter of 1830—and specifically, Hayne’s argument for nullification—to the text of the Virginia Resolutions and what he termed “a deliberate, palpable, and dangerous exercise of other powers not granted by the [Constitution]” (cited in Watson, 2006, p. 119).

The role of Thomas Jefferson in the development of nullification as a constitutional mechanism has also been the focus of prominent historiography. Joseph Ellis (1996), in *American Sphinx: the Character of Thomas Jefferson*, points out that since his death, Jefferson’s ideology, and its manifestation in the Kentucky resolves, had been appropriated (however contrary it might have been to Jefferson’s true loyalties) by southern secessionists in the decades leading to the Civil War (Ellis, 1996, p. 8, p. 333). In *The Wolf by the Ears: Thomas Jefferson and Slavery* (1977), John C. Miller describes the evolution of Thomas Jefferson’s principles, from early attempts to ban the extension of slavery into newly established territories to converting “the doctrine of states’-rights into a protective shield for slavery against interference by a hostile federal government” (p. 231). And Louis Masur, in *1831: Year of Eclipse* (2001), describes the manner in which James Hamilton, the governor of South Carolina from 1830-1832, appropriated Jefferson’s words and philosophy in defending both the idea of nullification and the possibility of secession (p. 146-147). Taken together, there is substantial consensus regarding the philosophical link between the Virginia and Kentucky Resolutions, nullification, and ultimately secession.



Textbooks from this sample often mention the Virginia and Kentucky Resolutions in relation to the Alien and Sedition Acts, without overt connection to the future prospect of secession. For example, McDougal-Littel's *The Americans* (Danzer, et al., 2010) describes Jefferson and Madison as viewing the new Acts as a "serious misuse of power on the part of the federal government," and they therefore decided to "organize opposition to the Alien and Sedition Acts by appealing to the states" (p. 195). On the following page, the Virginia and Kentucky Resolutions are quoted as one document, using Jefferson's phrasing to assert that the "Constitution has...been wise in fixing limits to the government it created" (p. 196). *The Americans* states that Virginia and Kentucky pushed for other states to adopt similar resolutions, but diffuses this point in saying that no other state did so, and that "the issue died out by the next presidential election" (p. 196). Additionally, the textbook presents an implicitly dim view of the importance of the Resolutions with its sidebar vocabulary terms—to the left of the main column, just above the description of the Virginia and Kentucky Resolutions, the term "sedition" is presented with the following definition: "rebellion against one's country; treason" (p. 195). *The Americans* does present an opportunity for students to critically examine the moral status of the Alien and Sedition Acts and the contrary view of the Resolutions with its "Critical Thinking" exercise at the end of the section:

**Analyzing Issues:** Do you agree with the Democratic-Republicans that the Alien and Sedition Acts were a violation of the First Amendment? Were they necessary?

Support your opinion. Think about:

- The intent of the First Amendment
- What was happening in Europe

- What was happening in America (p. 196)

While the text does examine the Alien and Sedition Acts and the Virginia and Kentucky Resolutions from an implicitly moral viewpoint, there is no explicit discussion or analysis of the issue beyond this, and there is no overt connection between the Resolutions and future secession.

Prentice Hall's *United States History* (Lapansky-Werner, et al., 2010) says far less about the Kentucky and Virginia Resolutions. "In two Democratic Republican states," it claims, "the state legislatures passed controversial resolves in response to the [Alien and Sedition] Acts" (p. 202). Beyond this statement, the textbook contains little information about the resolves themselves, and there are no activities, prompts, cartoons or visual representations of the Resolutions as a response to the Alien and Sedition Acts. The single remaining statement about the resolves is seemingly contradictory: "Though this doctrine of nullification threatened to dissolve the union, no other state legislatures adopted it" (p. 202). The first part of the statement infers the importance of the resolutions and their ideological weight in the future issue of secession, but there is no clarification or support in terms of why such a doctrine might find support in Southern states. The second part of the statement accomplishes the same function as the depiction of the Resolutions in *The Americans*: to dilute the ideological impact of the resolves in future sectional disputes.

Other textbooks are equally brief in their descriptions of the Resolutions. Prentice Hall's *America: Pathways to the Present* (Cayton, et al., 2007) provides a similar description of Jefferson and Madison's motive in writing the resolves, but emphasizes their theoretical standing—"for the time being, this principle of nullification remained

untested. Neither Virginia nor Kentucky tried to enforce the resolutions. Still, their defiance of federal power was clear” (p. 208). Pearson-Longman’s *The American Nation: A History of the United States* (Carnes, et al., 2008) describes the resolutions in detail, and to its credit, the text points out that Madison and Jefferson were not interested in “advancing a new constitutional theory of extreme states’-rights. ‘Keep away all show of force,’ Jefferson advised his supporters” (p. 167). But there is no explicit connection between the Virginia and Kentucky Resolutions and the philosophy of nullification (and ultimately, secession) beyond a cryptic reference a page later, at the end of the chapter:

The Kentucky and Virginia Resolves, however, had raised an issue that would loom large in the next century. If Congress passed laws that particular states thought to be unconstitutional, did states have the right to ignore those laws—or to withdraw from the Constitution altogether? (p. 168)

Pearson-Prentice Hall’s *The American Journey* (Goldfield, et al., 2007) presents a connection between future iterations of Southern states’-rights and the Virginia and Kentucky Resolutions in its text: “[Jefferson and Madison] produced the first significant articulation of the southern stand on **states’-rights** [*sic*]” (p. 228). Beyond this, though, there is no mention of the relationship between the Resolutions, the resulting philosophy of nullification, and the issue of secession in the 1860s. Norton’s *Give Me Liberty!* (Foner, 2008) mentions how the Kentucky legislature went so far as to delete Jefferson’s original passage that gave states the power to nullify acts of Congress that violated the Constitution, diffusing the connection between Jefferson’s rhetorical position and the secession movement sixty years later (Foner, 2008, p. 292). Similarly, Prentice Hall’s *Visions of America: a History of the United States* (Keene, et al., 2010) covers much of

the same territory as other textbooks, and tries to explain the Resolutions as a product of Madison and Jefferson's desire to oppose Federalist policy rather than to create a radical theory of states'-rights. Beyond this, though, there is little discussion of the resolves' foundational nature to secession, other than an oblique reference that the resolutions would ultimately become "the foundation for subsequent arguments" about states'-rights (p. 184).

While most textbooks in this study do not explicitly make a connection between the Resolutions and secession as a theoretical concept, several others try to connect the issue of the Kentucky and Virginia Resolutions to the secession movement of the early 1860s. Houghton Mifflin's *The Enduring Vision* (Boyer, et al., 2008) does a commendable job of explaining the theoretical nature of the Resolutions and their appeal to the power of *interposition*, which the text describes as a state's right to "protect the liberties of their citizens" (p. 209). Moreover, the text presents a compelling description of what Jefferson's original passage (which describes a state's ability to nullify federal law) might mean in practice:

Although the resolutions were intended as nonviolent protests, they challenged the jurisdiction of federal courts and could have enabled state militias to march into a federal courtroom to halt proceedings at bayonet point. (p. 209)

This evocative description is followed by a strong summary of the impact of the Resolutions ("their passage demonstrated the great potential for disunion in the late 1790s"), though there is no explicit connection between the Resolutions and the nineteenth-century issues of nullification and secession.

Prentice Hall's *America: History of Our Nation* (Davidson & Stoff, 2009) addresses this connection with more detail and complexity than most textbooks in this study, addressing the issue of the Resolutions in a section titled (in bold, large letters), "STATES'-RIGHTS" (p. 300). At the end of this section, after providing a detailed (though comparatively short) description of the Alien and Sedition Acts and the resulting Resolutions, the text provides a clear connection between the resolves, the theory of nullification, and secession:

In decades to come, a number of states would refuse to obey certain federal laws. States'-rights would become the rallying cry for southern defenders of slavery. (p. 301)

The textbook authors also include a chart on the previous page that details arguments for federal power versus states'-rights ("Because the states created the United States, individual states have the power to nullify a federal law"), as well as providing a coda titled "Trouble on the Horizon" that outlines the future interpretations of the Resolutions:

Within 25 years of the Alien and Sedition Acts, people in New England and South Carolina would threaten to leave the Union because they either disagreed with American foreign policy or opposed laws passed by Congress. (p. 300)

Houghton Mifflin's *The American Pageant* (Kennedy, et al., 2006) presents a substantially more colorful and powerful version of the Resolutions. "Resentful Jeffersonians," it begins, "refused to take the Alien and Sedition Laws lying down." (p. 206) The textbook describes the idea of nullification and goes so far as to connect it to the historical and philosophical antecedent of the "compact theory," the notion that the

federal government was a member of a contract with the various states; and, “since water can rise no higher than its source, the individual states were the final judges” of whether or not the federal government had overstepped its authority (p. 206). *The American Pageant* connects the resolves to future notions of secession by noting that Southern slaveowners would ultimately adopt the argument to defend leaving the Union, though the textbook narrative closes by pointing out that dissolving the Union was the last thing Jefferson and Madison had intended; instead, “they were groping for ways to preserve it...the only real nullification that Jefferson had in view was the nullification of Federalist abuses” (p. 207).

In summary, then, only a handful of textbooks attempt to connect the Kentucky and Virginia Resolutions to the future issues of nullification and secession. Certainly this is due in part to the grade level expectations of certain books and the inherent complexity of some texts over others; still, given the role this theory played for Civil War-era Southerners in establishing the “just cause” necessary for hostilities, there is enough ambiguity or absence to create a concern. Deeper analysis on this topic will explore the degree to which moral content is present in textbooks, but not clearly delineated or organized in such a manner as to encourage (or even allow) coherent criticism by students.

### **Nullification crisis, 1828-1832.**

The second subcategory of the issue of secession/states’-rights is the crisis that erupted between South Carolina and the U.S. government, between 1828 and 1832. In 1828, South Carolina became the first battleground of nullification, as state leaders opted

to “nullify” a federal tariff deemed too harsh to Southern interests. President Andrew Jackson was prepared to use military force to compel the recalcitrant state to comply with federal law, by using the newly passed Force Bill to crush those he considered imminently threatening to the Union. Jackson and South Carolina were both ultimately mollified by a compromise tariff negotiated in 1832 by Congressman Henry Clay, and it seemed the issue was resolved. But the nullification crisis between South Carolina and the federal government was a harbinger of the philosophical divide that was growing between Northerners and Southerners.

There are a number of historiographical works of the era that devote considerable attention to the nullification crisis. Christopher Olsen, in *The American Civil War: A Hands-On History* (2006), considers nullification less of a tool to exert state sovereignty over tariffs and more about slavery, in order to protect that institution “from a federal government [Southerners] saw as increasingly threatening, and in the future apt to be dominated by Yankees” (Olsen, 2006, p. 8). Though the compromise tariff of 1832 is often seen as the solution to the crisis, Olsen points out that the South Carolina legislature, in a final bit of legalistic peevishness, followed their *de rigueur* repeal of the Ordinance of Nullification with a final act of defiance, by nullifying President Jackson’s Force Bill. The “lessons” learned by the South in the nullification crisis were dangerous ones for the future safety of the Union—Southerners concluded that states’-rights was clearly a winning position, since they had largely achieved what they wanted (namely, lower rates on the federal tariff), and many came to believe that, by forcing the federal government to compromise, threats to secede were legitimate ones. What the South learned, Olsen asserts, laid the groundwork for the disruption of the nation, as they began

to “see states’-rights, nullification, and even secession as viable options in the quest to protect slavery” (Olsen, 2006, p. 9).

Other works reflect the importance of nullification, both in terms of its connection to secession and the alarm, consternation, and defiance it raised among contemporaneous national figures. Louis Masur, in *1831: Year of Eclipse* (2001) describes how James Madison, eighty years old at the midpoint of the nullification crisis, roused himself from semi-retirement to address what he called the “heresy” of the South’s attempt to subvert the original intent of the Kentucky and Virginia Resolutions. The nation, he claimed, was a singular entity comprised of states, not controlled by them—the Constitution “cannot be altered or annulled at the will of the States individually” (cited in Masur, 2001, p. 148). This did not dissuade Southerners like Representative George McDuffie of South Carolina, who, at a public dinner on May 19, 1831, invoked the example of the 1776 Revolution and thundered, “Shall we be terrified by mere phantoms of blood, when our ancestors, for less cause, encountered the dreadful reality? Great God! Are we the descendants of those ancestors; are we freemen; are we men” (Masur, 2001, p. 158)?

Not all South Carolinians agreed with the “nullifiers,” and their objections clearly illustrate the direct link between the prospect of nullification and the fear of secession (and, by extension, civil war). Representative William Drayton vilified the supporters of nullification in an address on July 4, 1831, and warned of the possibility of violence as a result of the theory put in action, the “spectacle of brother armed against brother, of parent against child, and of the child against his parent” (cited in Masur, 2001, p. 166).

The resolution of the nullification crisis is presented by some historians as a definitive boost to the prospect of secession. Harry Watson, in *Liberty and Power: the*



*Politics of Jacksonian America* (2006), claims that the failure of the federal government to clearly oppose nullification and to avoid compromise on a number of issues prior to 1832 had opened the door to the Southern conclusion that the federal-or-states'-rights dilemma was tilting towards the latter. The expulsion of Indian tribes from the South and the resultant opening of vast acreage dedicated to the expansion of slavery had indicated a preference, in the Southern view, for that institution; and the compromise tariff hinted at a federal willingness to favor agrarian interests over industrial interests, a preference for slave laborers over freedmen (Watson, 2006, p. 130). This seemingly positive attitude towards the federal government, fostered by the resolution of the nullification crisis, would be bitterly cast away when it seemed, in the near future, that the North was trying to oppose and destroy Southern interests.

Textbooks in this sample all cover the nullification crisis, though only one tries to connect the crisis to the philosophical foundation of the Kentucky and Virginia Resolutions and from thence to the secession of the Confederacy. *America: History of Our Nation* (Davidson & Stoff, 2009), which does a comparatively admirable job with the two resolves of 1798, again delivers with its coverage of the nullification issue. Under its section titled “The Nullification Crisis,” the text narrative includes the dominant Southern perspective on the 1828 tariff—“If the federal government could enforce what they considered an unjust law, could it also use its power to end slavery” (p. 364)? It also provides a functionally accurate definition of nullification, highlighted in blue: “an action by a state that cancels a federal law to which the state objects” (p. 364).

*America: History of Our Nation* does tend, as most textbooks do, to overly simplify historical issues. At one point in the main narrative, the text quotes Andrew

Jackson's toast from the Democratic Jefferson Day dinner on April 13, 1830 ("Our Federal Union—it must be preserved") and then follows with the response of John C. Calhoun ("The Union—next to our liberty, the most dear"). While this exchange is quoted accurately, and even dramatically, the concluding sentence of the paragraph drastically simplifies the complexity of Calhoun's reasoning—"to Calhoun, states'-rights was more important than the Union" (Davidson & Stoff, 2009, p. 365).

Similarly, the text provides a deceptively clear ending to the crisis in 1833:

Unable to win support for its position from other states, South Carolina then repealed its tariff nullification. Many Americans breathed a sigh of relief. The crisis had been settled peacefully. (p. 365)

This ignores the nullification of the Force Act by the South Carolina legislature in the wake of its repeal of the tariff nullification, and the impact of the entire crisis on the future secession movement is only hinted at by the end of the section: "Americans would continue to debate the balance between states'-rights and federal powers until the Civil War broke out in 1861" (p. 366). There is no concrete connection between the nullification crisis and the secession movement of the 1860s.

Several textbooks do a commendable job in joining the nullification crisis philosophically with the Southern belief that the federal tariff of 1828 was a thinly veiled attack on the institution of slavery. *Give Me Liberty!* (Foner, 2008) does this implicitly before discussing the nullification issue at all, by profiling the unique character of South Carolina as a setting for such a crisis:

The state with the largest proportion of slaves in its population (55 percent in 1830), South Carolina was controlled by a tightly knit group of large planters.

They maintained their grip on power by a state constitution that gave plantation counties far greater representation in the legislature than their population warranted, as well as through high property qualifications for officeholders. (p. 374)

And the textbook follows this section with an explicit connection between nullification and slavery: “Behind their economic complaints against the tariff lay the conviction that the federal government must be weakened lest it one day take action against slavery” (Foner, 2008, p. 374). In this respect, *Give Me Liberty!* contains one of the most comprehensive treatments of the nullification crisis.

Other textbooks also attempt to connect Southern resistance to the tariff and Southern anxiety over the future of slavery. In *The American Nation: a History of the United States* (Carnes, et al., 2008), the authors highlight the complex realities of South Carolina’s economic life and the fear that slave rebellion was a very real prospect:

In addition to the economic woes of the up-country cotton planters, the great planter-aristocrats of the rice-growing Tidewater, though relatively prosperous, were troubled by northern criticisms of slavery. In the rice region, blacks outnumbered whites two to one; it was the densest concentration of blacks in the United States. (p. 261)

*The American Journey* (Goldfield, et al., 2007) addresses the nullification crisis in the same manner, connecting it to a fear of Northern attacks on slavery:

What fueled antitariff sentiment was not just the economic argument that high tariffs worsened the agricultural depression...Protective tariffs were also denounced as an unconstitutional extension of national power over the states;

many southern planters feared that they were only a prelude to forced emancipation of the slaves. (p. 277).

This textbook also highlights an interpretation that is often neglected in textbooks—the perceived connection between the tariff, resistance to it, and the possibility of slave uprisings. *The American Journey* moves from its discussion of Southern resistance on philosophical grounds to commentary describing how Southerners feared that submission on the tariff issue would encourage further Northern agitation against slavery, and thus make bloody insurrections like Nat Turner’s rebellion of 1831 more and more likely: “The disturbances so far would be ‘nothing to what we shall see,’” warned the South Carolina planter James Hamilton, Jr., ‘if we do not stand manfully at the Safety Valve of Nullification’” (Goldfield, et al., 2007, p. 277). This textbook does not explicitly connect the issue of nullification to the future secession movement, however, possibly in the interest of chronological flow (the sequential nature of which is the hallmark of practically every textbook’s design); in depicting Andrew Jackson’s “victory” in the nullification crisis, *The American Journey* highlights the short-term political repercussions of the issue rather than the long-term sectional impact: “In the shock waves set off by the nullification crisis, a new anti-Jackson coalition began to form in the South” (p. 280).

Other textbooks tend to focus more on personality or biography than on the philosophical roots of the crisis. *United States History* (Lapansky-Werner, et al., 2010) focuses initially on the two major characters of the nullification crisis, Andrew Jackson and John C. Calhoun. The authors begin their narrative with a comparative chart labeled “Reading Skill: Compare,” in which the authors ask students to “fill in a table like the

one below to compare the viewpoints of Jackson and Calhoun on the issue of nullification” (p. 255). *Visions of America: a History of the United States* (Keene, et al., 2010) also tends to depict the nullification crisis, at least partially, as the result of a deteriorating relationship between Calhoun and Jackson: “Even if Jackson and Vice President Calhoun had not fallen out...the two remained on a collision course” (p. 230). *The Enduring Vision* (Boyer, et al., 2008) also highlights the presence of distinct and powerful personalities in the crisis, primarily the spokesman of South Carolina and states-rights:

Calhoun also burned with ambition to be president. Jackson had stated that he would only serve one term, and Calhoun assumed that he would succeed Jackson. To do so, however, he had to maintain the support of the South, which was increasingly taking an antitariff stance. (p. 284)

*America: Pathways to the Present* (Cayton, 2007) includes a section on the congressional debate between Senators Robert Hayne and Daniel Webster, but hardly references Hayne’s argument for nullification at all—instead, the author relies on a short description of Webster’s prowess as an orator and a thumbnail sketch of his argument for Union:

In January 1830, senators Robert Hayne of South Carolina and Daniel Webster of Massachusetts engaged in a debate that quickly leaped to the broader question of the fate of the Union. The debate peaked on January 26, when Webster, a great orator, delivered a thrilling defense of the Union. ‘While the Union lasts we have high, exciting, gratifying prospects spread out before us, for us and our children,’

Webster declared. He attacked Hayne's claim that liberty (meaning, in Hayne's view, states'-rights) was more important than the Union. (p. 299)

Similarly, *The American Nation: A History of the United States* (Carnes, et al., 2008) portrays the struggle over nullification as less a battle over the philosophical meaning of the Constitution and more a contest of contrasting personalities:

It is difficult to measure the importance of the animosity between Jackson and Calhoun in the crisis to which this clash was a prelude. Calhoun wanted very much to be president. He had failed to inherit the office from John Quincy Adams and had accepted the office of vice presidency [.] (p. 258)

*The Americans* (Danzer, et al., 2010) goes one step farther in a side-panel biography of John Calhoun, describing his personality in decidedly unflattering terms:

Calhoun had a hard and humorless side. He took a tough position on slavery, arguing that it was not only necessary but even good: "There never has yet existed a wealthy and civilized society in which one portion of the community did not...live on the labor of the other." (p. 231)

The habit of reducing historical events to battles of will between powerful individuals may be understandable, given the complexity of the nullification issue (even to those directly involved in the crisis) and the tendency of textbooks to reduce such complexities to more simplistic concepts. But the effort, whether intentional or not, to reduce an intricate philosophical issue to a question of personal ambition, loyalty, avarice or character is disingenuous, and limits our students' opportunities to evaluate the moral foundations of the Civil War.

Only a few textbooks do a consistent job of connecting nullification to secession and the threat of civil war. *United States History* (Lapansky-Werner, et al., 2010) is fairly typical of the stilted, abbreviated manner in which the two topics are linked: “The difficult questions of nullification and secession, however, had been postponed rather than resolved” (p. 256). Beyond that oblique reference, seemingly an attempt to incorporate a form of dramatic tension into the narrative, there is no further connection between the nullification crisis and the onset of the Civil War. *The Americans* (Danzer, et al., 2010) shows the fear of imminent violence, among the historical figures of the time, by citing Daniel Webster’s speech before the Senate with regard to the nullification crisis:

On January 26, Webster replied that he could not conceive of a “middle course, between submission to the laws, when regularly pronounced constitutional, on the one hand, and open resistance, which is revolution, or rebellion, on the other. (p. 232)

*The Americans* does, in its narrative, have one stark connection between the issues at hand and the future conflict: “The power struggle between states and the federal government has caused controversy since the country’s beginning. At its worst, the conflict resulted in the Civil War” (p. 237). The text, however, includes this statement as part of a student prompt to examine political cartoons and primary documents, at the end of the section (see below for a discussion of student activities regarding the nullification crisis). Houghton Mifflin’s *The American Pageant* (Kennedy, et al., 2006) does show the imminent threat of violence contained in the nullification crisis—“If civil war were to be avoided, one side would have to surrender, or both would have to compromise” (p.

264)—but it does not explicitly connect the nullification crisis to future threats of secession and the onset of the Civil War in 1861. And, much the same as *United States History*, there is a dangling attempt to leave open the question of secession, without overt reference to the violence on the horizon thirty years later: “Armed conflict had been avoided, but the fundamental issues had not been resolved. When next the ‘nullies’ and the Union clashed, compromise would prove more elusive” (Kennedy, et al., 2006, p. 265).

In this same vein, *The American Nation: A History of the United States* (Carnes, et al., 2008) illustrates clearly how nullification threatened to bring about the destruction of the Union—“If South Carolina did not back down, the president’s threat to use force would mean civil war and possibly the destruction of the Union he claimed to be defending” (p. 261). But here, too, the authors do not make clear the connection between nullification and the Civil War. They do, however, signal that the uncertain resolution of the crisis—with the acceptance of the Compromise Tariff in 1833, the nullification of the Force Bill, and the feeling among some “nullifiers” that the entire episode had been a victory for the South—harbored trouble for the Union, in the form of future attempts by southern states to organize:

And so the Union weathered the storm. Having stepped to the brink of civil war, the nation had drawn hastily back...but the radical South Carolina planters were becoming convinced that only secession would protect slavery. The nullification fiasco had proved that they could not succeed without the support of other slave states. Thereafter they devoted themselves ceaselessly to obtaining it. (p. 262)



While most textbooks reference nullification in their main narrative, there are a few textbooks that provide students with an opportunity to critically evaluate the role and impact of the crisis. These activities deserve distinct mention, since it is their inclusion (and hopefully, their use) that gives students the greatest opportunity for morally analyzing the “just war” components present in both the Southern and Northern justifications for war. The best textbook from this sample in providing such opportunities is clearly McDougal-Littel’s *The Americans* (Danzer, et al., 2010). Similar to its content regarding the Kentucky and Virginia Resolutions, this text includes a significant number of activities that allow students to philosophically connect nullification with the Civil War and to contest the Southern justification for war, prior to secession.

At the end of the section concerning nullification, *The Americans* includes this assignment for students, under the heading “Thinking Critically—Forming Generalizations”:

In what ways do you think the tariff crises of 1828 and 1832 might be considered important milestones in American history before the Civil War? Use evidence from the text to support your argument. **Think About:** Calhoun’s nullification theory; the Hayne-Webster debate; why Jackson pushed Congress to pass the Force Bill. (p. 236)

By providing a chronological stopping point for student consideration, the authors signal implicitly that the events of 1828-1832 had important consequences for the South and the North, in their impact on the possibility of civil disunion. Likewise, the text allows students to consider the reasons behind nullification’s allure for many Southerners, with a section titled “Standardized Test Practice”:

Which reason best explains why the theory of nullification was widely supported in the South?

- Southerners believed that states had the right to determine whether federal laws were constitutional.
- Southerners wanted to continue buying manufactured goods from Britain.
- Southerners wanted to divide the United States into two separate countries.
- Southerners did not want to pay the high tariffs that Congress passed. (p. 237)

Under the heading “Alternative Assessment,” *The Americans* references a prompt from the beginning of the chapter, establishing the topic of states’-rights as a guiding theme for this chapter: “Recall your discussion of the question on page 211: Would you support the federal or state government?” For the assessment, students are given the following prompt:

Now that you know more about the nullification theory and the fight over tariffs and states’ rights, would you change your response to this question? Discuss your thoughts with a small group. State whether or not you would change your response and support your position with information from the chapter. (p. 237)

It is unclear as to what degree teachers may incorporate such activities, or the degree to which students may learn from them. But for the purposes of this study and the historical-narrative approach, *The Americans* provides the best opportunity for students to evaluate the impact of the nullification crisis on the beginning of the Civil War and its stature as a justification for war, in the eyes of nineteenth-century Southerners.

**Wilmot Proviso 1846.**

The Mexican war of 1846-1848 reignited the sectional debate as new territory in the Southwest was claimed, organized, and would presumably be considered, ultimately, for statehood. The issue of whether or not slavery would be introduced into the new territories became a national obsession, and in Congress, there were literally hundreds of speeches made by representatives and Senators, expressing general fear or concern over the prospect that slavery might be extended as far as California (McPherson, 1998, p. 52). Such fears became concrete with the introduction, on August 8, 1846, of a proposal by freshman Congressman David Wilmot of Pennsylvania, which stated outright a position many Southerners had believed was already Northern doctrine: "...as an express and fundamental condition of the acquisition of any territory from the Republic of Mexico...neither slavery nor involuntary servitude shall ever exist in any part of said country" (cited in McPherson, 1998, p. 52-53).

Major historical works reflect the importance of the Wilmot Proviso in the era prior to the beginning of the Civil War. McPherson (2007) considers the Proviso a pivotal event, one that "framed national politics for the next fifteen years" and caused a "wrenching...of party divisions into a sectional pattern," one which was defined increasingly by rancor over slavery (McPherson, 2007, p. 15). Foner (1982) assents in this judgment, likening the Proviso's impact on the two parties to that of the Missouri Compromise of 1820 (in Grob & Billias, ed., 1982, p. 390). In his larger and considerably more noted work, *Battle Cry of Freedom* (1988), McPherson again takes up the issue of the Proviso, highlighting the fact that Wilmot's speech was not a singular event, but was instead one of many such speeches on the issue of the expansion of slavery—"of the

congressmen who spoke on this matter, more than half expressed confidence (if southern) or fear (if northern) that slavery would go into the new territories if allowed to do so” (p. 52). McPherson sees Wilmot’s proposition as less anti-slavery and more pro-Northern Democrat, especially given that constituency’s belief that the Polk administration was decidedly pro-Southern—he cites one Ohio congressman saying “the administration is Southern, Southern, Southern!...Since the South have fixed boundaries for free territories [a reference to the disputed Oregon territory], let the North fix boundaries for slave territories” (p. 53).

McPherson presents the Wilmot Proviso as the legalistic product of a free-soil movement with three different levels. First, there was a core of committed abolitionists who viewed slavery as a great moral wrong that should be immediately abolished. Second, there was an outer circle of antislavery people (mostly Whigs and some Democrats) who saw slavery as the momentous issue of the age, a social evil “by which they meant that it was socially repressive, economically backward, and politically harmful to the interests of free states” (p. 54). Finally, there was a third layer that agreed with the precepts of the Proviso but did not see the issue of slavery as the most crucial matter of the age and were thus more willing to compromise. The difficulty, McPherson argues, is that this multilevel free-soil movement was perceived by the South as a unified entity, one who was leveling an unconstitutional attack on the institution of slavery. McPherson details the legislative efforts of John C. Calhoun to deny Congress’ right to exclude slavery from the territories—Calhoun asserted that “Congress could no more prevent a slaveowner from taking his human property to the territories than it could prevent him from taking his horses or hogs there” (McPherson, 1988, p. 57). The Wilmot

Proviso, in McPherson's view, was the first iteration of the free-soil movement that would lead, ultimately, to popular sovereignty, and ultimately contribute to the outbreak of war.

Other scholars agree on the importance of the Wilmot Proviso. Winik (2001) groups it with other major pre-Civil War events like the Kansas-Nebraska Act, Nat Turner's Rebellion, and the publication of *Uncle Tom's Cabin*, calling it "a powerful symbol that would transform the country's landscape, and exacerbate the unresolved contradictions from America's founding" (p. 21). Olsen (2006) connects the issue of California's entry into the Union (a product of the Compromise of 1850) to the Proviso, through opponents of both initiatives:

Opponents of California statehood objected [to California's statehood] partly because it would mean one more free state, ending the long tradition of equality in the Senate...They also believed California's admission would be a 'back-door' means to impose the hated Proviso, since the land was gained from Mexico. The possible addition of another free state was so threatening that it touched off a secession movement across much of the Deep South [...] (p. 12)

The Wilmot Proviso is present in all the textbooks in this sample, though the degree to which it is described as a potential cause of the Civil War varies. *Give Me Liberty!* (Foner, 2008) does a commendable job in presenting a detailed case for Southern opposition to the Proviso:

To white southerners, the idea of barring slavery from territory acquired from Mexico seemed a violation of their equal rights as members of the Union. Southerners had fought and died to win these territories; surely they had a right to

share in the fruits of victory. To single out slavery as the one form of property barred from the West would be an affront to the South and its distinctive way of life. (p. 476)

Additionally, *Give Me Liberty!* gives concrete examples of why the South viewed the Wilmot Proviso as an attack on their way of life, beyond rhetoric and symbolism:

A majority of slaves in 1848 lived in states that had not even existed when the Constitution was adopted. Many older plantation areas already suffered from soil exhaustion. Just as northerners believed westward expansion essential to their economic well-being, southern leaders became convinced that slavery must expand or die. (p. 476)

Other books in the sample present the Wilmot Proviso with a strong degree of historical detail and complexity. *The Enduring Vision* (Boyer, et al., 2008) describes Northern opposition to the expansion of slavery in economic terms, rather than moral ones, which would have been typical of the majority of white Americans in 1846:

[Supporters of the Proviso] argued that competition with slaves degraded free labor, that the westward extension of slavery would check the westward migration of free labor, and that such a barrier would aggravate the social problems already beginning to plague the East; class strife, social stratification, and labor protest. (p. 392)

*The American Journey* (Goldfield, et al., 2007) also presents the Wilmot Proviso in historically accurate fashion. It comprehensively describes the Proviso's intent and includes the fact that David Wilmot himself did not construe the Proviso as an explicit

attack on slavery, but rather as a defense of white labor in newly-acquired western territories:

Wilmot explained that he wanted only to preserve the territories for “the sons of toil, of my own race and own color.” By thus linking the exclusion of slavery in the territories to freedom for white people, he hoped to generate support across the North, regardless of party, and even in some areas of the Upper South. (p. 389)

The authors then point to the impact the Proviso had on the South—not only in the fact that limiting slavery in the west might comprise an attack on the institution itself, but also in the belief among many southerners that the Proviso was a deliberate insult:

Linking freedom for white people to the exclusion of slaves infuriated southerners. It implied that the mere proximity of slavery was degrading and that white southerners were therefore a degraded people, unfit to join other Americans in the territories. (p. 389)

*The American Journey* also describes the division over the Proviso in religious terms, pointing to the schism between northern and southern evangelicals over its interpretation and import:

During the debate on the Wilmot Proviso, a Boston minister wrote, “The great problem for the Christian world now to accomplish is to effect a closer union between religion and politics...We must make men to do good and be good.” Southern evangelicals recoiled from such missing of church and state, charging northerners with abandoning the basic tenets of evangelical Christianity. (p. 389)

Similar to its narrative regarding the Virginia and Kentucky Resolutions, *The Americans* (Danzer, et al., 2010) does an admirable job with the Wilmot Proviso. Its initial explanation of the Proviso—“This attack on slavery solidified Southern support for war by transforming the debate on war into a debate on slavery” (p. 294)—is essentially the same as those drawn from the other texts in this sample. *The Americans* follows this, however, with a strong section devoted to explaining Northern support and Southern opposition that goes beyond strict pro- or anti-slavery sentiment:

Northerners, angry over the refusal of Southern congressmen to vote for internal improvements, such as the building of canals and roads, supported the proviso. They also feared that adding slave territory would give slave states more members in Congress and deny economic opportunity to free workers...Southerners, as expected, opposed the proviso, which, some argued, raised complex constitutional issues. Slaves were property, Southerners claimed, and property was protected by the Constitution. Laws like the Wilmot Proviso would undermine such constitutional protections. (p. 306)

Stylistically, *The Americans* also provides elements that capture the sense of imminent peril that faced the Union after the Mexican War. Though none of the textbooks in this study would probably be considered great literature, the inclusion of primary documents, quotes, and speeches from historical figures who were involved in the events prior to the Civil War help to represent not only the drama of those days, but also the possibility that war might have been avoided (and thus provide a strong counterbalance to the general impact of most textbook narrative, a sense of historical



inevitability). One such example is the use of a quote from Alexander Stephens, the future Vice-President of the Confederacy:

The North is going to stick the Wilmot amendment to every appropriation and then all the South will vote against any measure thus clogged. Finally a tremendous struggle will take place and perhaps [President] Polk in starting one war may find half a dozen on his hands. I tell you the prospect ahead is dark, cloudy, thick and gloomy. (p. 305)

Other textbooks present the Wilmot Proviso only in passing, or obliquely. *The American Nation: a History of the United States* (Carnes, et al., 2008), for example, performs the classic textbook “mentioning” of the topic, including a brief description of Wilmot’s proposal, John Calhoun’s counterproposal that would effectively nullify the Proviso, and then this:

Calhoun’s resolutions could never pass the House of Representatives, and Wilmot’s Proviso had no chance in the Senate. Yet their very existence threatened the Union; as Senator Benton remarked, they were like the blades of a pair of scissors, ineffectively separately, an efficient cutting tool taken together. (p. 315)

This quotation, while evocative, does little by itself to explain the manner in which Southerners perceived the Wilmot Proviso as a direct assault on their “peculiar institution.” Other textbooks make similarly obscure references to the impact of the Proviso. *Visions of America: a History of the United States* (Keene, et al., 2010) describes the Proviso’s meaning and its role in igniting a sectional debate, but ignores the manner in which it was perceived in the North, in many quarters, as a defense of white labor rather than an indictment of slavery or Southern interests: “Southerners denounced it as a

thinly veiled attack on slavery, while Northerners denied this charge, insisting that it left slavery untouched where it already existed.” In the same way, *America: Pathways to the Present* (Cayton, et al., 2007) tends to obscure the impact of the Proviso:

The Wilmot Proviso never became law. Each time it came up for discussion, however, the Wilmot Proviso revealed the growing gap between the North and the South over slavery. (p. 354)

In this manner, then, the Wilmot Proviso is often presented for its symbolic value, rather than any contemporary impact it might have had on policy or future events. On the other hand, some textbooks do make a significant effort to connect the Proviso to concrete subsequent events. *America: History of Our Nation* (Davidson & Stoff, 2009) does point out that “the controversy over the Wilmot Proviso also led to the rise of a new political party,” the Free-Soil Party (p. 483). *The American Pageant* (Kennedy, et al., 2006) describes the political schism that resulted from the Proviso’s introduction in a similar fashion: “Ominously, debate over slavery in the area of the Mexican Cession threatened to disrupt the ranks of both Whigs and Democrats and split national politics along North-South sectional lines” (p. 390). Examples such as these, however, do not obscure the tendency of textbook authors to foster a lack of agency in historical decision-making; *United States History* (Lapansky-Werner, et al., 2010), for example, describes the impact of the Proviso in the following manner:

The Proviso brought the slavery issue to the forefront and weakened the two major parties, which had long tried to avoid discussing the issue in Congress. Thus, the lands won from Mexico increased tensions between North and South. (p. 312)

Passages such as this infer that the harsh differences over the institution of slavery, North and South, and by extension the same differences that led to the outbreak of war, were caused by “the lands won from Mexico,” and not conscious decisions taken by Americans. This stylistic lack of agency is less a problem for the topic of secession and states’-rights, but is much more regularly found in the description of events closer to the actual beginning of the Civil War (for this study, the attack on Fort Sumter).

In terms of student activities or assignments, there is one textbook in this sample that try to give students opportunities to critically examine the role of the Wilmot Proviso in the beginning of the Civil War (and thus, its relation to Southern and Northern senses of just cause in the conflict to come). Under a section titled “Comprehension and Critical Thinking,” *America: History of Our Nation* (Davidson & Stoff, 2009) includes the following prompt: “Did the Wilmot Proviso successfully address the nation’s divisions of slavery? What effect did it have on the nation” (p. 485)? The questions are not particularly strong, in the sense that they do not require to students to move much beyond an affirmative or negative in the first part, and they would tend to lead to vague or non-substantive answers in the second part; but compared to the other textbooks in this sample (which include no activities, prompts, or assignments regarding the Wilmot Proviso), *America: History of Our Nation* gives students the best opportunity for critical thinking about this topic, though by default.

In summary, then, all textbooks in this sample describe the Wilmot Proviso, but only a few—especially *The Americans*, *Give Me Liberty!*, *The Enduring Vision*, and *The American Journey*—depict the Proviso with historical clarity and accuracy, and in so doing provide an effective platform for a moral critique of *jus ad bellum* content. Other

textbooks tend to minimize the importance of the Proviso or reduce it to largely symbolic value. And only one book, *America: History of Our Nation*, includes opportunities for students to engage in historical thinking about the impact and importance of the Proviso, and therefore by extension to morally critique the foundations of the Civil War.

### **Fugitive Slave Law 1850.**

Prior to the beginning of the Civil War in 1861, one of the most unsettling events in the experience of most Americans was the passage of the Fugitive Slave Act in 1850. With the proposed admission of California into the Union, the South saw the addition of another free state and the resulting imbalance in the U.S. Senate (as well as the possibility of a renewed Wilmot Proviso to restrict slavery's spread) as a potentially traumatic upheaval at the national level. The Compromise of 1850, brokered by the three great voices of the Senate—John C. Calhoun, Daniel Webster, and Henry Clay—was intended to forestall a descent into violence, and did so successfully for over a decade. It was not, however, the admission of California that became the most notorious component of this compromise. It was the passage of the Fugitive Slave Act.

In and of itself, the Fugitive Slave Act was nothing new; in fact, the 1850 version was actually a revision of a previously passed law of the same name, from 1793. This act was the legal mechanism that empowered Congress to uphold Article 4, Section 2 of the U.S. Constitution, which guarantees a slaveowner's right to recovery fugitive runaways. The national reception to the new Fugitive Slave Act, as a component of the Compromise, was markedly different from almost sixty years earlier. Northerners who had never before taken an interest or a stand on slavery found themselves enraged by the

prospects of the “Bloodhound Bill,” and Southerners were embittered by the North’s seeming refusal to carry out the law in proper fashion. Though the law was not often enacted nor pursued by slaveowners (most of whom could not afford nor risk a recovery operation of runaways to the North), the few widely publicized captures, attempted captures, and even violent episodes in the wake of the Act’s passage made it one of the most important touchstones in the decade prior to the Civil War.

Historians generally agree that the Fugitive Slave Act increased the likelihood of secession and war. McPherson (2007) focuses on the political impact of the Act’s passage, not the moral dimension, when he asserts that the new law strengthened federal power on behalf of a region that was historically antagonistic to such an expansion—“In the name of protecting the rights of slaveowners, it extended the long arm of federal law, enforced by marshals and the army, into Northern states to recover escaped slaves and return them to their owners” (p. 9). He points to the impact of the Act on Harriet Beecher Stowe and the motivation it provided for her to write *Uncle Tom’s Cabin*, which became a publishing phenomenon and intensely personalized the debate over fugitive slaves. The story of Eliza, jumping across ice floes on the Ohio River to escape slavecatchers, captivated Northerners. The book’s popularity was resented bitterly by Southerners, and a general belief (fueled by an active and zealous abolitionist press) grew that the North was now actively assisting fugitive slaves escape. This anger was evident in their actions in the next few years—“In their ordinances of secession, several Southern states cited Northern help to fugitives as one of the grievances that provoked them to leave the Union” (p. 21).

Olsen (2006) describes the far-reaching impact of the Act—it “literally brought the issue [of slavery] to street corners in the North for the first time” (p. 19). He also quotes one of the notorious Southern state ordinances, the Georgia Platform of 1850, wherein delegates enumerated the conditions under which they were willing to stay in the Union: “...that upon the faithful execution of the *Fugitive Slave Bill* by the proper authorities depends the preservation of our much beloved Union” (p. 17).

Textbooks from this sample routinely cover the Fugitive Slave Act in impressive and often dramatic detail. Certainly, when contrasted with legalistic topics like the Kentucky and Virginia Resolutions, such indulgence is understandable, especially when given the very real human tragedy involved in carrying out the Act’s prerogatives. The Fugitive Slave Act occupies a much larger part of textbook narrative for all the books in this sample than do the Resolutions, the nullification crisis, or the Wilmot Proviso; and while there are certainly historians who might debate which of these topics is genuinely the most important, there can be little doubt among readers that the Fugitive Slave Act was a vastly more influential event than the others.

*Visions of America: a History of the United States* (Keene, et al., 2010) begins its coverage of the Act with a full-page graphic, a political cartoon from the pre-Civil War era depicting the standard abolitionist view of the law as a barbaric and cruel infringement on the natural rights of African-Americans (see Figure 1):

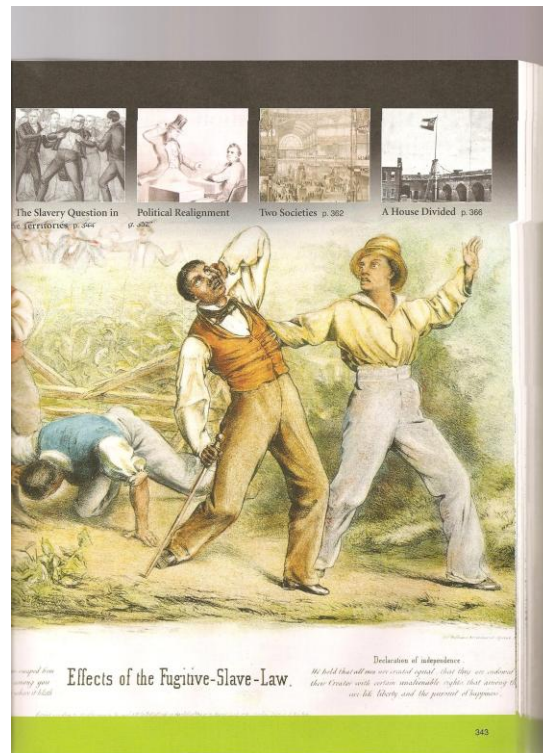


Figure 1: “Effects of the Fugitive Slave Act,” from *Visions of America: a History of the United States* (Keene, et al., 2010)

The textbook narrative follows this graphic with a description of the manner in which support for the Compromise of 1850 indicated a weakening of party loyalty and an increase in sectional voting, largely directed by support or opposition to the Fugitive Slave Act. Its description of the Act’s provisions is blunt and forceful, and quite typical of the other textbooks in the sample:

The act created a force of federal commissioners who possessed broad powers to pursue and return suspected escaped slaves to their owners. It also permitted federal marshals to deputize private citizens to assist in capturing fugitive slaves. Those who refused to help were subject to fines and imprisonment. Once apprehended, an accused fugitive had no right to a jury trial. His or her fate was

instead decided by a federal commissioner who stood to earn a fee of ten dollars if he returned the accused to slavery and only five if he released him or her. (p. 349)

Most of the textbooks in this sample describe in considerable detail the angry reaction in the North to the Fugitive Slave Act. *United States History* (Lapansky-Werner, et al., 2010) says the law “enraged many northerners. The anger was not restricted to abolitionists; it extended to other northerners who felt forced to support the slave system” (p. 331). *America: Pathways to the Present* (Cayton, et al., 2007) represents the Act as a fundamental flaw of the Compromise of 1850—“Part of the Compromise, the Fugitive Slave Act, actually made the situation worse by infuriating many Northerners—including Harriet Beecher Stowe, who expressed her outrage in her book, *Uncle Tom’s Cabin*” (p. 359). *America: History of Our Nation* (Davidson & Stoff, 2009) uses the heading “Compromises Fail” at the opening of its section on the Fugitive Slave Act, another telling absence of agency or responsibility among historical actors. *The American Nation: A History of the United States* (Carnes, et al., 2008) portrays “the sight of harmless human beings being hustled off to a life of slavery disturbed many Northerners who were not abolitionists” (p. 350). *The American Pageant* (Kennedy, et al., 2006) describes the legal penalties faced by “freedom-loving northerners” if they helped runaway slaves, and points to the manner in which the Act broadened resistance to slavery in general:

So abhorrent was this “Man-Stealing Law” that it touched off an explosive chain reaction in the North. Many shocked moderates, hitherto passive, were driven into the swelling ranks of the antislaveryites. (p. 400)



Some textbooks also detail, in dramatic fashion, the trauma created by the Fugitive Slave Act among Northern blacks. *The American Journey* (Goldfield, et al., 2007) asserts that “the strongest reaction to the act was in the black communities of the urban North,” where “the Fugitive Slave Act brought the danger of slavery much closer to home....The lives that 400,000 black Northerners had constructed, often with great difficulty, appeared suddenly uncertain” (p. 392). The authors go on to implicitly reference the growth of the Underground Railroad by claiming “a growing militancy” in the black community over the Act’s passage (p. 393). *The American Nation: A History of the United States* (Carnes, et al., 2008) is more evocative: “Something approaching panic reigned in the black communities of northern cities when slave hunters arrived to seize former slaves” (p. 350).

*United States History* (Lapansky-Werner, et al., 2010) probably goes furthest in its illustration of the Fugitive Slave Act’s impact on northern blacks, by describing the very real threat of the law to freedmen: “Black Americans, of course, despised the law. Some of the captured ‘fugitive slaves’ were really free people who had been kidnapped and sold into slavery” (p. 333). The preceding page of the textbook is dominated by a full-page graphic that includes references to the Fugitive Slave Act, the Underground Railroad, and the ubiquitous Harriet Tubman, all set against a background image of the antislavery newspaper *The North Star* (see Figure 2):



Figure 2: "Infographic," from *United States History* (Lapansky-Werner, et al., 2010)

The authors then provide a compelling example of the resistance that "slaves, fugitives, and free black people" were determined to carry out, under a large heading in bold red font titled "Northern Blacks Mobilize":

In 1851, a small group of free African Americans gathered in a farmhouse in Christiana, Pennsylvania. Heavily armed, they had come to protect several fugitives from their Maryland master, who had brought a federal official to reclaim them. In the scuffle that followed, the slave owner was killed. White bystanders refused to intervene [sic] to help the slave-hunting party. Although more than 30 people were tried for the conspiracy, none was found guilty. No one was tried for the murder of the slave owner. The 'Christiana Riot' was a dramatic enactment of a scene that was played out in many northern communities. (p. 333)

The word “intervene” is underlined and defined in a side panel as “to get involved in a situation in order to prevent a certain outcome.” This is a largely amoral definition, drawn from an anecdote that vividly references the moral outrage in the North regarding the Fugitive Slave Act. Other textbooks, too, rely heavily on such personal anecdotes to illustrate the law’s upheaval, though without explicit condemnation of the Act or its impact. For instance, *The Enduring Vision* (Boyer, et al., 2008) begins its explanation of the Act by telling the story of Anthony Burns, a former slave who was captured, convicted, and returned back to the South from Boston, despite immense popular support in Massachusetts. This is from the first paragraph of the chapter:

No witness would ever forget the scene. As five platoons of troops marched with Burns to the ship, some fifty thousand people lined the streets. As the procession passed, one Bostonian hung from his window a black coffin bearing the words, “THE FUNERAL OF LIBERTY.” Another draped an American flag upside down as a symbol that “my country is eternally disgraced by this day’s proceedings. (p. 401)

*The Enduring Vision* then follows this with a description of the Act, its widespread denunciation in the North, and then ends with the equally compelling account of Margaret Garner, who, “about to be captured and sent back to Kentucky as a slave, slit her daughter’s throat and tried to kill her other children rather than witness their return to slavery.” (p. 401) Eric Foner’s *Give Me Liberty!* (2008) includes three such stories, presenting them as “a series of dramatic confrontations”—the capture of a slave named Jerry in Syracuse, NY 1851, the “Christiana Riot” of the same year, and the tragic story

of Margaret Garner (who was, Foner notes, the inspiration for the popular contemporary novel by Toni Morrison, *Beloved*).

The depiction of the Fugitive Slave Act is atypical as compared to the previous three topics of Secession/States'-Rights, in that many textbooks provide descriptions of not only Northern outrage over the law, but also Southern anger over what was seen as a moral and constitutional failing on the part of the federal government. *The Americans* (Danzer, et al., 2010) describes how difficult it became for Southerners to acquire their runaway slaves, given the common tendency in the North to deliberately delay the legal proceedings involved: "...Northern lawyers dragged these trials out—often for three or four years—in order to increase slave catchers' expenses. Southern slave owners were enraged by Northern resistance to the Fugitive Slave Act" (p. 311).

*Visions of America: History of the United States* (Keene, et al., 2010) connects the passage of the Act to increased operation of the Underground Railroad, and then includes a description of Southern expectations of the law's enforcement:

Although the number of escaped slaves remained relatively small, averaging one thousand per year out a total slave population that approached four million by 1860, Southern slaveholders grew increasingly angry over the unwillingness of Northerners to assist in the return of their 'property.' Especially galling were the 'personal liberty laws' passed by nine Northern states between 1842 and 1850, which prohibited the use of state officials or facilities like courts and jails for the capture and return of escaped slaves... With these precedents in mind, Southerners made clear... that they expected Northerners to uphold the law. (p. 349)

*The American Pageant* (Kennedy, et al., 2006) addresses anger over the North's failure or refusal to carry out the law, casting it as a snub that Southerners found particularly obnoxious: "To the slaveowners, the loss was infuriating, whatever the motives. The moral judgments of the abolitionists seemed, in some ways, more galling than outright theft. They reflected not only a holier-than-thou attitude but a refusal to obey the laws solemnly passed by Congress" (p. 395). *The Enduring Vision* (Boyer, et al., 2008) is similar in its depiction, and goes a considerable distance to humanize the issue from a Southern perspective:

The frequent cold stares, obstructive legal tactics, and occasional violence encountered by slaveholders who ventured north to capture runaway slaves helped demonstrate to southerners that opposition to slavery boiled just beneath the surface of northern opinion. In the eyes of most southerners, the South had gained little more from the Compromise of 1850 than the Fugitive Slave Act, and now even that northern concession seemed to be a phantom. After witnessing riots against the Fugitive Slave Act in Boston in 1854, a young Georgian studying law at Harvard wrote to his mother, "Do not be surprised if when I return home you find me a confirmed disunionist." (p. 401-402)

*The American Nation: A History of the United States* (Carnes, et al., 2008) describes a Southern reaction based on perceived unfairness: "White Southerners accused the North of reneging on one of the main promises made in the Compromise of 1850." (p. 350). *The American Journey* (Goldfield, et al., 2007) is more delicate in its narrative: "...the North's hostile reception to the law made southerners doubt its commitment to the compromise" (p. 391). *The American Pageant* (Kennedy, et al., 2006) portrays the

Southern position as one defined by failed expectations: “The southerners...were embittered because the northerners would not in good faith execute the law—the one real ‘and immediate southern ‘gain’ from the Great Compromise” (p. 400).

Despite the comprehensive coverage the Fugitive Slave Act receives from textbooks (in line with the expectations sown by major historical works), there is a curious lack of vitality in these passages. The textbooks in this sample present moral outrage without ownership, without clarity or principle. At best, the narratives displayed here highlight the Fugitive Slave Act as an element in the outbreak of the Civil War, but in their portrayals of “harmless human beings” being denied their freedom by brutal slavecatchers, over the objections of “freedom-loving” Northerners, there is no explicit denunciation of the Act as a moral failing or mistake. In fact, the closest example of this is found in *The American Pageant*, which provides the following analysis of the notorious law:

Beyond question, the Fugitive Slave Law was an appalling blunder on the part of the South. No single irritant of the 1850s was more persistently galling to both sides, and none did more to awaken in the North a spirit of antagonism against the South...Delay also added immensely to the moral strength of the North—to its will to fight for the Union. In 1850 countless thousands of northern moderates were unwilling to pin the South to the rest of the nation with bayonets. But the inflammatory events of the 1850s did much to bolster the Yankee will to resist secession, whatever the cost. (p. 400-401)

In terms of historical content, the narratives of the sampled textbooks are superior to the other three elements of Secession and States'-Rights analyzed in this study. In terms of moral content, it is present, though diffuse and inarticulate.

### **Categorical Analysis**

In the tradition of *jus ad bellum* as elaborated by Brian Orend in "The Morality of War," there are six overall categories: just cause, right intention, proper authority/public declaration, last resort, probability of success, and proportionality. For the purposes of this study, the emphasis in *jus ad bellum* will be on three of these elements: just cause, right intention, and proper authority. This is not to assert that other categories are not applicable, or should not be applied to the Civil War. On the contrary, the "just war" doctrine is a philosophical structure with which any armed conflict, as well as governmental/social policy decisions pursuant to that conflict, may be analyzed. In terms of textbooks, though, some allowance should be made for what is widely recognized as their inherent limitations. These are textbooks of American history, not political science, philosophy, or religion; and, obviously, they are not "just war" treatises. More prosaically, textbooks only have so much space which may be dedicated to any given topic. Given the tendency of such books to pack in historical data and the hard editing choices which, given such limitations, become necessary, it would be unfair to expect a given text to contain enough substantive narrative to critique American conflicts from all available "just war" perspectives. For example, while the *jus ad bellum* requirement of public declaration is an important one, it would probably be an unreasonable expectation

to insist a textbook contain concrete descriptions of such declarations on the part of the North and the South in 1861 (though, in truth, some texts do).

However, there are certain elements of “just war” that can be, and should be, contained in any textbook. The issue of just cause, for example, is fundamental to “just war,” possibly the component most heavily scrutinized and deliberated by scholars in the field, especially given the manner in which nations will appeal to the concept in order to justify their decisions to enter into a conflict. The South, prior to 1861, felt that a sufficient just cause existed for a movement towards violence, as did the North. Whether or not such just cause existed—and whether or not each side was actually fighting in pursuit of that just cause—is certainly a vital moral component to the depiction of the Civil War, and a textbook’s description of such (or lack thereof) should be considered a fair subject for criticism.

Moreover, it is important to point out that there is no intent to challenge, from a moral perspective, the rightness or wrongness of a textbook’s interpretation of the ethical value of a historical event. If a textbook contains narrative, explicit or implicit, that asserts the South was wrong morally for seceding from the Union, it is not the place of this study to claim that the book is itself at fault. Instead, what is at issue is the *presence* of moral content, and the manner in which it is presented. Whether or not an opportunity for moral criticism exists for our students is the subject of this research, not the measurement of a textbook’s content against a personally-held set of ethics and values.



### **Just cause.**

The first component of *jus ad bellum* to be considered is that of just cause. Just cause, it will be remembered, typically includes the following: self-defense from external attack; defense of others from external attack; protection of innocents from brutal, repressive regimes; punishment for a grievous wrongdoing with remains uncorrected (Orend, 2006).

None of the ten textbooks in this sample address just cause explicitly, though many contain references to the inherent concept of justice, self-defense, and wrongdoing. *United States History* (Lapansky-Werner, et al., 2010), for example, addresses the nullification crisis of 1828-1832 by including a quote from John C. Calhoun's "South Carolina Exposition and Protest" that effectively captures the Southern view of the tariff's threat:

So partial are the effects of the [Tariff] system that its burdens are exclusively on one side and its benefits on the other. It imposes on the agricultural interest of the South...That the manufacturing States...bear no share of the burden of the Tariff [.] (p. 255)

Similarly, *United States History* provides a quotation, this time from Jefferson Davis under a section titled "Why Limit Slavery Only in the Territories?", which hints at the manner in which the South saw the Wilmot Proviso as a veiled attack on the institution of slavery:

It is not humanity that influences you...It is that you may have an opportunity of cheating [the South] that you want to limit slave territory...It is that you may have a majority in the Congress of the United States and convert the Government into

an engine of northern aggrandizement. It is that your section may grow in power and prosperity upon treasures unjustly taken from the South...[Y]ou want...to promote the industry of the New England states, at the expense of the people of the South and their industry. (p. 324)

These quotations highlight the degree to which Southerners saw proposed national policies, regarding tariffs and expansion, as a form of external threat, emanating from a region and a constituency that had a superior degree of political, economic, and military power. In this manner, and with the words of historical figures involved in the prelude to the Civil War, *United States History* contains implicit moral content equivalent to the “just war” component of just cause.

*The Enduring Vision* (Boyer, et al., 2008) takes a similar approach with regard to nullification, pointing out that “Southerners feared that a federal government that passed tariff laws favoring one section over another might also pass laws meddling with slavery” (p. 285). The authors write that in South Carolina, the debate over the tariff became a debate over protecting their “peculiar institution”—“These developments were enough to convince many troubled South Carolinians that a line had to be drawn against tariffs and possible future interference with slavery” (p. 285). Regarding the Wilmot Proviso, *The Enduring Vision* points to the manner in which Southerners thought of western expansion as a possible solution to one of the great traditional fears of the South—“...the westward extension of slavery would reduce the concentration of slaves in the older regions of the South and thus lessen the chances of as slave revolt” (p. 392). A federal attempt to check that expansion might lead to further bloody uprisings, like Nat Turner’s in 1831 (though *The Enduring Vision* does not make that explicit connection).

*The Americans* (Danzer, et al., 2010) utilizes quotations from historical figures to indicate the degree to which Southerners felt threatened by the federal government in the decades prior to 1861. Though most textbooks describe the Hayne-Webster senatorial debate of 1830, almost all describe Robert Hayne as a preliminary character, one whose remarks merely set the stage for Daniel Webster's stirring oratory. *The Americans*, though, includes a quotation from Hayne under a heading titled "A Personal Voice," from his speech of January 21, 1830, that aptly illustrates the degree to which Southerners felt that the U.S. government was threatening their way of life:

The measures of the federal government...will soon involve the whole South in irretrievable ruin. But even this evil, great as it is, is not the chief ground of our complaints. It is the principle involved in the contest—a principle, which substituting the discretion of Congress for the limitations of the constitution, brings the States and the people to the feet of the federal government, and leaves them nothing they can call their own. (p. 232)

The Wilmot Proviso is generally presented, in most textbook narratives, from the Southern perspective. In this respect, *The Americans* is no different—"Southerners, as expected, opposed the proviso, which, some argued, raised complex constitutional issues. Slaves were property, Southerners claimed, and property was protected by the Constitution. Laws like the Wilmot Proviso would undermine such constitutional protections" (p. 306). In a similar vein, *The Americans* describe the trepidation felt by Southerners regarding future political prospects: "Many Southerners feared that if the Wilmot Proviso became law, the inevitable addition of new free states to the Union would shift the balance of power permanently to the North" (p. 305).

This textbook, though, does not restrict itself to a singular perspective; instead, to its credit, it also includes a Northern point of view regarding this issue. The authors point to the fact that Northerners, rather than viewing the Proviso as an attempt to destroy slavery, generally saw it as a possible remedy to the threat the South was presenting to the nation at large:

Northerners, angry over the refusal of Southern congressmen to vote for internal improvements, such as the building of canals and roads, supported the proviso. They also feared that adding slave territory would give slave states more members in Congress and deny economic opportunity to free workers. (p. 306)

Generally, though, the Wilmot Proviso is presented from a Southern point of view—the implication that an attempt to restrict slavery in the territories was an attack on the Southern way of life. At the least, textbooks from this sample describe the Proviso, from the Southern point of view, as “particularly insulting” (*The American Nation: A History of the United States*, 2008, p. 315), a legalistic scheme that intimidated Southerners were “a degraded people” not fit to share in the conquests won in the Mexican War (*The American Journey*, 2007, p. 389; *Give Me Liberty!* 2008, p. 476). At the most, textbooks describe the Southern reaction to the Wilmot Proviso as one of dire alarm, a general fear that without the ability to push slavery beyond the South, the institution itself was in future peril. *America: History of Our Nation* (Davidson & Stoff, 2009) is fairly tame in its depiction of this fear: “Many supporters of slavery viewed it as an attack on slavery by the North.” (p. 482) But Foner frames it more vitally in *Give Me Liberty!*, saying “just as northerners believed westward expansion essential to their economic well-being, southern leaders became convinced that slavery must expand or die” (p. 476). With regard to the

Wilmot Proviso, then, textbooks from this sample do present evidence of just cause, though it is largely inchoate, implicit, and from a singular point of view.

The Fugitive Slave Act is, for the textbooks used in this study, the most fertile ground for just cause. Most narratives contain detailed passages describing the Act's impact on both North and South. *United States History* (Lapansky-Werner, et al., 2010) and *America: Pathways to the Present* (Cayton, et al., 2007) both describe the anger felt in the North about the intervention of the Act into everyday life, as well as the moral outrage that arose from “infuriating” episodes of slavecatchers hunting down fugitive slaves. *United States History* (Lapansky-Werner, et al., 2010) describes the anger in the North as well as their surprisingly ironic reaction to the Act:

Northerners also resented what they saw as increasing federal intervention in the affairs of the independent states. A few northern states struck back, passing personal liberty laws. These statutes nullified the Fugitive Slave Act and allowed the state to arrest slave catchers for kidnapping. Many northerners agreed with abolitionist William Lloyd Garrison when he demanded “nothing less than...a Revolution in the Government of the country. (p. 331)

The anecdotes about captured slaves like Anthony Burns and Thomas Sims, the “Christiana Riot,” the grisly deaths of Margaret Garner and her daughter—all are featured in many of these textbooks, and are powerful additions to a sense of the Northern position on just cause.

What distinguishes textbook narratives of the Fugitive Slave Act from the other three subcategories regarding secession and states'-rights is the degree to which those texts include content that encompasses the issue of just cause from both a Northern and

Southern perspective. *America: History of Our Nation* (Davidson & Stoff, 2009) presents the high hopes Southerners felt about the law upon its passage, embodied in the ubiquitous presence of John C. Calhoun, who “had hoped that the Fugitive Slave Law would force northerners to admit that slaveholders had rights to their property” (p. 487). *Visions of America: a History of the United States* (Keene, et al., 2010) refers to the anger Southerners felt not only over their belief that Northerners (especially abolitionists, a persistent thorn in their sides) would not only fail to enforce the laws, but would also actively impede them, primarily through the use of “personal liberty laws” (p. 349). *The Enduring Vision* (Boyer, et al., 2008) details the “frequent cold stares, obstructive legal tactics, and occasional violence” Southerners came to expect on their rare forays into the North on slave-catching missions (p. 401-402), while *The American Pageant* (Kennedy, et al., 2006) describes the “holier-than-thou attitudes” Southerners encountered from abolitionists and Northerners in general, regarding their “peculiar institution” (p. 395). Textbook depictions of the Fugitive Slave Act come closest, of the four subcategories of secession and states’-rights, to comprising just cause, from a “just war” perspective.

It can’t be said, however, that textbook narratives present a coherent moral account of Southern or Northern justifications for armed violence, with regard to secession or states-rights. At best, the textbooks of this sample hint at the national calamity looming in the future, but there is no explicit discussion of whether or not the accumulation of philosophical beliefs (the theory of nullification, first expressed in the Kentucky and Virginia Resolutions and first attempted in South Carolina in 1832) and actual historical events (the Wilmot Proviso’s attempt to limit slavery and the national trauma attending the passage of the Fugitive Slave Act) comprised a sufficient moral

foundation for the South to secede in the face of Northern aggression. While there is moral content in these textbooks, in terms of the “just war” component of just cause, it is inferential and diffuse.

### **Right intention.**

The “just war” condition of right intention refers to the tenet that a state must fight (and intend to fight) only in defense of a legitimate just cause, or in light of its justification, but not for a hidden or ulterior motive. It is a concept that dates to St. Thomas Aquinas, who set as a condition of “just war” that “it is necessary that the belligerents should have a rightful intention, so that they intend the advancement of good, or the avoidance of evil” (cited in Temes, 2003). In this case, as with just cause, no textbook in this sample makes explicit claims regarding right intention, and it would be unreasonable to expect it to be otherwise. There is, however, implicit moral content in all textbooks, given their hegemonic tendency to present a chosen national narrative—and with regard to right intention, all textbooks in this sample contain latent references to the concept. Since ultimately, it was the South that chose an aggressive step by attacking Fort Sumter in April 1861, it is their position on right intention that is the proper focus of “just war” theory.

The Southern position on secession and states’-rights, as presented in textbooks, is about two issues: unfair treatment by the North and the federal government, and the protection of the “Southern” way of life (i.e., slavery). All textbooks in this sample present narrative sections on these topics, frequently addressing what Southerners thought of federal policies regarding tariffs, the expansion of slavery, and Northern attitudes about the South in general and slavery in particular. In reference to right

intention, then, the question at this juncture is, do textbooks include content that allows students to question the motive or motives of the South in the push to secede from the Union?

Certainly, every textbook dedicates a considerable amount of time and paper to the issue of slavery. All textbooks in this sample devote ample space to describing the conditions under which slaves were forced to live, the daily degradation and mundane tortures they could expect to endure, the loss and separation and risk in the pre-Civil War South. The depictions of these textbook are mostly interchangeable, and well-represented by this selection from *The American Pageant* (Kennedy, et al., 2006):

Slavery was intolerably degrading to the victims. They were deprived of the dignity and sense of responsibility that come from independence and the right to make choices. They were denied an education, because reading brought ideas, and ideas brought discontent. Many states passed laws forbidding their instruction, and perhaps nine-tenths of adult slaves at the beginning of the Civil War were totally illiterate. For all the slaves—indeed for virtually all blacks, slave or free—the “American dream” of bettering one’s lot through study and hard work was a cruel and empty mockery. (p. 362)

Given the overtly negative tone of this depiction (and those like it, across the spectrum of the sample), it is hard to ignore the message being implicitly established—namely, that slavery was more than just a Southern tradition that led to civil disunion, but was instead a great moral calamity. Almost in tandem with this description, then, *The American Pageant* includes a section that details the Southern position on slavery. A section similar to this can be found in all ten textbooks of this sample:



Proslavery whites responded by launching a massive defense of slavery as a positive good. In doing so, they forgot their own section's previous doubts about the morality of the "peculiar institution." Slavery, they claimed, was supported by the authority of the Bible and the wisdom of Aristotle. It was good for the Africans, who were lifted from the barbarism of the jungle and clothed with the blessings of Christian civilization...Southern whites were quick to contrast the "happy" lot of their "servants" with that of the overworked northern wage slaves, including sweated women and stunted children. (p. 367)

The quotation marks surrounding *happy* and *servants* are typical of the moral inferences of textbooks—rather than simply label the Southern position as evil, the authors rely on the subtle contrast of prevailing modern (and contemporaneously abolitionist) attitudes regarding race and slavery. But while all the textbooks of this sample provide ample justifications from the Southern perspectives regarding the moral rightness of their cause, there are no discernible opportunities for students, either in the written narrative or included activities, to distinguish *between* Southern justifications for their decision to fight. Students would be hard-pressed to determine whether the South thought they were fighting for slavery, or in defense of Constitutional rights, or some mixture of both. Evidence of all these positions can be found sprinkled throughout the textbooks, but in terms of "just war's" condition of right intention, there is, once again, a common finding—a great deal of content, though diffuse and presented without opportunity for critique.

**Proper authority.**

The *jus ad bellum* component of proper authority is typically addressed through a given state's political structure—generally, was proper procedure for the initiation of conflict followed, and was the state that initiated it legitimate? The issue of public declaration is the simplest, with regard to the Civil War; all the textbooks in this sample address the secession of Southern states after the election of 1860 and the public proclamations that occasioned it, starting with South Carolina. Of greater importance and value for “just war” considerations is that of proper authority with regard to the legitimacy of the Confederacy. Was the government set up by Southern states after their secession legitimate, one who was morally capable of initiating conflict with another government?

One aspect of “just war” that is fundamental to this issue is the concept of the “minimally just community.” Orend, in *The Morality of War* (2006), introduces the concept as a foundational necessity for “just war” generally, and for the moral conduct of a civil war in particular. A “minimally just state,” says Orend, has “moral and legal rights to territorial integrity and political sovereignty.” He establishes three basic conditions for a minimally just state to exist: first, that it is recognized as such by both the international community and its own people; second, that it avoids violating the rights of other societies/nations; and third, that it makes “every reasonable effort to satisfy the human rights of [its] own citizens” (p. 35-36).

What is at issue, then, in a civil war, is whether or not the government at large has failed in these criteria, as well as whether or not the government that is attempting to achieve independence can realistically uphold those standards. Orend puts it thus: “This

is the key question in a civil war; *who has minimal justice on their side (sic)*” (p. 84)? In Orend’s view, the Union’s war against the South was morally justified, given the Confederacy’s inability to satisfy the conditions of a minimally just state. Orend points to two factors which places the South in an unjust position—its acts of aggression that led to the general outbreak of war (particularly the attack on Fort Sumter in April 1861), and its defense of the institution of slavery, what Orend calls “a massive social injustice, a hideous and widespread violation of human rights—depriving slaves of freedom, basic equality, social recognition as persons, and, quite often, their very physical security.” (p. 84)

Certainly, this conclusion can be debated, especially from a historical perspective—Southerners, at the minimum, did not view slavery as abhorrent as Orend does, and certainly those who supported the Confederacy did not generally consider themselves representing an unjust society. And certainly many Southerners felt that the federal government had become, throughout the first half of the nineteenth century, the embodiment of what Orend describes as a moral condition for waging a civil war, a government “of oppressive tyranny...a severe discriminator which respects the rights of one privileged group while violating those of another” (p. 84). Thus, many Southerners would view their own status as a minimally just state violated by federal aggression, and therefore a violation of what Garrett (2004) frames as a fundamental right of such states-- they “should be free from force and fraud by other states...they should be permitted to govern themselves without harmful interference from outside.” What is more important, for the purposes of this study, is whether or not textbooks allow for the opportunity to question the legal and moral status of the Confederacy, as a political entity.

Across the ten textbooks of this sample, none explicitly discuss the moral stature of the Confederacy as a minimally just community. This is, of course, predictable—Orend’s conceptual framework is probably too sophisticated an idea for inclusion in a survey textbook. The question of whether or not the Confederacy had a legal or moral right to exist, however, is a concept that (and thus, to initiate a war against the Union) not only is fundamental to a “just war” consideration of the Civil War, but it is also well within the critical capabilities of most high school students. There is considerable coverage of the events and topics that Northerners and Southerners grappled with on the road to war—for example, there is much discussion of the constitutional basis for secession, or the lack thereof, as described above, and there are a substantial number of pages dedicated to the inhumane conditions under which slaves were forced to live. However, at no point in the ten books of this sample is the fundamental question of a minimally just community posed or hinted at—did the Confederacy have the moral right to exist? This is a deficiency that severely inhibits any textbooks’ capacity for moral criticism, from a “just war” perspective.

### **The Election of 1860**

The second component of *jus ad bellum* for this study is the presidential election of 1860. In November 1860, the presidential election highlighted the sectionalism plaguing the nation. Four candidates—Abraham Lincoln, Stephen Douglas, John Breckenridge, and John Bell—vied for the White House, and the electoral results were taken in the North and South as a warning of the violence about to erupt across the country.

### Historical Narrative Analysis

Major historiographical works are in consensus on the importance of the election of 1860 as a primary and immediate cause of Southern secession. Morison and Commager (1942) call secession a “foregone conclusion” after Lincoln’s election, symbolically conflating the events in the title of their chapter on the time period, “Lincoln, Secession, and the Civil War” (p. 637). McPherson (1988) refers to it as the most “unique in the history of American politics” (p. 223). He describes how the possibility of Lincoln’s election precipitated a crisis of epic proportions in the South regarding their electoral and national fate:

As the election neared, a volatile mixture of hysteria, despondency, and elation [arose] in the South. Whites feared the coming of new John Browns encouraged by triumphant Black Republicans; unionists despaired of the future; secessionists relished the prospect of southern independence....stories of slave uprisings that followed the visits of mysterious Yankee strangers, reports of arsons and rapes and poisonings by slaves crowded the southern press...This mass hysteria caused even southern unionists to warn Yankees that a Republican victory meant disunion. (p. 228-229)

Doris Kearns Goodwin, in *A Team of Rivals: The Political Genius of Abraham Lincoln* (2005), describes how many Republicans, during the campaign of 1860, tried to dispute immediacy of the southern threat to secede, saying that the “the South had made similar threats intermittently for forty years.” As Lincoln himself told a journalist, the saber-rattling in the South was “a sort of political game of bluff, gotten up by politicians, and meant solely to frighten the North” (p. 274). Whether Lincoln believed this or was

adopting a campaign tactic to allay fears of disunion, he was wrong—Goodwin points out that in the South, “the election of a ‘Black Republican’ was merely the final injury in a long list of grievances against the North...[including] attempts to exclude slaveowners from the new territories; failure to enforce the Fugitive Slave Act; continued agitation of the slavery question that held Southerners up to contempt and mockery; and the fear of insurrection provoked by the John Brown raid” (p. 293-294).

Olsen (2006) also enumerates the Southern complaints, adding that, in electing a President with no southern votes, the North had formalized “an insult to the South and their claim of equality within the Union. Over and over, Southerners used the same words to describe the Republican triumph: humiliating, insulting, degrading” (p. 60). This insult had been brewing for some time, and the election of Lincoln should not have been seen, according to Olsen, as a thunderclap from the heavens. In fact, the outcome of the election itself was practically decided back in October 1860, when early voting was held in three crucial states—Indiana, Ohio, and Pennsylvania. Lincoln’s victories in these states largely assured his national victory a month later, made clear to “most Americans that he would win the election” (p. 59-60).

David Williams, in *A People’s History of the Civil War* (2005) writes that the campaign of 1860 was not a “referendum on secession among southern whites,” but that even the candidate seen as most overtly pro-Southern, the Southern Democrats’ John Breckenridge, cast himself as the only nominee who could save the Union—since the election of Lincoln would ensure southern secession and black equality. Williams is less emphatic about the concept of Southern unity on disunion—he argues, persuasively, that the issue was largely divided along class lines, with large landowners and planters

generally in favor of seceding and poor whites less sanguine on the issue. In fact, Williams states, there was sentiment among some landowners for secession not to prevent the calamity of Republican rule, but instead to keep abolitionism from springing up among the lower classes of southern whites—“one secessionist warned that if the slaveholders did not take their states out of the Union, there would indeed soon be ‘an Abolition party in the South, of Southern men.’ Another frankly admitted, ‘I mistrust our own people more than I fear all of the efforts of the Abolitionists’” (p. 52). What is beyond dispute, as Williams illustrates, is that the election of Abraham Lincoln was viewed as a tipping point in relations between the North and South, though the degree to which such an event represented an irrevocable break between the two regions is debatable. Interestingly, Williams also includes the perspective of a group largely ignored in most narratives of this event—with regard to slaves, Williams points out that “slaves wanted to be set free, and by 1860 they believed Lincoln would do just that. How could they think otherwise with secessionists ranting throughout the South that Lincoln’s ultimate goal was to free them?” Williams describes a planned slave uprising in Chesterfield County, Virginia, where slaves were sure that Lincoln would come to help them, and claims that such attempts were common in the weeks after the election in November 1860 (p. 53). With the white South’s traditional fear of slave rebellion already stoked by the recent attempt of John Brown, even the barest mention of widespread uprisings would have been seen as a dire threat.

Textbooks are largely unanimous in their depiction of the election of 1860 as the primary cause of secession and disunion. Many books try to establish the sense of national foreboding that seemed to hang over the United States prior to the presidential

election. *The American Nation: A History of the United States* (Carnes, et al., 2008) bluntly describes the danger facing the nation prior to the event itself: “By 1860 the nation was teetering on the brink of disunion. Radicals North and South were heedlessly provoking one another” (p. 367-368). *America: History of Our Nation* (Davidson & Stoff, 2009) sets the stage for the coming crisis: “As the election of 1860 drew near, Americans everywhere felt a sense of crisis. The long and bitter debate over slavery had left the nation seriously divided.” (p. 499). The authors go on to state that “due to rising tensions between the North and South, the election of 1860 took place in an atmosphere of distrust and suspicion.” (p. 499). Under the paragraph heading of “A Rail-Splitter Splits the Union,” *The American Pageant* (Kennedy, et al., 2006) goes so far as to implicitly blame Lincoln himself, placing their description of the calamity facing the U.S. that year—“Beyond question the presidential election of 1860 was the most fateful in American history. On it hung the issue of peace or civil war” (p. 425).

*Pathways to the Present* (Cayton, et al., 2007) similarly tries to engage students by describing the tension of the days leading to the election, as well as the stakes involved:

As 1860 began and a new presidential election approached, it was clear that most Northerners would not accept leadership by a Southerner. Southerners, likewise, would not accept a leader from the ranks of the antislavery Republicans in the North. The next presidential election was looming. Could the Union survive it? (p. 369-370)

*The American Journey* highlights the manner in which the coming election was viewed in the South as a direct threat, given the “radicalism” of the Republican Party:



It was one thing to condemn slavery in the territories but another to attack it violently where it was long established. Southerners now saw in the Republican party the embodiment of John Brown's ideals and actions. So, in their view, the election of a Republican president would be a death sentence for the South. (p. 407)

Only a few textbooks do an effective job of encapsulating the position of the South, prior to this election. *The Enduring Vision* (Boyer, et al., 2008), for example, does the best job of describing how the election itself was viewed by many Southerners as the final act in a long-building series of insults, depredations, and assaults upon their way of life:

...the events of the 1850s persuaded many Southerners that the Union had deserted the true principles of the Union. Southerners interpreted northern resistance to the Fugitive Slave Act and to slavery in Kansas as either illegal or unconstitutional, and they viewed headline-grabbing phrases such as "irrepressible conflict" and "a higher law" as virtual declarations of war on the South. To southerners, it was the North, not the South, that had grown peculiar... To white southerners, the North, not slavery, was the problem. (p. 416)

Some textbooks are commendable in the manner in which they connect Southern concerns to more recent events than the prior ten years. *Visions of America: a History of the United States* (Keene, et al., 2010) describes the Southern connection of the presidential election to the recent raid by John Brown, a white abolitionist who had tried to inspire a slave uprising at Harper's Ferry, Virginia. His capture and subsequent execution for treason against a state had struck a deep chord of terror in the South, and

*Visions of America* frames the Southern view of the presidential election in the light of memory of that event:

Brown's audacious act convinced many Southerners that Northern abolitionists would continue to conspire to instigate future slave uprisings in order to destroy Southern society. Increasingly they talked of dissolving their union with the North to protect their property and way of life. Robert Toombs of Georgia voiced the most pressing concern of Southerners: "Never permit this Federal government to pass into the traitorous hands of the black Republican party." (p. 367)

*United States History* (Lapansky-Werner, et al., 2010) also addresses Southern concerns prior to the war, as well as national apprehension over the continuing violence in Kansas ; but in addition, the authors describe Northern anxiety over the recent decision of the U.S. Supreme Court in *Dred Scott v. Sanford*, which declared that slaves living in free territories were still considered slaves:

John Brown's raid and execution were still fresh in the minds of Americans as the 1860 presidential election approached. Uncertainty about Kansas—would it be a slave state or a free state?—added to the anxiety. In the North, loss of confidence in the Supreme Court resulting from the Dred Scott decision and rage about the Fugitive Slave Act's intrusion into the states' independence further aggravated the situation. The issue of states' rights was on southern minds as well. Would northern radicals conspire to eliminate slavery not only in the territories, but also in the original southern states...Even southerners who did not own slaves felt that their way of life and their honor was under attack. (p. 346-347)

In their depictions of the election itself, many textbooks imply that the election of Abraham Lincoln shook the South like a thunderclap, without warning, while others point out that the shock of the Republican victory was more muted. All textbooks describe the manner in which the Democratic party split along regional lines and nominated two different candidates—Stephen Douglas and John Breckenridge—while the Republicans eschewed the odds-on favorite, William Seward, in favor of the more moderate Lincoln. Additionally, all textbooks indicate the degree to which some Southerners wished to avoid disunion and the possibility of war by creating another party, one dedicated to Southern principles and unity, the Constitutional Union Party (whose candidate in the 1860 election was John Bell). In the spirit of many textbooks, *America: History of Our Nation* (Davidson & Stoff, 2009) tries to split the difference and maintain historical accuracy while also portraying the impact of the election—after asserting that even some of Lincoln’s opponents in the general election were “sure that Lincoln would win the election,” the authors distort that claim by saying later that “Lincoln’s election sent shock waves through the South” (p. 499). The textbook does showcase the degree to which the election seemed to indicate a political division within the nation that went beyond mere rhetoric and the anger of an active fringe element in the South:

The election showed just how fragmented the nation had become. Lincoln won in every free state and Breckenridge in all the slaveholding states except four. Bell won Kentucky, Tennessee, and Virginia—all in the upper South. Douglas carried only Missouri. Although Lincoln only got 40 percent of the popular votes, he received enough electoral votes to win the election. (p. 500)

Other textbooks provide similar descriptions of the regional nature of the presidential election of 1860. *Give Me Liberty!* (Foner, 2008) is blunt: “In effect, two presidential campaigns took place in 1860.” (p. 495) *Visions of America* claims that “For the first time in the nation’s history, a purely regional party, the Republicans, had won the White House” (p. 369). Textbooks differ on the degree to which Lincoln was perceived as the rightful victor in the race. In *The Americans* (Danzer, et al., 2010), the authors focus on the tenuous claim Lincoln had to national support:

Lincoln emerged as the winner, but like Buchanan in the previous election, he received less than half the popular vote. In fact, although Lincoln defeated his combined opponents in the electoral vote 180 to 123, he received no electoral votes from the South. Unlike Buchanan, Lincoln had sectional rather than national support, carrying every free state but not even appearing on the ballot in most of the slave states. The outlook for the Union was grim. (p. 330)

*The American Pageant* (Kennedy, et al., 2006) is even more forthright, almost dismissive in its depiction of Lincoln’s victory and the near-illegitimacy of the new administration:

Awkward “Abe” Lincoln had run a curious race. To a greater degree than any other holder of the nation’s higher office (except John Quincy Adams), he was a minority president. Sixty percent of the voters preferred some other candidate. He was also a sectional president, for in ten southern states, where he was not allowed on the ballot, he polled no popular vote. (p. 427)

In contrast to this, *The American Nation: a History of the United States* (Carnes, et al., 2008) tries to dispel some of the common rhetoric about Lincoln's minority status, by pointing out that mathematically, his claim to the presidency was beyond dispute: "Lincoln was thus a minority president, but his title to the office was unquestionable. Even if his opponents could have combined their popular votes in each state, Lincoln would have won" (p. 370). *The Enduring Vision* (Boyer, et al., 2008) follows this same theme, claiming that despite the unusual nature of the election of 1860, there could be little question of Lincoln's clear triumph: "Lincoln won a clear majority of the electoral vote, 180 to 123 for his three opponents combined. Although Lincoln gained only 39 percent of the popular vote, his popular votes were concentrated in the North, the majority section, and were sufficient to carry every free state" (p. 417).

Rather than setting the stage for the election or highlighting the election's outcome, it is the manner in which textbooks depict the consequences of the election that is most telling. Most textbooks highlight the outrage, despair, and near-panic felt in the South at the prospect of a Republican administration. *The Americans* (Danzer, et al., 2010) is blunt: "Lincoln's victory convinced Southerners that they had lost their political voice in the national government" (p. 330). In *The Enduring Vision* (Boyer, et al., 2008), the authors start with a bland, plainly factual statement about the election's impact—"Lincoln's election initiated the process by which the southern states abandoned the United States for a new nation, the Confederate States of America" (p. 416)—but ultimately describes white Southern anger over what they perceived "as a calculated northern insult" (p. 420).

*America: History of Our Nation* (Davidson & Stoff, 2009) puts it thus: “Lincoln’s election sent shock waves through the South. To many southerners, it seemed the South no longer had a voice in the national government. They believed that the President and Congress were now set against their interests—especially slavery” (p. 500). The authors then quote a Virginia newspaper editor as representative of most Southern sentiments: “A party founded on the single sentiment...of hatred of African slavery, is now the controlling power...The honor, safety, and independence of the Southern people are to be found only in a Southern confederacy” (p. 501). *America: Pathways to the Present* (Cayton, et al., 2007) is almost exactly the same as this narrative, in both tone and structure, in its description of the Southern reaction, even including a quote from an angry newspaper editor:

Southerners were outraged that a President could be elected without any southern electoral votes. The national government, it seemed, had passed completely out of their hands. Planters and others who backed slavery called for the South to secede, or withdraw, from the Union. An Augusta, Georgia, newspaper editor wrote: “[The Republican Party] stands forth today, hideous, revolting, loathsome, a menace not only to the Union of these states, but to Society, Liberty, and to Law.” (p. 371)

One important element of textbook narrative descriptions of the election of 1860 is the degree to which the authors attempt to depict the immediacy of the threat, as perceived by Southerners. Many texts join the election results and the secession of South Carolina, implicitly accentuating a sense of immediacy to the Southern reaction. Typical of this form of narrative is this section from *The American Pageant* (Kennedy, et al.,

2006): “South Carolinians rejoiced over Lincoln’s victory; they now had their excuse to secede. In winning the North, the ‘rail-splitter’ had split off the South” (p. 427). In the same vein, the narrative style of *Visions of America: a History of the United States* (Keene, et al., 2010) reflects a conceptual link between the election and practically immediate separation of North and South: “Southern fire-eaters, having warned Southerners that the election of a ‘Black Republican’ would lead to the end of slavery and the destruction of their society, wasted no time in calling for secession” (p. 369). Only a few authors try to point out that the “threat” of a Republican administration was entirely a theoretical one—especially since Lincoln, in the run-up to the election and thereafter, took pains to try and assure Southern states that he had no intention of trying to eradicate slavery. Eric Foner, in *Give Me Liberty!* (Foner, 2008), is very detailed in describing why Southerners found the prospect of Lincoln’s presidency so alarming:

In the eyes of many white southerners, Lincoln’s victory placed their future at the mercy of a party avowedly hostile to their region’s values and interests. Those advocating secession did not believe Lincoln’s administration would take immediate steps against slavery in the states. But if, as seemed quite possible, the election of 1860 marked a fundamental shift in power, the beginning of a long period of Republican rule, who could say what the North’s antislavery sentiment would demand in five years, or ten? Slaveowners, moreover, feared Republican efforts to extend their party into the South by appealing to non-slaveholders. Rather than accept permanent minority status in a nation governed by their opponents, Deep South politicians boldly struck for their region’s independence.

At stake, they believed, was not a single election, but an entire way of life. (p. 496)

Similarly, *The American Journey* (Goldfield, et al., 2007) tries to point out that even the results of the election had been relatively easy to predict prior to the actual casting of votes, thanks to a historical scheduling quirk: “In those days, states did not hold gubernatorial elections on the same day, or even in the same month, as the national presidential election. When, in mid-October, Republicans swept the statehouses in two crucial states, Pennsylvania and Indiana, [it became clear] that Lincoln’s election was inevitable” (p. 409).

All textbooks contain significant passages on the election of 1860, and while most include a few student activities or opportunities for critique, only a few provide significant examples of the kind. *America: History of Our Nation* (Davidson & Stoff, 2009) includes a “Comprehension and Critical Thinking” question that allows students to consider the impact of the election on Southern states: “What was the South’s reaction to Lincoln’s election? How did Lincoln try to reassure the South?” And it also includes a writing assignment that philosophically links the election to the subsequent secession of South Carolina: “Based on what you have read in this section, write a thesis statement for an essay explaining why the election of Abraham Lincoln caused the South to secede” (p. 502). *America: Pathways to the Present* (Cayton, et al., 2007) has review questions that ask students to explain a characterization of Lincoln’s victory as “a decisive victory, but a sectional one,” and contains the most direct connection of the election to secession of any textbook with this question: “Why did Lincoln’s election prompt the secession of the southern states” (p. 372)?



*The Americans* (Danzer, et al., 2010) provides the most comprehensive set of activities, encouraging students to examine the election critically, to evaluate its impact, and even to engage in multiple perspectives regarding the vote itself. In a section labeled “Critical Thinking,” the text asks, “If you had been voting in the presidential election of 1860, for whom would you have voted, other than Abraham Lincoln? Explain your reasoning by using specific references to the chapter” (p. 331). Later, the authors include a chart that asks students to examine “Key Events,” like the Wilmot Proviso, the Compromise of 1850, the Kansas-Nebraska Act of 1854, and the election of 1860, and explain how each could be considered “Fuel for Secession” (p. 334). Finally, at the end of the chapter on this topic, the textbook narrative refers to an introductory activity at the beginning of the section and asks students to make judgments about what they know now:

Alternative Assessment: Recall your discussion of the question on page 303: How can the Union be saved? Now that you know more about the road leading to the secession crisis, would you change any of your responses? Write a plan of action in the voice of a presidential advisor. (p. 335)

While many textbooks include brief, descriptive or identifying exercises for students, *The Americans* is the sole book in this study that provides comprehensive activities that encompass a broad range of skills and cognitive levels.

In sum, then, textbooks from this sample do an admirable job in detailing the issues, events, and consequences of the presidential election of 1860, though the degree to which such narratives properly emphasize the philosophical impact of the election on the South varies. Most textbooks do a good job in describing the anxiety felt by many

Americans prior to the election, and all detail the position of the Southern states regarding the issues at risk. Several books try, intentionally or not, to mute the impact of the election or to show its predictability, which in turn impacts the content of the South's moral position on just cause. Finally, while all textbooks present student activities regarding the substance and impact of the election of 1860, many are merely cursory or informational. Only one book in this sample, *The Americans*, has a series of activities that allow students to meaningfully critique the historical meaning of the presidential election.

### **Categorical Analysis**

The categorical analysis of textbook narrative depictions of the presidential election of 1860 includes two main components of *jus ad bellum*: just cause and right intention.

#### **Just cause.**

The Southern reaction to the presidential election is key to their assertion of just cause in the Civil War. It is not the intent of this study to cast moral judgment on the choices made by textbook authors regarding moral content, except so far as the degree to which it is present in their narrative choices. Put another way, this study does not assert that there is a *correct* moral content to present to students; instead, this study seeks to examine *what* moral content is present, and to what degree is it organized or coherent. With that in hand, the Southern position on the presidential election does not need to be presented glowingly or approvingly, but it should be included for student consumption, if the *jus ad bellum* requirement of just cause is to be satisfied.

The depictions of the presidential election of 1860 in the textbooks of this study often contain detailed descriptions of the Southern perspective, after Lincoln's victory. Many of them contain explicit references to what amounted to a Southern explication of just cause—the foundational belief that a nation that chooses the Republican Party is a nation that has effectively signaled its hostility towards the Southern way of life. *America: History of Our Nation* (Davidson & Stoff, 2009) establishes the link between the election and secession, practically in the same sentence:

South Carolina was the first southern state to secede from the Union. When news of Lincoln's election reached the state, the legislature called for a special convention. On December 20, 1860, the convention passed a declaration that "the union now subsisting between South Carolina and the other states, under the name of the 'United States of America' is hereby dissolved"....With the hope of accommodation all but gone, six more states followed South Carolina out of the Union. (p. 500-501)

The term *accommodation* is underline in the text and set aside in the margin under the heading "Vocabulary Builder," with the following definition: "adjustment; adaptation" (p. 501). Following this, *America: History of Our Nation* proceeds to elaborate on the Southern reaction and provide justification for their separation from the Union, under a section titled "Was War Avoidable?":

In 1850, southerners might have been satisfied if they had been left alone. But by 1861, many Americans in both the North and the South had come to accept the idea that war could not be avoided. At stake was the nation's future. Four years later, a weary Lincoln looked back to the beginning of the conflict. He noted:

“Both parties [condemned] war, but one of them would *make* war rather than let the nation survive, and the other would *accept* war rather than let it perish, and the war came.” (p.503)

This section lays out a foundation for just cause, but one that includes a substantial lack of agency. From this perspective, the South simply wanted to be “left alone” by the larger North; but by the war’s beginning, Americans “had come to accept” the fact that war was a likelihood. In this scenario there is no voluntary action, no decisions or policies that led to war; instead, it is referred to as an event beyond explicit control, in spite of the gravity of the issue involved (the “nation’s future”). This subtext is contrasted by Lincoln’s sentiment in the final sentence of the paragraph, drawn from his Second Inaugural Address, though the point made by the President is that the South *chose* war, while the North *accepted* it—this is an unequivocally Northern position on the war’s beginning, and explicitly challenges the notion that the South may have felt threatened or the subject of federal aggression. *America: History of Our Nation* includes elements of Southern just cause, but moves quickly, in its phrasing and selection of text, to undermine it.

In *America: Pathways to the Present* (Cayton, et al., 2007), the issue of secession is clarified from a legal perspective prior to the depiction of the South’s departure from the Union. The Southern belief that secession was justified, primarily after the election of such an allegedly divisive figure as Abraham Lincoln, is the subject of this section:

The **secessionists**, or those who wanted the South to secede, argued that since the states had voluntarily joined the United States, they also could choose to leave it. Edmund Ruffin, a secessionist, claimed that because the Republicans controlled

the federal government, they could act constitutionally and legally “to produce the most complete subjection and political bondage, degradation, and ruin of the South.” (p. 371)

Some authors try to show how Southern secessionists viewed themselves as not only in the right in terms of legality, but also historically. *The American Journey* (Goldfield, et al., 2007) highlights the manner in which advocates of secession saw themselves as philosophically akin to the Founding Fathers: “Southerners, they maintained, were the true heirs to the spirit of 1776. Lincoln and the Republicans meant to deny southerners the right to life, liberty, and the pursuit of happiness” (p. 409). In a similar vein, *Give Me Liberty!* (Foner, 2008) explains the Southern belief that the issue of secession was not merely a legal issue, but was a moral principle derived from the nation’s original tradition of independence and defiance. The author quotes the South Carolina proclamation of secession at length:

The North had “assumed the right of deciding upon the propriety of our domestic institutions.” Lincoln was a man “whose opinions and purposes are hostile to slavery.” Experience had proved “that slaveholding states cannot be safe in subjection to non-slaveholding states.” Secessionists equated their movement with the struggle for American independence. Proslavery ideologue George Fitzhugh, however later claimed that southern secession was even more significant than the “commonplace affair” of 1776, since the South rebelled not merely against a particular government but against the erroneous modern idea of freedom based on “human equality” and “natural liberty.” (p. 497)

The ultimate futility of secession is on display in *The Enduring Vision* (Boyer, et al., 2008), in which the authors concede what might have been apparent even in 1860—that the South was unlikely to win a protracted war:

Viewed as a practical tactic to secure concrete goals, secession did not make a great deal of sense...Yet to dwell on the impracticality of secession as a choice for the South is to miss the point. Talk of secession was less a tactic with clear goals than an expression of the South's outrage at what southerners viewed as the irresponsible and unconstitutional course that Republicans were taking in the North. It was not merely that Republican attacks on slavery sowed the seeds of slave uprisings. More fundamentally, southerners believed that the North was treating the South as its inferior—indeed, as no more than a slave. (p. 416)

This is a well-written, thoughtful piece describing the Southern conceptualization of the rightness of their cause. It does, however, represent a form of “collective memory” about the Civil War and the South's choices in that conflict. Michael Kammen, in *Mystic Chords of Memory: the Transformation of Tradition in American Culture* (1991) describes how collective memory can be used to elevate a dominant historical group's perspective, similar to the hegemonic process present in textbooks and described by Michael Apple. The dominant discourse on the Civil War—and thus, the dominant theme in American history textbooks—is that the South never had a real chance at winning the war and achieving its goals. Thus, its policies and behavior are viewed through a backward-looking lens, through which we implicitly acknowledge that the South was foolhardy to pursue its aims, that its defeat was merely a matter of time. The South's sense of just cause is diluted by the inferred futility of their ambition; and since one of the

major categories of “just war” theory is that of probability of success, approbation for the imminent bloodshed of the war itself falls more heavily, in textbook narratives, on the South.

In terms of fully explaining the Southern claim of just cause, probably the most comprehensive book in this sample is *The American Nation: a History of the United States* (Carnes, et al., 2008). The selection below illustrates how Southerners did not see the election of 1860 as a singular event, but instead as part of a broader trend that threatened their cultural and regional existence. Moreover, the narrative here is unique among the texts in this sample in that it explicitly refers to the appearance of Southern aggression; which, to just war theorists, is the singular factor which most often excludes claims to just cause.

Extremism was more evident in the South, and to any casual observer that section must have seemed the aggressor in the crisis. Yet even in demanding the reopening of the African slave trade, southern radicals believed that they were defending themselves against attack. They felt surrounded by hostility. The North was growing at a much faster rate; if nothing was done, they feared, a flood of new free states would soon be able to amend the Constitution and emancipate the slaves. John Brown’s raid, with its threat of an insurrection like Nat Turner’s, reduced them to a state of panic.

When legislatures in state after state in the South cracked down on freedom of expression, made the manumission of slaves illegal, banished free blacks, and took other steps that Northerners considered blatantly provocative, the advocates of these policies believed they were only defending the status quo. Perhaps, by

seceding from the Union, the South could raise a dike against the tide of abolitionism. Secession also provided an emotional release, a way of dissipating tension by striking back at criticism. (p. 368)

What is most unique about *The American Nation* is the degree to which it offers a cogent and illuminating articulation of the Southern argument, including an insightful commentary on the effect of the previous tumultuous years on the collective state of mind in the South: “The years of sectional conflict, the growing northern criticism of slavery, perhaps even an unconscious awareness that this criticism was well founded, had undermined and in many cases destroyed the patriotic feelings of white Southerners” (p. 370-371). In spite of this, though, this textbook offers little on the connection Southerners made between the election of Abraham Lincoln and all the ill tidings most believed it harbored. All the books in this sample address the Southern argument for secession, after the election of 1860, and cast it implicitly within the moral framework of just cause; though only *The American Nation* encapsulates the elements of this argument in an effective manner which allows for a comprehensive examination of the Southern position. Even so, *The American Nation* lacks the explicit connection between the election of 1860 and Southern arguments for secession that would constitute a meaningful degree of content, from a “just war” perspective.

### **Right intention.**

One of the most intriguing elements of “just war” theory is that of right intention, or the belief that a nation must intend to fight only in defense of its just cause, or in light of its justification. Brian Orend, in *The Morality of War*, describes how this component



began with the writings of St. Augustine, who postulated that a Christian ruler could only turn to war out of the “greatest reluctance, and not with any pleasure or hatred for the enemy whatsoever. The right intention must be loved for, and desire to protect, the endangered innocents” (p. 12-13). Over time, this concept was secularized, and is now generally construed as the correlation between a nation’s stated cause of aggression and the real reason it fought. With regard to the Civil War, the issue of right intention is best examined in the consideration of one question: did the South really go to war in 1860 because of the perceived aggressive threat of the election of Abraham Lincoln?

There is little doubt, in relevant historiography and the textbooks in this sample, that the consensus view of the time period is that Lincoln’s election was the final trigger to secession. An important aspect of this narrative is the degree to which conflict *within* the South over the issue of slavery is depicted. David Williams, in *A People’s History of the Civil War: Struggles for the Meaning of Freedom* (2005), details how advocates of secession were by no means a dominant majority of the South, even after the election of 1860. Even prior to the 1850s and the nationalization of the slavery debate, there was a large anti-slavery faction in the South itself—in 1827, 106 of the 130 abolitionist societies in the United States were in the South (Williams, 2005, p. 25). Williams details how secession in the Deep South was certainly more imminent than in the upper South and the border states, but was by no means a sure thing—even with the presence of violent threats, pro-Union turnout at state secession conventions was high in states like Alabama, Louisiana, Georgia, and Texas. Williams also points out that the state conventions which ultimately voted for secession were dominated by slaveowners—in Georgia, 87 percent of convention delegates owned slaves, while only just over a third of

Georgia's qualified voters held any slaves at all (p. 57). The elitist cast of the conventions was obvious from the characteristics of the delegates and the nondemocratic nature of the process—only in Texas was the issue of secession submitted directly to the people, while in the six other seceding states, the ratification of secession ordinances were never given over to the voters (Williams, 2005, p. 58). David Potter, in his study of secession, concluded that “at no time during the winter of 1860-1861 was secession desired by a majority of the slave states...Furthermore, secession was not basically desired even by a majority in the lower South” (Potter, 1979, p. 58).

Some textbooks acknowledge that secession was not an inevitable choice for all Southerners, and that many did not want to leave the Union. *The Enduring Vision* (Boyer, et al., 2008) describes the “uncertainty” of the secessionist movement, and the resistance among many southerners to the initial call for separation: “Even after Lincoln’s election, fire-eating secessionists had met fierce opposition in the Lower South from so-called cooperationists, who called upon the South to act in unison or not at all. Many cooperationists had hoped to delay secession in order to wring concessions from the North that might remove the need for secession” (p. 420).

*The American Nation: A History of the United States* (Carnes, et al., 2008) concedes that secession did not enjoy universal approval in the South, but infers that such diffidence was short-lived in many quarters:

Not every slave owner could contemplate secession with such bloodthirsty equanimity. Some believed that the risks of war and slave insurrection were too great. Others retained a profound loyalty to the United States. Many accepted secession only after the deepest examination of conscience. (p. 371)

The sentence at the end of this section implies that reluctance to go to war was a temporary condition for many Southerners, and that eventually they submitted to what is implicitly depicted as the dominant will of the people. In the same vein, the authors of *America: History of Our Nation* (Davidson & Stoff, 2009) describe opposition to disunion and then barely pause before minimizing such opposition's impact:

However, not all southerners favored secession. Tennessee Senator Andrew Johnson and Texas Governor Sam Houston were among those who opposed it. Yet, the voices of the moderates were overwhelmed. "People are wild," said one opponent of secession. "You might as well attempt to control a tornado as attempt to stop them." (p. 501)

*United States History* (Lapansky-Werner, et al., 2010) also tends to minimize the impact or influence of Unionist support in the South prior to secession, in giving token mention to the existence of such support before presenting it as a minor current in the largest tempest:

Sentiments favoring secession were not always unanimous, with the gravest doubts surfacing in Georgia. State senator Alexander H. Stephens, though alarmed by Lincoln's election, was devoted to the Union of states under the Constitution: "This government of our fathers, with all its defects, comes nearer the objects of all good government than any other on the face of the Earth," he said. But Georgia voted to secede anyway. Like delegates in the other slave-dependent, cotton-growing states, they believed they had to take this step to protect their property and way of life. (p. 350)

Another consideration to take into account with textbook narratives of secession is the discrepancy between the behavior of the Deep South and the Upper South. All the textbooks in this sample describe how seven states originally formed the Confederacy, but that a few—Virginia, Arkansas, Tennessee, and North Carolina—held out until the Southern attack on Fort Sumter. While implicitly acknowledging this fact, very few of the textbooks actually describe why the Upper South waited.

*The Enduring Vision* (Boyer, et al., 2008) does a good job in explaining how the Upper South flatly rejected secession,” using a map feature to show the relative dates of secession. The authors then go on to compare and contrast pro-secession fervor in the Deep South and the Upper South, pointing out that the resistance in the states closer to the north was based on strong economic ties to the North. Additionally, there was a generally lower slave population in the Upper South, and thus considerably less loyalty to the concept of secession among the significant portion of these states’ population that owned no slaves. Virginia was a particular case; and *The Enduring Vision* identifies concern over the solidly pro-Union sentiment in that state’s western counties as an impediment to secession. All this combined to cause the pro-secession movement to lose some of its luster in the winter and early spring of 1860-1861, a fact that no other textbook acknowledges: “the secession movement that South Carolina so boldly started in December 1860 seemed to be falling apart by March 1861” (p. 420). Other than *The Enduring Vision*, there are no books in this sample that detail why the Upper South delayed their secession from the Union.

To the issue of right intention, then, the salient questions are: did the South secede in the defense of their stated just cause? And did Northern actions, prior to the attack on

Fort Sumter, align with their explication of just cause—namely, the defense of the Union? For the South, all the textbooks in this sample identify the ideological defense of their own independence and way of life as the primary motivation for leaving the Union. But there are differences in the portrayal of enthusiasm for secession, both from a philosophical and commercial perspective.

For the South, all of the textbooks include considerably detailed accounts of the ideological basis of secession. In all texts, the South is depicted as feeling threatened, their way of life imperiled by the election of a clearly abolitionist President. Generally, the textbook accounts do not move significantly beyond that version—though two books, *The American Pageant* and *The American Nation*, do include more layered and multifaceted explanations of why secession occurred.

In *The American Pageant* (Kennedy, et al., 2006), describes secession as mostly rooted in slavery, though varied in its practical manifestation. The South was alarmed by the “inexorable tipping of the political balance against them,” the increasing political power of the more heavily populated North. Additionally, the authors here describe the South as a minority region that was tired of being treated as such: “They were weary of free-soil criticism, abolitionist nagging, and northern interference, ranging from the Underground Railroad to John Brown’s raid. ‘All we ask is to be let alone,’ declared Confederate president Jefferson Davis” (p. 431). *The American Pageant* describes the Southern confidence that Northern commercial interests would be unwilling to go to war and risk their investments in the South; and even if war became necessary, “the immense debt owed to northern creditors by the South—happy thought—could be promptly repudiated, as it later was.” Additionally, the prospect of separation carried the possibility

that the South may be able to achieve a degree of economic independence, as well as more forward in manufacturing and industry, finally shaking off the “vassalage” that had made it so reliant upon the North over the previous decades (p. 431).

Most notably, *The American Pageant* connects the issue of secession to both historical and contemporary events. The authors point out that Southerners largely felt themselves philosophically in league with the original revolutionaries of 1776:

Historical parallels ran even deeper. In 1776, thirteen American colonies, led by the rebel George Washington, had seceded from the British Empire by throwing off the yoke of King George III. In 1860-1861, eleven American states, led by the rebel Jefferson Davis, were seceding from the Union by throwing off the yoke of “King” Abraham Lincoln. With that burden gone, the South was confident that it could work out its own peculiar destiny more quietly, happily, and prosperously. (p. 431)

To this historical reference, *The American Pageant* adds that, to the nineteenth-century world view, revolution and nationalism were emerging trends:

Worldwide impulses of nationalism—then stirring in Italy, Germany, Poland, and elsewhere—were fermenting in the South. This huge area, with its distinctive culture, was not so much a section as a subnation. It could not view with complacency the possibility of being lorded over, then or later, by what it regarded as a hostile nation of northerners. (p. 431)

*The American Pageant* goes so far as to include a section titled “Varying Viewpoints,” a short essay detailing the positions taken by historians over the years since the Civil War. The textbook describes how the causes of the War have been variously

ascribed to an economic struggle between the North and South, as asserted by Charles and Mary Beard; the breakdown of political institutions, as per the scholarship of James G. Randall and Avery Craven; and the inevitability of “an unavoidable conflict between two societies,” examined variously by Allen Nevins, David Potter, Eric Foner, and Eugene Genovese (p. 432). Though the degree to which it may be accessible or useful for students is debatable, it is clear that *The American Pageant* contains a substantive and comprehensive review of Southern attitudes about secession.

*The American Nation: A History of the United States* (Carnes, et al., 2008) also gives the subject of secession a thorough going-over. In much the same vein as *The American Pageant*, the authors here describe the Southern anxiety over the “hostility” of the North, as well as its rapidly increasing population: “if nothing was done, they feared, a flood of new free states would soon be able to amend the Constitution and emancipate the slaves” (p. 368). The text identifies the irony of Southern repression of free expression in light of its protestations of freedom, and thoughtfully explains the paradox:

When legislatures in state after state in the South cracked down on freedom of expression, made the manumission of slaves illegal, banished free blacks, and took other steps that Northerners considered blatantly provocative, the advocates of these policies believed they were only defending the status quo. Perhaps, by seceding from the Union, the South could raise a dike against the tide of abolitionism. Secession also provided an emotional release, a way of dissipating tension by striking back at criticism. (p. 368)

In elaborating the root causes of secession, *The American Nation* remarks that separation from the Union might seem ill-timed to an outside observer; with sympathetic

Democrats in the majority in Congress, and with the Supreme Court aligned with Southern interests, it made little sense to secede only because of the election of a President thought (erroneously) to be an abolitionist. In explaining this, *The American Nation* hits on several of the elements described by *The American Pageant*: the “tremendous economic energy” of the North was a direct threat to Southern independence, and the prospect of secession offered a chance for the South to create the sort of “balanced economy” that would put it in the same league as the North. (p. 370)

The possibility of liberating their states from economic bondage to the North was a powerful incentive to Southerners, as both textbooks here describe. *The American Nation* goes farther than *The American Pageant* in detailing how the emotional factors behind secession were equally compelling, especially how native pro-American sentiment had been eroded in the South over the previous decades:

The years of sectional conflict, the growing northern criticism of slavery, perhaps even an unconscious awareness that this criticism was well founded, had undermined and in many cases destroyed the patriotic feelings of white Southerners. Because of the constant clamor set up by New England antislavery groups, the South tended to identify all Northerners as “Yankee abolitionists” and to resent them with increasing passion. (p. 370-371)

In sum, then, all ten of the textbooks in this sample address the Southern perspective on secession, but only two provide sufficiently detailed, complex analyses of the different iterations of that perspective. In all cases, however, the texts depict the Southern just cause distinctly, and do not contrast it with hidden agendas or inferred motives; so in that sense, the textbook narratives do not provide content from which to



critique the “just war” component of right intention. The northern perspective, however, is largely absent from most of the books in this sample—the North is described as a passive spectator to the parade of secession going on after Lincoln’s election in November, 1860. While the textbook authors satisfactorily include depictions of the Southern state of mind, the anxiety and dread many in the South felt about Abraham Lincoln and the Republican Party, none of the authors ask or answer an interesting question: how did the North feel about the prospect of imminent secession? Did the North go to war to preserve the Union for ideological purposes or economic purposes?

David Williams, in *A People’s History of the Civil War* (2005), goes into considerable detail about the desire among northern commercial interests to keep the Deep South in the Union: “Northern industrialists and financiers vigorously pressured the government to keep the cotton states in the Union—by compromise if possible, by force if necessary” (p. 60). Williams argues that secession would prohibit access to southern markets and a ready supply of cotton; and, maybe more importantly, “secession would make it impossible for northern creditors to collect on the millions of dollars in debt southerners owed,” to the amount of over \$300 million (p. 60).

Lincoln himself understood the two motives—in his inaugural address of March 4, 1860, he identified the legal and moral principle behind resisting secession: “the declared purpose of the Union that it WILL Constitutionally defend and maintain itself.” In his special message to Congress on July 4, 1861, he spoke from the alternative perspective, that reclaiming the South was an economic imperative:

The nation is now in debt for money applied to the benefit of these so-called seceding States, in common with the rest. Is it just, either that creditors shall go unpaid, or the remaining States pay the whole?...Again, if one State may secede so many another, and when all shall have seceded none is left to pay the debts. Is this quite just to the creditors? Did we notify them of this sage view when we borrowed their money? (United States & Scott, R. N, 1971)

The northern perspective is generally muted or entirely absent from the textbooks in this sample. This perhaps is understandable; since the South ultimately struck the first blow at Fort Sumter, it is common and probably expected to spend more time and pages examining their motive versus the North's. But the North's position on secession is usually reduced to a bland desire to restore the Union, or as the first step in the eventual struggle against slavery; and the latter interpretation is at odds with historiography in the field, which is unanimous in pronouncing that Lincoln himself had no intention, at the outset of the war, to wage a grand campaign against the institution of slavery itself. *The American Nation: A History of the United States* (Carnes, et al., 2008) contains the only explicit description of the Northern frame of mind on the prospect of secession: "In the North there was a foolish but understandable reluctance to believe that the South really intended to break away" (p. 372). While there are multiple references to Lincoln's position on slavery and secession, there are no overt descriptions, throughout the sample, of the possibility of an economic motive for war in 1860.

The textbooks in this sample do contain, however, a significant number of student activities and questions from which to consider *jus ad bellum* content with regard to the election of 1860 and the secession of the South. *America: History of Our Nation*

(Davidson & Stoff, 2009), for example, includes two questions labeled “Comprehension and Critical Thinking,” which ask students to consider the main issue: “What was the South’s reaction to Lincoln’s election? How did Lincoln try to reassure the South” (p. 502)? The first question infers the importance of the election of 1860 as a trigger to secession; and the implied answer to the second question—that Lincoln reassured the South by asserting he had no desire to remove slavery where it already existed—reinforces an often-ignored truth about the election, that Lincoln was not an ardent abolitionist. Similarly, *America: History of Our Nation* includes a writing prompt that alludes to the central importance of the election of 1860: “Based on what you have read in this section, write a thesis statement for an essay explaining why the election of Abraham Lincoln caused the South to secede” (p. 501).

### **Fort Sumter**

The third component of *jus ad bellum* for this study is the attack on Fort Sumter in April, 1860. The Southern decision to wage war is typically portrayed in light of this event, and it forms the broadest point of consensus among all the textbooks in this sample with regard to Confederate aggression. The historical narrative analysis will consider the textbooks’ relation to the verdict of relevant historiography on the attack, and the categorical analysis will compare textbook accounts of this event to the following “just war” components: just cause, right intention, and last resort.

### **Historical Narrative Analysis**

The Confederate attack on Fort Sumter is universally recognized as the beginning of the American Civil War. After the secession of the Lower South, a tense standoff followed between the new Confederacy and the United States, which wallowed through the last days of James Buchanan's administration until March 1861, when Abraham Lincoln's inauguration. During the interregnum, Confederates took possession of U.S. forts, installations, post offices, and arsenals throughout the South. By April 1861 there were only two federal outposts left in the South of note—Fort Pickens in Florida and Fort Sumter, in Charleston harbor. Though the shots fired at Fort Sumter on April 12 were not, in fact, the first shots fired in the war, they were the first recognized acts of aggression, as well as the first to garner retaliation. From a "just war" perspective, historiographical works recognize the attack on Fort Sumter as the initial aggressive act of the Civil War.

Practically all major historiographical works on the era begins the story of the war's beginning with Lincoln's inaugural address. Most historians focus on the "conciliatory" nature of Lincoln's speech, which tried to reach out to Southern moderates and encourage a migration back towards the Union—his lyrical admonition that "we are not enemies, but friends. We must not be enemies" is regularly quoted as evidence that Lincoln sought to avoid war. The exact degree to which he was willing to cede federal authority in order to have peace, though, is a matter of some dispute among scholars in the field. Olsen (2006) contrasts Lincoln's inaugural vow that "The Government will not assail" the South with his equally solemn promise to "hold, occupy, and possess" federal property in the South. Olsen notes that "despite his great efforts to appear conciliatory...Lincoln steadfastly insisted that the Union was sacred and absolute, and

that secession could not be tolerated” (p. 69). McPherson (1988) holds that Lincoln wished to avoid provocation of the South, though his inaugural was generally seen by those concerned on both sides as confirmatory to their previously-held biases—Republicans hailed its “firmness and “moderation,” while southerners castigated it as a “Declaration of War” (p. 263). McPherson believes that Lincoln’s intent really was peaceful—“Lincoln had hoped to cool passions and buy time with his inaugural address...time to organize his administration, to prove his pacific intent, to allow the seeds of voluntary reconstruction to sprout” (p. 270). David Williams, in *A People’s History of the Civil War* (2005), disputes this, holding instead that Lincoln had long expected and hoped for a chance to end the secession movement in the South “against the popular will”—but the difficulty lay in having too small a standing army, and too divided a population, to justify interceding in the Lower South. Williams claims, rather ominously and conspiratorially, that “Lincoln needed an incident” (p. 63).

That crisis arrived the morning of his inauguration, as Major Robert Anderson, the commander of U.S. troops inside Fort Sumter, sent the President a letter stating they were running out of supplies. Anderson had become something of a national hero in December of 1860 when, without waiting for specific orders from the Buchanan administration, he moved his command from Fort Moultrie—a substantially weaker outpost, closer to the shore of South Carolina—to Fort Sumter, which held sway over the entrance to Charleston harbor. The fate of Major Anderson and his men had thus been an issue of considerable debate prior to April, 1861. Lincoln was faced with a perilous choice—remove the garrison, and signal Northern submission to the claims of legitimacy by the South; or try to resupply the fort, which could provoke hostilities. While there is

unanimity among scholars about Fort Sumter's role in starting the war, there is greater scrutiny paid to Lincoln's decision to resupply the garrison.

Most historiographical works note a detail that is important but often ignored in textbook narratives. Prior to Lincoln's inauguration, President James Buchanan—who is universally derided as weak and ineffectual during this period—approved a plan by General Winfield Scott, the commander of the U.S. Army, to resupply Fort Sumter in January 1861. The plan was intended, in McPherson's terms, to “minimize publicity and provocation” (McPherson, 1988, p. 266), in that it entailed sending an unarmed merchant ship, the *Star of the West*, carrying soldiers and supplies to South Carolina. The operation failed, however, as poor execution allowed word of the enterprise to get out prior to its beginning; worse still, Anderson was given no word of the mission, “so that the garrison at Sumter was about the only interested party that lacked advance knowledge” of the resupply effort (McPherson, 1988, p. 266). The important point here is what transpired after the *Star of the West* arrived in Charleston harbor—Confederate artillery fired upon her, and even hit the ship once, before the merchantman's captain turned and departed. McPherson claims this could have been the start of the Civil War, but was not, if only because Major Anderson, lacking orders, did not return fire from Fort Sumter. Yet the first aggressive act between the Confederacy and the Union occurred in January 1861, not in April.

Olsen (2006) focuses on the impact of the *Star of the West's* mission on Southern politics—Jefferson Davis, alarmed at the prospect of allowing South Carolina's civilians to decide when and how the South would enter a war, entered the fray more directly and issued orders to General P.G.T. Beauregard, the commander of Confederate forces

outside the fort, to force the issue and demand the garrison's surrender. Whether or not the attack on the *Star of the West* was a sufficiently aggressive act to justify a Northern response—and thus, whether or not Lincoln's attempt to resupply the fort in April was moderated in light of that attack—is an unexplored topic in major historiographical works.

McPherson (1988) points out, interestingly, that the decision to resupply Fort Pickens in Florida—often ignored in light of Fort Sumter—was bungled in a similar manner to the *Star of the West's* mission in January. The resupply orders, which were issued from General Scott and thus had not been signed by the Secretary of the Navy, were ignored by the naval captain outside Fort Pickens (partially because the orders were sent, inexplicably, to the army officer on board the Union ship, rather than the naval commander). The failure to resupply Fort Pickens might have influenced Lincoln's decision in April with regard to Fort Sumter, primarily in terms of what McPherson sees as the President's overall aim—to encourage Southern unionists. A submission to the South—or, possibly even worse, another high-profile bungling—might tend to discourage the moderate anti-secession forces in the South that Lincoln was counting on to bring the crisis to an end.

Lincoln's decision to resupply the fort is often cast as a canny political decision that tried to split the difference between open hostility and meek deference to the South. Olsen, in *The American Civil War: a Hands-On History* (2006), points out that Lincoln was not unaware of the impact of this decision, in that resupply “would probably lead to violence” (p. 70). Lincoln tried to blunt that possibility by informing South Carolina's governor of the mission and telling him that the relief mission had no reinforcements,

only food, and that they had been ordered not to fire unless fired upon. This was less an issue of humanity, according to Olsen, and more a practical necessity—Lincoln was in a position where open provocation would have caused a thunderous public reaction, as he “faced greater dissent” among “wavering Northerners” than did Jefferson Davis (p. 71).

In considering Lincoln’s motivation for sending a relief mission to Fort Sumter, historians have largely fallen into one of three camps. McPherson (1988) describes the three positions—first, that Lincoln deliberately maneuvered the South into firing on Fort Sumter in order to provoke a war under the heading of a just cause; second, that Lincoln, wanting to maintain the status quo, came up with the idea of resupply in order to give the South the choice between peace and war; and third, that Lincoln wanted peace but expected the South to fire on the fort, so that, in McPherson’s words, “either way he won” (p. 272). Of the three historians referenced in this portion of the study, McPherson gives Lincoln the most credit, pointing out that the President on April 12 held a meeting with John Baldwin, a Virginia unionist, possibly to explore some sort of resolution to the issue; after the meeting, Lincoln issued the order to resupply Fort Sumter, presumably having a newly pessimistic view of his attempts to mollify the pro-Union South, what there was of it. The resulting plan—to bring “food to the hungry,” rather than reinforcements—is hailed by McPherson as a “stroke of genius,” “the first sign of the mastery that would mark Lincoln’s presidency” (p. 272).

Historians also spend considerable time and effort considering the Southern position prior to the resupply mission to Fort Sumter. Olsen (2006) examines the issues facing Jefferson Davis, the President of the Confederacy, in much the same way he does for Lincoln; Olsen points out that Davis was facing increasing pressure from his own



people to address the matter of Fort Sumter, as it was being viewed as “an insult to their honor and a direct challenge to Confederate independence” (p. 70). Additionally, a delay might be seen by the Upper South as vacillation, a fear reflected in the North as well; many Southerners felt that waiting on action at Fort Sumter was inviting the conclusion that the Confederacy was unwilling to fight. McPherson, too, asserts that the clamor in the South was growing for a change from the “do-nothing policy” of Davis, as fire-eaters warned that the policy of voluntary reconstruction advocated by William Seward was becoming more likely with the passage of time. Given the demands of his own people and the fear of losing the Upper South, as well, Davis’ decision to order an attack on Fort Sumter seems like inevitability.

All the textbooks in this sample address Fort Sumter, some in significant detail and some, less so. In describing the strategic situation with the Fort, none of the textbook narratives offer much detail beyond a bare minimum. *America: History of Our Nation* (Davidson & Stoff, 2009) is fairly typical in its narrative which alludes to the Confederate absorption of federal installations after secession: “The seceding states took over post offices, forts, and other federal property within their borders. The new President had to decide how to respond” (p. 501).

Similar to historiographical works, most textbook narratives begin substantively with Lincoln’s inaugural address. The selection below is quoted here from *America: History of Our Nation*, and can be found to some degree in every textbook from this sample:

In your hands, my dissatisfied fellow-countrymen, and not in mine, is the momentous issue of...war. The government will not assail [attack] you...We are

not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection. (p. 501)

In describing the substance of the inaugural address, textbook authors often rely on a single adjective: *conciliatory*. Below are examples drawn from the various narratives in this study:

In his inaugural address, delivered on March 4, 1861, Lincoln tried to be conciliatory. (Foner, *Give Me Liberty!*, p. 498)

In his inaugural address on March 4, 1861, Abraham Lincoln denounced secession and vowed to uphold Federal law, but tempered his firmness with a conciliatory conclusion. (Goldfield, et al, *The American Journey*, p. 411)

Lincoln's inaugural address was conciliatory but firm. (Carnes, et al, *The American Nation: A History of the United States*, p. 376)

Lincoln's inaugural address was firm yet conciliatory—there would be no conflict unless the South provoked it. (Kennedy, et al, *The American Pageant*, 2006, p. 434)

In his inaugural address, [Lincoln] took a firm but conciliatory tone toward the South...there would be no war, he pledged, unless the South started it. (Lapansky-Werner, et al, *United States History*, 2010, p. 352)

In all of these selections, the tone is unmistakable—the Union’s goal was to stave off war, to prevent any violation of the peace, and thus any provocation would be entirely on the part of the Confederacy. While this interpretation is certainly valid and supported by a substantial number of historians, it also circumvents any moral ambiguity and presents a singular view of the beginning of the Civil War—what happened after Lincoln’s inaugural at Fort Sumter was the South’s fault.

The conciliation that Lincoln referred to was not merely wordplay, however. There had been attempts to avoid the prospect of war, after the inauguration. What happened after Lincoln’s inaugural is often shortened, in textbook narratives, shrinking several weeks into a few sentences. That being the case, the degree to which textbooks incorporate the issue of possible compromises, which may have averted the war, tends to vary. The major compromise effort was begun in the U.S. Senate with a group called the “Committee of Thirteen,” and it was Senator John J. Crittenden of Kentucky that put together a series of proposed amendments that ultimately were termed the “Crittenden Compromise.” These amendments included a guarantee of slavery without future interference by the federal government, a prohibition against slavery north of the 36°30’ line (effectively, a return to the boundaries set by the Missouri Compromise of 1820), and a promise that these amendments would never be removed from the Constitution. It is uncertain the degree to which this compromise might have saved the Union; McPherson (1988) is convinced that it could not, pointing out that “no compromise could have stopped the event that triggered disunion: Lincoln’s election by a solid North” (p. 254). Still, Lincoln was adamantly against the Crittenden plan, and the Republicans on the

Committee of Thirteen followed suit; the measure went down to defeat along straight party-line votes.

There were two other attempts at conciliation. In the midst of the Fort Sumter crisis, Secretary of State William Seward concocted a rather extraordinary scheme that he believed would bring the country back together, united by a common interest. Seward proposed to Lincoln that the United States should, as a matter of policy, provoke a war with Spain and France, ostensibly because of their interventions in Santo Domingo and Mexico, and “declare war if their explanations were unsatisfactory” (McPherson, 1988, p. 270). Seward was beholden to the idea of voluntary reconstruction, and certainly his hopes were to create a new national patriotism during a time of schism; but Lincoln pointedly ignored the notion of foreign war in his response, reiterating his intention to hold, occupy, and possess federal property, be it Fort Sumter or Fort Pickens.

Textbooks are mixed in their depiction of the Crittenden Compromise. *America: Pathways to the Present* (Cayton, et al., 2007) engages in the traditional “mentioning” tactic with its description of Senator Crittenden’s plan: “Some politicians proposed compromises with the South. Senator John J. Crittenden of Kentucky, for example, introduced a plan that would recognize slavery in territories south of 36°30’N. President-elect Lincoln opposed the plan, however, and convinced the Senate to reject it” (p. 371). The text is placed under the heading, “Last-Minute Compromises Fail,” and there is no mention of Lincoln’s motivation in rejecting the plan, nor any mention of the party partisanship reflected in the Senate’s vote.

Foner’s *Give Me Liberty!* (2008) gives one of the best descriptions of the Crittenden Compromise and Lincoln’s motivation for opposing it:

Willing to conciliate the South on issues like the return of fugitive slaves, Lincoln took an unyielding stand against the expansion of slavery. Here, he informed one Republican leader, he intended to “hold firm, with a chain of steel.” A fundamental principle of democracy, Lincoln believed, was at stake. “We have just carried an election,” he wrote, “on principles fairly stated to the people. Now we are told in advance that the government shall be broken up unless we surrender to those we have beaten, before we take office...if we surrender, it is the end of us and the end of the government.” (p. 497

No other textbook addresses Lincoln’s motive for rejecting the Crittenden Compromise quite so thoroughly, though one, *The American Nation: A History of the United States* (Carnes, et al., 2008), does describe the president’s philosophical belief in a similar fashion, though without explicit connection to the Compromise itself. Beyond this, none of the ten textbooks in this study devote any considerable length to the Crittenden Compromise, or William Seward’s plan to instigate a foreign war; in general, these topics are muted in coverage, a limitation which in turn creates a dismissive tone to their description. The “conciliation” to which the textbook authors refer is thus largely rhetorical, drawn from Lincoln’s inaugural but not supported by actual initiatives to avoid a war.

The tone of inevitability to the war is similarly reflected in textbook depictions of the attack on Fort Sumter itself. *America: History of Our Nation* (Davidson & Stoff, 2009) gives a succinct account of the issue, Lincoln’s decision, and the Southern reaction:

Lincoln did not want to give up the fort. But he feared that sending troops might cause other states to secede. Therefore, he announced that he would send food to the fort, but that the supply ships would carry no troops or guns...Confederate leaders decided to capture the fort while it was isolated...On April 12, Confederate artillery opened fire on the fort. After 34 hours, with the fort on fire, the U.S. troops surrendered. (p. 503)

The word *isolated* is highlighted in bold print and a definition is provided in the page's margin, under the heading "Vocabulary Builder"—"to isolate, to set apart; to separate." This selection, while brief, is effectively identical to the descriptions of the attack itself, across the sample of textbooks in this study.

What is most striking about textbook depictions of the Southern attack on Fort Sumter is what is omitted. For example, the mission of the *Star of the West*, the ship dispatched by President Buchanan in January 1861, is largely ignored by the books in this study. The mission was authorized by Buchanan and organized by the War Department, and the unarmed merchant ship made it to Charleston harbor before cadets at the Citadel, the military college based in the city, opened fire. *The Star of the West* was hit three times before retiring—Major Robert Anderson, the commander inside Fort Sumter, decided not to return fire, and thus a general outbreak of hostilities was avoided.

Only two of the books in this sample mention either the *Star of the West* or the ship's mission. *America: Pathways to the Present* (Cayton, et al., 2007) includes this line in its description of Fort Sumter: "A federal ship sent to supply the fort in January had been forced to turn back when Confederate forces fired on it" (p. 372). *United States History* (Lapansky-Werner, et al., 2010) is more explicit in its reference to this mission,

though it does not include any follow-up analysis or conclusion: “In January 1861, President Buchanan tried to send troops and supplies to the fort, but the unarmed supply ship sailed away when Confederate guns fired on it” (p. 353). There is no other reference to the *Star of the West* throughout the remainder of the sample.

Instead of acknowledging the attempt made by the Buchanan administration, most of the books describe Buchanan himself as weak and dilatory, unable or unwilling to prevent secession. In fact, the only references to any effort mounted by the outgoing President are oblique and passing, as with this comment from *United States History* (Lapansky-Werner, et al., 2010): “President Buchanan, in his last few weeks in office, told Congress that he had no authority to prevent secession. He lamented the breakup of the Union and he sympathized with the South’s concerns, but he made no serious effort to resolve the crisis. Other pacifying attempts also failed” (p. 352). In similar fashion, *Visions of America: a History of the United States* (Keene, et al., 2010) presents only a bland account of the lame-duck administration’s attempt to resupply the fort: “Even as the new Confederate government took shape, President James Buchanan, a weak and timid leader with Southern sympathies, did little to avert the crisis, claiming that he lacked constitutional authority to do anything” (p. 369). The “little” that Buchanan did attempt, the failed mission of the *Star of the West*, is not described.

The decision to resupply Fort Sumter with food, rather than reinforcements, is a central issue for historiographical works, and many textbooks are reflective of that. Lincoln’s strategy is often cast as a nuanced, shrewd ploy, which put the onus for actually starting a war directly on the Confederacy; but there is little analysis of the prospect that such resupply may have constituted an aggressive act. *The Americans* (Danzer, et al.,

2010), for example, describes the strategy thus: “Lincoln executed a clever political maneuver” (p. 339). In *America: Pathways to the Present* (Cayton, et al., 2007), the text’s authors mark out the dilemma facing Lincoln and then portray his decision as the only ethically consistent one:

Lincoln struggled to come to a decision. He had pledged to Southerners in his Inaugural Address that “the government will not assail you. You can have no conflict without being yourselves the aggressors.” Yet he had also taken an oath to defend government property. Fort Sumter stood as a vital symbol of the Union he had sworn to preserve. To fight to keep the fort, or even to send new troops there, might make him responsible for starting a war. Yet to abandon the fort would mean acknowledging the authority of the Confederate government...Remaining true to both of his pledges, on April 6 Lincoln told the governor of South Carolina that he was sending food, but no soldiers or arms, to Fort Sumter. (p. 372-373)

In *The American Nation: a History of the United States* (Carnes, et al., 2008), there is a similar method—describe the position Lincoln was in, and then conclude that his strategy to resupply was the only sensible one:

While denying the legality of secession, Lincoln had taken a temporizing position. The Confederates had seized most federal property in the Deep South. Lincoln admitted frankly that he would not attempt to reclaim this property...Most Republicans did not want to surrender them without a show of resistance...Yet to reinforce the forts might mean bloodshed that would make reconciliation



impossible. After weeks of indecision, Lincoln took the moderate step of sending a naval expedition to supply the beleaguered Sumter garrison with food. (p. 376)

Some textbooks strive to depict Lincoln's decision to resupply as the only sensible one. From *The American Pageant* (Kennedy, et al., 2006), there is this section outlining Lincoln's situation in April 1861 and concluding with the verdict that the President's decision was only reasonable:

Ominously, the choices presented to Lincoln by Fort Sumter were all bad. This stronghold had provisions that would last only a few weeks—until the middle of April 1861. If no supplies were forthcoming, its commander would have to surrender without firing a shot. Lincoln, quite understandably, did not feel that such a weak-kneed course squared with his obligation to protect federal property. But if he sent reinforcements, the South Carolinians would undoubtedly fight back...After agonizing indecision, Lincoln adopted a middle-of-the-road solution. (p. 435)

In the same light, some textbook accounts implicitly validate the position that war was inevitable, given the situation. Sometimes these inferences are quite subtle, as with *Visions of America: a History of the United States* (Keene, et al., 2010), which hints that Lincoln's decision to resupply was the result of a logical progression: "With food and other necessities running low at Fort Sumter, Lincoln informed the South Carolina government of his intention to send a ship with non-military supplies" (p. 370). Other textbooks are more explicit in their portrayal of Lincoln's decision. The authors of *The Enduring Vision* (Boyer, et al., 2008) outline Lincoln's pledge to "hold, occupy, and possess" federal property in the South, and then claim that such an assertion had

“committed him to the defense” of Fort Pickens and Fort Sumter (p. 421-422). *United States History* (Lapansky-Werner, et al., 2010) points out that, “as President, [Lincoln] was sworn to defend the property of the United States” (p. 353).

Student activities vary from textbook to textbook, regarding Fort Sumter. *America: History of Our Nation* (Davidson & Stoff, 2009) asks only two questions about the incident in its chapter activities, one very bland and informational (“What happened at Fort Sumter?”), and one more philosophical and critical (“Do you think southerners were justified in seceding despite Lincoln’s assurances? Explain”). The latter prompt gives students a chance to consider the Southern perspective prior to the attack, which is a valuable concept (p. 504). In similar fashion, the authors of *United States History* (Lapansky-Werner, et al., 2010) pair a strictly informational prompt—“Outline an answer to this question: Was secession the only option for the South? (p. 353)—with a more conceptual question—“what caused Lincoln to call for troops to fight against the Confederacy” (p. 355)?

Some books encourage varying points of view on the issue of Fort Sumter, while others tend to encourage a dominant, implicitly hegemonic view of the attack. *America: Pathways to the Present* (Cayton, et al., 2007) allows students to take on the views of Southerners in the run-up to the Civil War, asking at one point for multiple perspectives which varied across the regions of the South: “Describe how the Lower South, Upper South, and Border States responded differently to Lincoln’s election and the attack on Fort Sumter (p. 373).” Additionally, the authors of this text provide activities that encourage students to both reconstruct and compare differing viewpoints on the war, including this “Critical Thinking and Writing” prompt: “Making Comparisons: Many

Southerners called the Civil War the Second War for Independence. Many Northerners called it the War of the Rebellion. Explain how each name reflects the point of view of the people who used it” (p. 373).

Contrary to this, *The Americans* (Danzer, et al., 2010) infers a specific moral orientation in its prompts; under a heading entitled “Main Idea: Analyzing Causes,” the textbook authors place the blame for the Civil War squarely on the President of the Confederacy: “Why did Jefferson Davis choose to go to war” (p. 339)? The inference here, that the war was entirely of the South’s choosing, may be historically valid or not; but the prompt implies a moral stature on the part of the authors.

In sum, then, a historical narrative analysis of the textbooks from this sample indicates that such textbooks tend to adopt the tone of major historiographical works on the issue of Lincoln’s first inaugural, especially the emphasis on conciliation. Textbooks do not, however, detail to any great degree the conciliatory efforts which did occur or were proposed, such as the Crittenden Compromise; and they generally do not address efforts that might have led to an outbreak of hostilities prior to Fort Sumter, such as the failed mission of the *Star of the West*. Textbook authors emulate many historians in their admiration for Lincoln’s political acumen in his “food for the hungry” strategy at Fort Sumter; and as will be evident in the categorical analysis that follows, textbook authors also are generally dismissive of the Southern position at Fort Sumter in 1861.

### **Categorical Analysis**

The categorical analysis of textbook narrative depictions of the incident at Fort Sumter includes two main components of *jus ad bellum*: just cause and last resort.

**Just cause.**

There are two issues of primary interest with this category of “just war”—to what degree the South felt subject to Northern aggression prior to Fort Sumter, and to what degree did Northern policy prior to the attack on the fort constituted a genuine act of such aggression. As described earlier, there is dispute as to whether or not the Confederate States of America may be considered a “minimally just community,” and thus entitled to defend its own sovereignty and rights; but the larger point is not whether or not the South *deserved* to be a political entity, but only that its members thought it *was*. Thus, their actions could have been consistent with the behavior of a sovereign state, though the morality of such behavior may have been questionable.

A similar concept illustrates the foundation for Southern action at Fort Sumter. Brian Orend (2006) describes the concept of “implicit entitlement,” wherein minimally just states—who are imbued with the rights of territorial and political sovereignty—may “employ measures necessary to secure the objects of these rights, and to protect them from severe, predictable threats, such as the violent aggression of others” (p. 70). The question, then, is did the South have sufficient cause to justify an aggressive act towards Fort Sumter? As before, moral criticism may be directed at the South at its philosophical foundation, for its oppression of African-American slaves; according to Orend and other “just war” theorists, the Confederacy lacked the basic moral status to claim the right of territorial and political integrity. The purpose of this study is not to critique the moral position of textbook authors, but to examine the presence and nature of such moral positions.

Textbooks, in general, do address the Southern position prior to the attack on Fort Sumter in April 1861, though the degree to which they capture the depth of Southern antipathy and anxiety prior to the attack varies. *America: History of Our Nation* (Davidson & Stoff, 2009), for example, deals with the Southern determination to capture the fort in only the most minimal detail, claiming that their decision to attack was based on the fact that the fort was “isolated” (p. 503). The authors of *United States History* (Lapansky-Werner, et al., 2010) do little more; after spending several detailed paragraphs describing the dilemma faced by President Lincoln as to resupply or reinforce Fort Sumter, the textbook authors explain the South’s ultimatum to the garrison at the fort by explaining that Confederate leaders “were suspicious of Lincoln’s motives” (p. 353). *America: Pathways to the Present* (Cayton, et al., 2007), too, gives only the most cursory examination of Southern motivation prior to the attack; in fact, the textbook’s authors spend considerably more time sketching out Lincoln’s strategy and his reluctance to provoke hostilities, before ending its section with this:

On April 10, before supplies could arrive, Confederate president Davis ordered General P.G.T. Beauregard to demand that Fort Sumter surrender. If Anderson refused, Beauregard was to take it by force. ..Anderson did refuse, and on April 12, 1861, Beauregard opened fire on the fort. After a 34-hour bombardment, Anderson surrendered Fort Sumter to Confederate troops. (p. 373)

There is no description of why Southerners might view the fort itself as a threat, or the fact that the Union had tried to resupply the fort in January (an event to which *America: Pathways to the Present* alludes in the section prior to this one). In this conceptualization, the South attacks more or less without cause.

Other textbooks present more diverse perspectives. *The Enduring Vision* (Boyer, et al., 2008) focuses on the strategic issues of the incident, going so far as to critique the South's decision to risk open war on behalf of "the dubious military advantage of attacking Fort Sumter before the arrival of relief ships" (p. 422). *Give Me Liberty!* (Foner, 2008) tries describes the choice facing Jefferson Davis, the President of the Confederacy, who made the final decision to attack the fort: "Viewing Fort Sumter's presence as an affront to southern nationhood, and perhaps hoping to force the wavering Upper South to join the Confederacy, Jefferson Davis ordered batteries to fire on the fort" (p. 499). This selection indicates the twin motivations facing Davis—the Southern clamor for independence and the slight the presence of Fort Sumter represented, together with the political reality of the still-uncommitted Upper South. In similar fashion, *The American Journey* (Goldfield, et al., 2007) combines Southern positions through Davis, though the authors here do not focus on any "affronts" to Confederate pride and instead describe the tactical and strategic implications of the fort's presence:

...President Davis wanted to take Sumter before the provisions arrived to avoid fighting Anderson and the reinforcements at the same time. He also realized that the outbreak of fighting could compel the Upper South to join the Confederacy. But his impatience to force the issue placed the Confederacy of firing, unprovoked, on the American flag and at Major Anderson, who had become a national hero. (p. 411)

In this case, the authors have created a section of largely neutral text, listing political factors facing Davis at the time, though the ending sentence contains an explicitly moral stance—the attack on Fort Sumter was "unprovoked." Moreover, the

wanton assault on the fort was brought about by Davis' "impatience," rather than the temperate conciliation displayed by Lincoln in the days prior to the incident. While this may be an accurate depiction of the attack, it does place the blame for the war squarely on the South.

*The American Nation: A History of the United States* (Carnes, et al., 2008) is less blunt about its moral judgment, though such conclusions are evident through its depiction of the attack on Fort Sumter. "Lincoln took the moderate step of sending a naval expedition to supply the beleaguered Sumter garrison with food," the text states, joining Lincoln's moderation and conciliation with an evocatively phrased description of the fort's condition. In the next sentence, the Southern decision to attack is minimized to retaliatory intransigence: "Unwilling to permit this, the Confederates opened fire on the fort on April 12 before the supply ships arrived" (p. 376). There is no additional detail provided regarding Southern motivation for the attack.

*The American Pageant* (Kennedy, et al., 2006) takes a comparable tack, presenting the assault as a collision between the Union's constraint and the South's belligerence. In the selection below, the authors contrast Lincoln's moderation with Confederate suspicion:

After agonizing indecision, Lincoln adopted a middle-of-the-road solution. He notified the South Carolinians that an expedition would be sent to *provision* the garrison, though not to *reinforce* it. He promised "no effort to throw in men, arms, and ammunition." But to Southern eyes "provision" still spelled "reinforcement." A Union naval force was next started on its way to Fort Sumter—a move that the South regarded as an act of aggression. On April 12, 1861, the cannon of the

Carolínians opened fire on the fort, while crowds in Charleston applauded and waved handkerchiefs. After a thirty-four hour bombardment, which took no lives, the dazed garrison surrendered. (p. 435)

The celebratory mood of South Carolina's citizenry is set against the condition of the "dazed" Union soldiers, while the description of the attack follows Lincoln's distinction between "provision" and "reinforcement," a point itself formalized by its inclusion in the text's main narrative. *The Americans* (Danzer, et al., 2010) does something comparable—after describing Lincoln's "dilemma" between resupply and reinforcement, the authors depict the President's eventual strategy as "a clever political maneuver" (p. 339). The authors then shift the perspective to Jefferson Davis, and in outlining the choices he faced and the decision he eventually took, the authors depart from the traditional avoidance of personal agency and place the blame flatly on Davis:

Now it was Jefferson Davis who faced a dilemma. If he did nothing, he would damage the image of the Confederacy as a sovereign, independent nation. On the other hand, if he ordered an attack on Fort Sumter, he would turn peaceful secession into war. Davis chose war. At 4:30 AM on April 12, Confederate batteries began thundering away. Charleston's citizens watched and cheered as though it were a fireworks display. The South Carolínians bombarded the fort with more than 4000 rounds before Anderson surrendered. (p. 339)

Finally, there are several textbooks from this sample that not only examine the Southern position prior to the attack on Fort Sumter, but address the other half of the equation—the Southern reaction to President Lincoln's response to that attack. From the Southern perspective, the assault on the fort was justified; though in truth, the



Confederacy's primary justification for open war was not the presence or resupply of Fort Sumter, but instead President Lincoln's call to arms after the attack on April 12. *America: Pathways to the Present* (Cayton, et al., 2007) presents the Southern position succinctly:

By firing on federal property, the Confederate states had committed an act of open rebellion. As the defender of the Constitution, Lincoln had no choice but to respond. When he called for volunteers to fight the seceding states, Southerners saw his action as an act of war against them. (p. 373)

Other textbooks capture the same sentiment. *The American Journey* (Goldfield, et al., 2007) is more circumspect, alluding to the Upper South's secession after Lincoln's call for volunteers as an act motivated by a "[refusal] to make war on South Carolina" (p. 413); and in similar manner, *The American Nation: A History of the United States* (Carnes, et al., 2008) only mentions briefly the fact that "[Lincoln's] request prompted Virginia, North Carolina, Arkansas, and Tennessee to secede" (p. 376). The authors of *The Americans* (Danzer, et al., 2010) make a passing reference to Virginia's "[unwillingness] to fight against other Southern states," (p. 339), while *The Enduring Vision* (Boyer, et al., 2008) frames the Upper South's response to Lincoln's call against the dramatic departure of one of the most famous American figures of the era—"After acknowledging that 'I am one of those dull creatures that cannot see the good of secession,' Robert E. Lee resigned from the army rather than lead federal troops against his native Virginia" (p. 422). Probably the best single description of the Southern view is from *The American Pageant* (Kennedy, et al., 2006), which works hard to connect the secession of the Upper South definitively to Lincoln's call for militia, as well as

referencing earlier qualms among many Southerners about the prospect of leaving the Union:

The call for troops, in turn, aroused the South much as the attack on Fort Sumter had aroused the North. Lincoln was now waging war—from the Southern view an aggressive war—on the Confederacy. Virginia, Arkansas, and Tennessee, all of which had earlier voted down secession, reluctantly joined their embattled sister states, as did North Carolina. Thus the seven states became eleven as the “submissionists” and “Union shriekers” were overcome. Richmond, Virginia replaced Montgomery, Alabama, as the Confederate capital—too near Washington for strategic comfort on either side. (p. 436)

### **Last resort.**

Other than just cause, the “just war” requirement of last resort is possibly the most important moral component of the doctrine in question. While “just war” admits as a foundational belief the notion that war may be, on some occasions, morally justified, that belief is based firmly on the presupposition that violence is excusable only if there are no other viable options. Orend (2006) points to the antiquity of this provision, describing the process by which ancient Rome would dispatch a “diplomatic party” to a potential enemy prior to war in an attempt to gain a peaceful settlement of the issue at hand; if none were forthcoming, the party would return to Rome and inform the Senate of the opponent’s defiance. “If the Senate voted for war,” Orend writes, “the party would return to the enemy, read aloud the Senate’s public declaration and then symbolically throw a sharp-pointed javelin into the enemy’s soil” (p. 11). This was one of the earliest manifestations

of last resort, and dramatically highlights the requirement's essential utility—a state may fight only when all other reasonable alternatives have been exhausted. While periods of diplomatic tension between states can create an “overheated crisis atmosphere, in which people discern ‘emergencies’ which aren’t, in fact, there,” it is vital that a nation attempt to maintain a rational course in order to be certain that war is, in fact, the last resort (p. 156).

Some elements of last resort that would be appropriate to consider in textbooks are absent. For example, Abraham Lincoln’s decision to send in “food for hungry men,” a move generally applauded by historians and textbook authors, is not considered in the manner it was viewed by many Southerners—as a hostile move designed to extend Union control over the fort, Charleston harbor, and South Carolina. Nor are the political ramifications of such a strategy—namely, that Lincoln may have endorsed the supply of food, not reinforcements, so as to avoid provoking the secession of the Upper South—considered in any meaningful way in these textbook narratives. While the textbooks in this study do contain elements of the last resort component of “just war,” most refer to it only in a peripheral, implicit fashion.

Given the standard approach of most textbook narratives—a litany of events that, given their chronological order and emphasis on causation, seem largely inevitable—it is not surprising that such narratives tend to obscure the possibility that what happened *needn’t* have happened the way it did. *America: History of Our Nation* (Davidson & Stoff, 2009) has a promising section at the end of its description of the attack on Fort Sumter titled “Was War Avoidable?” But rather than referring to the attack itself or whether or not the South was justified in launching that assault, the authors fall back on a

brief allusion to the inevitability of war: "...by 1861, many Americans in both the North and the South had come to accept the idea that war could not be avoided" (p. 503). In Eric Foner's *Give Me Liberty!* (2008), a dramatic retelling of Henry Wadsworth Longfellow's 1842 poem *Slavery* closes the section on Fort Sumter; in its references to the "poor, blind Samson," who shakes "the pillars of this Commonweal/Till the vast Temple of our liberties/A shapeless mass of wreck and rubbish lies," the text creates an overarching belief that the Civil War was an unavoidable conflict, one that had been brewing for decades (p. 499).

This may be so. But the "just war" component of last resort refers to the immediate causes of a conflict, and not the philosophical fissures that may have lead two states to the brink of war. Other textbooks are more overt in setting the conditions for last resort, even without explicit reference to the philosophical concept. In doing this, however, many authors take implicit moral stands on the efficacy of the attack and whether or not it was truly necessary for the South. In *America: Pathways to the Present* (Cayton, et al., 2007), for example, the authors take time to offer a vivid picture of the readiness of Fort Sumter as a military installation, drawing the reader's attention to the fact that any threat the South felt from the garrison there was probably misplaced: "...The structure was still incomplete and partially unprotected when it came under fire in 1861. Because the fort was built to protect the city from attack by sea, its 60 guns faced outward—not toward the Confederate outposts onshore that shelled the fort—severely damaging it" (p. 372).

The moral stance of the authors of *The American Journey* (Goldfield, et al., 2007) is much more apparent. In their discussion of Fort Sumter, the obvious conclusion here is

that the Confederacy, and primarily Jefferson Davis, acted rashly and in the absence of a direct, imminent threat:

At Charleston, Confederate General P.G.T. Beauregard had standing orders to turn back any relief expedition. But President Davis wanted to take Sumter before the provisions arrived to avoid fighting Anderson and the reinforcements at the same time. He also realized that the outbreak of fighting could compel the Upper South to join the Confederacy. But his impatience to force the issue placed the Confederacy of firing, unprovoked, on the American flag and at Major Anderson, who had become a national hero. (p. 411)

The indictment of Davis' "impatience" is a clear example of a textbook's tendency to promote a hegemonic view of American history. Whether or not the premise of the statement is historically valid is not at issue—the question is whether or not the statement contains moral content, from a "just war" perspective. Interestingly, while most of the textbooks implicitly or plainly blame Jefferson Davis for the attack, one book—*Visions of America: a History of the United States* (Keene, et al., 2010)—ignores the Confederate president and indicts only the Confederate officer in charge, General P.G.T. Beauregard, who "decided to force the issue" in assaulting the fort (p. 370). Whether blaming the Confederacy's political or military leaders, the preponderance of books in this sample take the moral stance that the attack on Fort Sumter was precipitous and unjustified.

Several textbooks take a more detailed view of the attack and the substance of last resort. *The American Nation: A History of the United States* (Carnes, et al., 2008) considers why the South felt the need to attack when it did:

Why were white Southerners willing to wreck the Union their forebears had put together with so much love and labor? No simple explanation is possible. The danger that the expanding North would overwhelm them was for neither today nor tomorrow. Lincoln had assured them that he would respect slavery were it existed. The Democrats had retained control of Congress in the election; the Supreme Court was firmly in their hands as well [.] (p. 370)

*The American Pageant* (Kennedy, et al., 2006) take a similar approach, pointing out that the South, after the election of 1860, wasn't in the imminent danger that secessionist fire-eaters were claiming:

Yet the South, despite its electoral defeat, was not badly off. It still had a five-to-four majority on the Supreme Court. Although the Republicans had elected Lincoln, they controlled neither the Senate nor the House of Representatives. The federal government could not touch slavery in those states where it existed except by a constitutional amendment, and such an amendment could be defeated by one-fourth of the states. The fifteen slave states numbered nearly one-half of the total—a fact not fully appreciated by southern firebrands. (p. 427)

These passages indicate a subtle framing of the last resort component; secession, and by extension the attack on Fort Sumter, was unnecessary and brought on by a philosophic belief in the value of such resistance, rather than by an externally valid threat. Certainly, this position has merit, and is supportable by historical fact and endorsed by any number of historians. The thrust of these passages, however, points to a tendency of textbooks to promote a singular view of American history—the position that the South acted at best rashly, at worst criminally, in the attack on Fort Sumter. As with the other

elements of *jus ad bellum*, the textbooks in this sample contain implicit moral positions that become apparent when held up against the “just war” doctrine.

## CHAPTER FIVE:

### *JUS IN BELLO*

The focus in this chapter is on topics/events connected to the “just war” category of *jus in bello*. First, the experiences of battle for combatants and noncombatants from both the Union and Confederacy, is examined. The section on combatants is focused on the impact of battle and casualties on soldiers, while the section on non-combatants is divided into the following subcategories: women in the war, discontent on the home front, death and dying, and the civilian experience of the battle of Vicksburg in 1863. Second, the depiction of “Sherman’s March to the Sea,” the destructive passage of General William T. Sherman’s army in 1864 through Georgia and South Carolina is examined. Finally, both components are analyzed in comparison to the “just war” doctrine, in the categorical analysis section. For this section, the analysis is concentrated on the following principles: the benevolent quarantine and treatment of prisoners-of-war, means of war that may be termed *mala in se* (“evil in themselves”), and proportionality.

### **Historical Narrative Analysis**

In *The American Journey* (Goldfield, et al., 2007), a chart is presented that shows the number of casualties for both the Union and Confederacy over the course of the Civil War. The Union lost a total of 1,566,678, with 275,175 wounded. Of the dead, 110,070



died of wounds in battle, while 249,458 died of disease. For the Confederates, 1,082,119 died, with 100,000 wounded. Of the dead, 94,000 died of wounds in battle, 164,000 died of disease (p. 404). These numbers are, of course, daunting, and should be grounds for considerable reflection. They are offered practically without commentary or criticism, and do not reflect the social devastation created by a conflict of the Civil War's magnitude.

The Civil War was a war between societies and national identities, where the strict separation between soldier and civilian was often difficult to distinguish or enforce. In this chapter, the historical narrative analysis and categorical analysis are focused on two broad categories: combatants and non-combatants.

### **Combatants**

The Civil War is often characterized as the first “modern” war, and practically every general history of the event takes pains to explain what that characterization means. A common feature of such works is the attempt to describe the nature of combat, how it differed from previous iterations and how its impact was substantially more profound. What follows is a comparison of major historiographical works to the textbooks of this study regarding the manner in which the experience of combat is presented. This section focuses first on the issue of battles such as Bull Run, Shiloh, Antietam, and Gettysburg, and then follows with casualties and the manner in which the Civil War marked a change in Americans' conception of war.

**Battle and casualties.**

The two primary generalist works used for this study are James McPherson's *Battle Cry of Freedom* (1988) and Christopher Olsen's *The American Civil War: A Hands-On History* (2006). McPherson examines the impact of modern war on America in considerable detail. McPherson points out that the "United States has usually prepared for its wars after getting into them" (p. 312), which meant that the armies of both the North and South would have to be built practically from the ground up. After detailing the considerable logistical efforts involved in this process, McPherson turns to what would become one of the sources of the overwhelming carnage of the Civil War—the widespread lack of training or apprehension among both sides' soldiers. In training their armies, the officer class of both sides did not rely heavily on mock combat or large-unit drill; instead, the emphasis was on basic maneuvers at the company-level and what McPherson terms the "manual of arms"—the constant repetition of loading, aiming, and firing individual weapons, but with little real target practice (p. 330). Among officers, most received little training in strategy—at West Point, the premier military academy in the nation, most of the curriculum was heavily tilted towards engineering, math, and "a smattering of tactics" (p. 331). McPherson makes the crucial point that "the Civil War was pre-eminently a *political* war, a war of peoples rather than professional armies" (p. 332). According to that conception, then, the expectations of both nations weighed heavily in the war's conduct.

Most soldiers on both sides assumed the war would be a short one, with the Union confident in their material advantages (industry, population) and the South convinced that, in the words of Henry Wise of Virginia, "it was not the improved *arm*, but the

improved *man*, which would win the day” (p. 317). With such assumptions at work, both sides planned for a limited war, in both time and goals—the North, for example, aiming at suppressing the insurrection and allowing Southern unionism, widely assumed to be present but dormant, to reassert itself.

The first major battle of the war, Bull Run, was fought outside Washington D.C., and historians often use it to showcase the manner in which the training and expectations of both sides combined to establish how the Civil War would be fought. Olsen (2006) highlights the manner in which the battle typified the Union experience of the Civil War from 1861 to 1863—the battle was well-planned, though the timing was off in the operation, and the Union was slow to bring up its reserves and exploit its considerable numerical advantage. Though the battle was a Southern victory, historians like Olsen and McPherson point to the psychological impact of such a stunning victory at the war’s outset; Southerners interpreted the outcome as indicative of the superiority of their cause and class, creating a national mood bordering on cockiness, whereas a “sort of stubborn determination” set in among the North after the loss (Olsen, 2006, p. 91).

The issue of casualties in that first battle is a source of discrepancy for Olsen and McPherson. It is clear that both write about the battle with an eye to what lay ahead in the war, with the former describing the shock of such bloodshed on the populace, and the latter framing the battle’s cost as comparatively light in comparison to future events. Olsen describes the manner in which “the human cost of the battle staggered the nation,” pointing out that the almost 900 men killed was “almost as many as died in battle during the entire Mexican War” (p. 91). McPherson, though, considers the battle a small affair,

more important in long-term psychological effect and strategy rather than in human cost—“the price in casualties was small compared with later battles” (p. 347).

Casualties in battle are a common feature of historiographical works on the Civil War. The battle at Shiloh is a commonly used reference point for the shocking carnage; if Bull Run was a first indication of how bloody the war might be, Shiloh was proof that the human cost might well outweigh any possible prediction. Olsen (2006) characterizes the battle—where over 3,500 died and 16,500 were wounded, with an additional 2,000 dying later of their injuries—as “the deadliest battle in American history—about five thousand men had died in the entire American Revolution” (p. 101). Olsen uses graphic description to capture the public horror over the battle’s outcome; he quotes the *Cincinnati Times*’ account of the hospital after the battle, with “amputated legs and arms [lying] scattered in every direction” (p. 101). Olsen also quotes a Union soldier’s diary, in which the author records images of men “torn all to pieces leaving nothing but their heads or their boots...Pieces of clothing and *strings of flesh* hang on the limbs of trees round them.” He closes with an appeal to God—“Can there be anything in the *future* that *compensates* for this slaughter?” (p. 101).

McPherson (1988) also uses contemporary accounts to illustrate the human damage of Shiloh. The phrase “seeing the elephant” was a common euphemism among soldiers for experiencing battle for the first time, and McPherson points to the manner in which Shiloh was the initial exposure of many young Union troops (and Confederate, too) to the trauma of combat. The battle was a hideous bloodletting, and McPherson quotes liberally from Union descriptions of the scene—“the gory corpses lying all about us, in every imaginable attitude, and slain by an inconceivable variety of wounds [that

were] shocking to behold” (p. 413). A Tennessee soldier commented on the vanished image of war as a glorious venture—“I never realized the ‘pomp and circumstance’ of the thing called glorious war until I saw this...Men lying in every conceivable position; the dead...with their eyes wide open, the wounded begging piteously for help [.]” McPherson quotes William Sherman’s comment after Shiloh: “The scenes on this field would have cured anybody of war” (p. 413).

Practically all generalist works on the Civil War contain the standard rationale for what McPherson calls a “ghastly harvest of death,” the staggering death toll of the war (p. 472). The combination of new, highly accurate, powerful new weapons (primarily the rifled musket and new, long-range artillery) with Napoleonic tactical emphasis on close-order formations and tightly massed offensives produced such an enormous body count. Olsen (2006) provides a succinct description of the new weaponry and its likely effect, built around a slightly macabre metaphor:

Muskets fired a round shell that came out with no spin (think of a knuckleball pitch in baseball) and were accurate to about 60 yards; rifles, with grooves inside the barrel, fired conical-shaped shells that spun in a spiral (imagine a football pass) and were accurate to about 350 yards. In the hands of trained men, muzzle-loading rifles could be shot twice about every minute or so. This made infantry charges over open ground nearly suicidal, and meant that a small number of men, well-positioned and supplied, often could hold off vastly superior forces. (p. 117)

McPherson (1988) points out that the emphasis on large-scale frontal assault was the result of current historical trends and recent American success in the Mexican war. Though it turned disastrous during the Civil War (especially in how it increased the value

and emphasis on tactical defensive positions), it would have been unreasonable to assume the era's officer corps would have been quick to abandon what was, then, military orthodoxy.

Antietam is typically presented as the high-water mark of bloodshed in the Civil War. Olsen (2006) describes it as “the deadliest day in American history (still)” (p. 134). McPherson (1988) characterizes it as “the hardest of the war” (p. 540). The aftermath of Antietam is poignantly described by McPherson as “a scene of horror beyond imagining.” He goes on to provide excruciating context to the battle's impact:

Nearly 6,000 men lay dead or dying, and another 17,000 wounded groaned in agony or endured in silence. The casualties at Antietam numbered four times the total suffered by American soldiers at the Normandy beaches on June 6, 1944. More than twice as many Americans lost their lives in one day at Sharpsburg as fell in combat in the War of 1812, the Mexican War, and the Spanish-American war *combined* [sic]. (p. 544)

The “slaughter” that McPherson describes is given roughly the same treatment by Olsen in his work—a fearful battle that cost more lives than any armed conflict in American history. Similarly, the battle of Fredericksburg, in December 1862, is often characterized by historians as emblematic of the sort of bloodshed that was typical of the Civil War. McPherson includes testimony from a Confederate soldier who recalled corpses “swollen to twice their natural size...one without a head, one with legs, yonder a head and legs without a trunk...with fragments of shell sticking in oozing brain, with bullet holes all over the puffed limbs” (p. 574). The Battle of Gettysburg, universally recognized as the turning point in the war and the beginning of the end for the

Confederacy, is also noted for the fearsome toll—Olsen (2006) describes it as the “costliest battle of the war and in all American history,” and McPherson noted the “high human cost” of the outcome—over 23,000 Union casualties, combined with 28,000 Confederate losses.

The impact of these casualties, beyond the mathematical cost, is largely unexplored by the works cited above. While generalist works like those of Olsen and McPherson provide great insight into the events themselves, they focus less on the experience of soldiers in combat and more on the overarching strategy or tactics at play in individual battles. It falls to more specific historiography to examine the impact of Civil War fighting on the combatants themselves.

Gerald Linderman’s *Embattled Courage: The Experience of Combat in the American Civil War* (1987) examines the everyday life of the Union and Confederate soldier and the impact of warfare on their lives and psyches, to a greater level of detail than do McPherson or Olsen. Linderman especially focuses on the manner in which the concept of courage changed over the grinding course of the war. Linderman asserts that the experience of battle had a dramatic impact on soldiers’ beliefs about the war, its aims, and their own abilities and character.

The way that “war” itself changed in the Civil War—from a series of individualized exploits that made personal glory a real if remote possibility, to the experience of mass warfare that depersonalized soldiers and made death in combat an anonymous, mundane affair—had a distinct impact. The changing conception of courage reflected the growing division between what soldiers had thought war would be, and what it actually was. The impact of combat, where death might occur at any moment, was

paralleled grimly by the despondency of camp life, where boredom was a preferable mode of existence, given the prevalence of disease. Disease led to the hospital, and practically every soldier on both sides agreed that was an experience to avoid at all costs—not only because of the chance of fatality (which was extremely high, in comparison to the odds of death in battle), but also because dying in the hospital was not properly representative of the values of heroism, sacrifice, and patriotism that had motivated so many at the war's outset (Linderman, p. 130).

But it was the shock of battle itself that had the greatest impact on soldiers, especially the sharp divergence between their expectations and the reality. Even though most Americans of the 19<sup>th</sup> century grew up much closer to death and its various daily manifestations than today, soldiers from the North and South were profoundly affected by the specter of war. Death could be sudden and without warning—one private, after seeing a nearby soldier struck down, commented that “only a few seconds ago that man was alive and well, and now he was lying on the ground, done for, forever” (Linderman, p. 124). Even more troubling was the horrifying reality of violent death. Linderman (p. 125) points out that “few soldiers died with tidy holes through the chest.” The sheer gore of mangled corpses, the stench and mutilation of a battlefield, was a tremendous shock for most combatants, as was the stunning magnitude of such devastation—the sight of hundreds of bodies, untended, seemingly left to rot, challenged traditional notions of heroism, courage, and respect.

The impact of these experiences has been interpreted in various ways by historians. Linderman, for example, holds that the majority of soldiers on both sides found the dissonance between their expectations and the reality of battle too difficult to



encompass, and widespread disillusionment—what he defines as “the deeply depressive condition arising from the demolition of soldiers’ conceptions of themselves and their performance in war” (p. 240)—was the general result. Other historians disagree—most notably, Earl J. Hess, who, in *The Union Soldier in Battle: Enduring the Ordeal of Combat* (1997), argues that Northern soldiers were not subject to what Hess terms “the modernist view,” the “assumption that all wars are equally disastrous to victor and defeated alike” (p. 197). Hess believes that, contrary to Linderman’s emphasis on disillusionment, the Union soldier was generally able to make a lasting connection between courage, sacrifice, and patriotism, and was thus able to move beyond the horror of war into emotional stability. In a similar vein, J. Tracy Power, in *Lee’s Miserables: Life in the Army of Northern Virginia from the Wilderness to Appomattox* (1989) examines the war from a Confederate viewpoint and considers the impact of the war’s brutality as a nonpermanent phenomenon—“Countless men who had endured the confusion of the Wilderness, the horrors and numbing fatigue of Spotsylvania...and the grim retreat towards Appomattox returned home and went immediately back to work [...]...The vast majority of those who did survive neither dwelt on the war nor forgot the sacrifices they and their comrades made during it” (p. 321). The variations are many, but the emphasis on the Civil War’s bloodshed on American psyche, morality, and memory of the war itself is definitive and universal.

Textbooks in this sample follow a common pattern in their depiction of the Civil War. Most address the same series of events, in roughly the same order. All ten begin their chapters on the war with a breakdown of the comparative advantages and disadvantages of the North and South, followed quickly by a brief description of each

side's expectations, both in terms of overall outcome and individual exploits. *The American Journey* (Goldfield, et al., 2007) provides a typical example:

The feeling that a holy war was unfolding energized recruits. A Union soldier expressed his feelings in a letter home at the beginning of the war: "I believe our cause to be the cause of liberty and light...the cause of God, and holy and justifiable in his sight, and for this reason, I fear not to die in it if need be."

Equally convinced of the righteousness of his cause, a Confederate soldier wrote: "Our Cause is Just and God is Just and we shall finally be successful whether I live to see the time or not."...The armies of both sides included men from all walks of life, from common laborers to clerks to bankers. An undetermined number of women, typically disguised as men, also served in both armies. They joined for the same reasons as men: adventure, patriotism, and glory. (p. 422-423)

*The Americans* (Danzer, et al., 2010) is even more succinct: "Northerners and Confederates alike expected a short, glorious war. Soldiers left for the front with bands playing and crowds cheering. Both sides felt that right was on their side" (p. 340).

Each textbook after this begins its chapter on the Civil War's military history with the First Battle of Bull Run. The verdict on this skirmish is fairly common to all textbook narratives. It began as a Union rout, turned on the individual bravery of Confederate General Thomas J. "Stonewall" Jackson (the manner in which Jackson acquired his nickname is featured prominently in most of the books from this sample), and shows both sides that the war would be neither short nor easy—as *United States History* ((Lapansky-Werner, et al., 2010) puts it, the battle "proved a shock to those who had hoped the war would end quickly—and who were unprepared for the carnage modern warfare could

produce” (p. 364). *Give Me Liberty!* (Foner, 2008) gives a hint as to how horrifying the war would become after this initial engagement—“Almost 800 men died at Bull Run, a toll eclipsed many times in the years to come, but more Americans than had been killed in any previous battle in the nation’s history” (p. 510) On the other hand, other textbooks are almost dismissive of the battle itself—*The American Nation: A History of the United States* (Carnes, et al., 2008) ends its description of Bull Run by stating that “casualties on both sides were light, and the battle had little direct effect on anything but morale” (p. 380).

Some textbooks discuss the experience of battle for soldiers, both North and South. All textbooks, to some degree of detail, include a section on the technological changes that directly impacted the conduct of the war; most of these passages are roughly similar to this selection from *The Americans* (Danzer, et al., 2010):

Rifles were more accurate than old-fashioned muskets, and soldiers could load rifles more quickly and therefore fire more rounds during battle. The minie ball was a soft lead bullet that was more destructive than earlier bullets. Troops in the Civil War also used primitive hand grenades and land mines. (p. 343)

The use of hand grenades and land mines can hardly be considered a major factor in the actual fighting of the war; given that, the inclusion of such weapons into this passage contributes to the implicit conclusion that the topic here discussed is less about the potential destructiveness of new technology and more about the innovative nature of such inventions. In fact, many of the textbooks tend to focus on technological innovations as a topic of interest apart from the connection of such technology to an increase in casualties. For example, most books contain passages describing the development of

“ironclad” ships like the *Monitor* and the *Merrimack* (often, in textbooks, identified by its original name, rather than its rechristened title, the *C.S.S. Virginia*) even though most historians agree the development of such ships contributed little to the overall outcome of the war. Similarly, some books include references to repeating rifles such as the Henry, weapons which were quite advanced but had a limited impact on the war’s progress, given their late entry in the war. Still, several textbooks present the evidence of these trends in a compelling manner—the graphic below is from *United States History* (Lapansky-Werner, et al., 2010), and provides visual evidence of the technological changes at work in the war, as well as providing an opportunity for students to critically evaluate the importance of such changes:

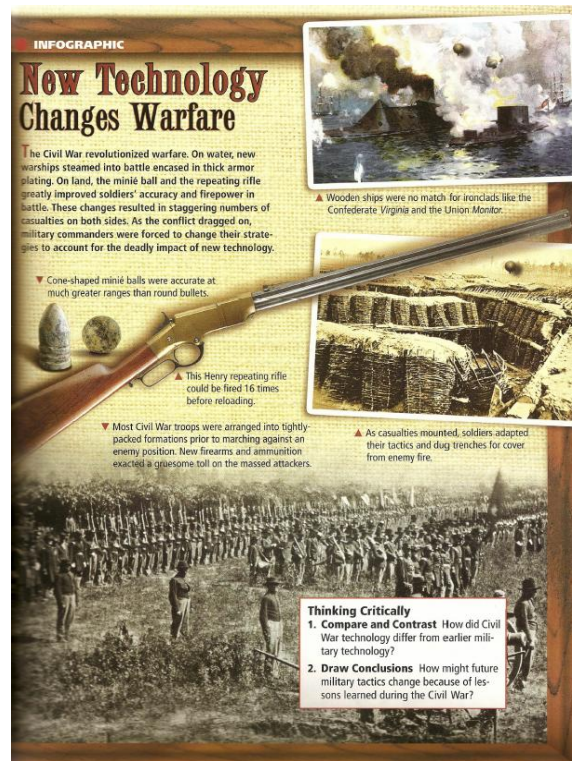


Figure 3: “Infographic,” from *United States History* (Lapansky-Werner, et al., 2010), p. 363

The subject of casualties is addressed in all textbooks—in fact, there is a heavy reliance on the term *casualties* itself, as it is far and away the most ubiquitous term to identify the number killed or wounded. In fact, one textbook, *America: History of Our Nation* (Davidson & Stoff, 2009), goes so far as to provide a definition of the word—“the military term for persons killed, wounded, or missing in action” (p. 520). Interestingly, *America: Pathways to the Present* (Cayton, et al., 2007) uses practically the same definition in its text—“the military term for those killed, wounded, captured, or missing in action” (p. 382).

All textbooks include sections that describe how outdated tactics tended to combine with modern technology to create an outsized number of dead and wounded. The narratives vary, however, in the degree to which they explain the reasons for the use of such antiquated tactical approaches to war. *America: History of Our Nation* (Davidson & Stoff, 2009), for example, states that “Civil War generals were slow to recognize the problem and change tactics. Thousands of soldiers on both sides were slaughtered by following orders to cross open fields against these deadly new weapons” (p. 518). There is no explanation of why officers might rely on such a seemingly disastrous strategy. While *America: History of Our Nation* offers no explanation, *Visions of America: a History of the United States* (Keene, et al., 2010) portrays the adherence to older tactics as a matter of hidebound tradition on the part of the officer corps:

Military commanders on both sides, however, were slow to adjust to these changes. Schooled in traditional warfare at military academies such as West Point, most were reluctant to abandon the strategy of attacking entrenched enemy positions on charging soldiers. The results were horrific. (p. 384)

Other textbooks do a better job of showing the reasons why such tactical approaches could exist alongside such technological achievements like the rifle and the minie ball. *America: Pathways to the Present* (Cayton, et al., 2007) shows how the reliance on frontal assaults was not merely a stubborn resistance to change among generals, but was instead the product of decades of military theory, combined with very recent experience:

For generations, European commanders had fought battles by concentrating their forces, assaulting a position, and driving the enemy away. The cannons and muskets they used were neither accurate nor capable of repeating fire very rapidly. Generals relied on masses of charging troops to overwhelm the enemy. Most Civil War generals had been trained in these methods and had seen them work well in the Mexican War. (p. 384)

*The Enduring Vision* (Boyer, et al., 2008) echoes this position, pointing out that, despite the enthusiasm such weapons engendered, often the rifles simply did not work as intended, forcing a reliance on traditional tactics. Moreover, these tactics were not adopted out of professional ignorance or incompetence, but were instead based on accepted military orthodoxy: “Military manuals of the 1840s and 1850s assumed that defenders armed with muskets would be able to fire only a round or two before being overwhelmed” (p. 432).

Several textbooks dispute the standard view that tactics in the Civil War stayed static throughout the course of the conflict. *The Americans* (Danzer, et al., 2010) points out that, contrary to other narratives, there *were* tactical changes, as weaponry dictated a change in military defensive approaches: “The new technology gradually changed military strategy. Because the rifle and the minie could kill far more people than older

weapons, soldiers fighting from inside trenches or behind barricades had a great advantage in mass infantry attacks” (p. 344). *Give Me Liberty!* (Foner, 2008) echoes this sentiment, highlighting how the change in tactics benefited one side over the other—“This development changed the nature of combat, emphasizing the importance of heavy fortifications and elaborate trenches and giving those on the defensive—usually southern armies—a significant advantage over attacking forces” (p. 507). And interestingly, *The American Journey* (Goldfield, et al., 2007) argues that even with changes to offensive strategy coming late in the war, there were still factors that limited such alteration: “Only late in the war did tactics change, but even then, the problems of communication and the inability to precisely coordinate attacks continued to favor the packed ranks of men advancing forward at a trot, often in the face of withering fire” (p. 427). In this manner, these textbooks present a more nuanced and complex view that is traditional to many textbooks.

Similar to historiographical works, many textbooks rely on the battle of Shiloh to provide the narrative starting point for a depiction of casualties in the war. *The Americans* (Danzer, et al., 2010) points out that Shiloh, as opposed to Bull Run, “demonstrated how bloody the war might become, as nearly one-fourth of the battle’s 100,000 troops were killed, wounded, or captured” (p. 342). The authors even include a compelling illustration of the battle’s brutal nature, describing how “many Union troops were shot while making coffee; some died while they were still lying in their blankets” (p. 342). *United States History* (Lapansky-Werner, et al., 2010) connects the carnage of the battle to the growing celebrity of the Union general in command, Ulysses S. Grant, with a nod towards his

coming role in the War: “The Battle of Shiloh horrified both the North and the South and damaged Grant’s rising reputation” (p. 364).

*America: History of Our Nation* (Davidson & Stoff, 2009) provides a full-page description of the battle of Shiloh, under the heading of “Geography and History.” It includes a representation of the battle itself, with Confederate troops plunging hurriedly towards the Union line, under the caption: “Exposed to Counterattack: Confederate troops marched toward the Union position without the protection of trees or foxholes. Every charge was met with a flurry of bullets from Union soldiers using vegetation and raised mounds of earth as cover” (p. 523). Below that is a depiction of one of the violently contested parts of the battlefield, the “Hornet’s Nest,” so named, according to the text, “because of the intense fire the Confederate soldiers encountered... Union bullets caused many Confederate injuries” (p. 523). Despite the clear references to the battle’s brutality and the ferocity of the fighting, the book also includes an implicit moral judgment about the value of the event: “The Battle of Shiloh was costly yet important for both sides. The South suffered nearly 11,000 casualties and the North more than 13,000. However, the Union forced the Confederate army to withdraw from the railroad center.” (p. 521). *The American Journey* (Goldfield, et al., 2007), on the contrary, does a better job of connecting the battle to the human cost:

The staggering casualties shook the confidence of both belligerents. More Americans fell there in two days than in all the battles of the Revolution, the War of 1812, and the Mexican War combined. Union losses exceeded 13,000 out of 63,000 engaged; the Confederates lost 10,699...and the people, North and South,



stopped thinking of the war as a romantic test of courage and military guile. (p. 384)

Antietam and Gettysburg compete, in most textbooks, for the most hyperbolic description of casualties. Unusually, *America: History of Our Nation* (Davidson & Stoff, 2009) departs from the traditional chronological arrangement of content and addresses the battle of Antietam (from September, 1862) after the battle of Shiloh (April, 1862). The authors spare little verbiage in describing the battle itself: “This was the bloodiest day of the Civil War. The Union Army attacked again and again. It suffered about 12,000 casualties” (p. 520). *America: Pathways to the Present* (Cayton, et al., 2007) does a more thorough job of addressing Antietam, even including a personal note from a soldier exposed to the worst of the battle:

In the first three hours of fighting, some 12,000 soldiers from both sides were killed or wounded. By day’s end Union casualties had grown to over 12,000. Lee’s nearly 14,000 casualties amounted to more than a third of his army... **The Battle of Antietam** [*sic*] became the bloodiest day of the Civil War. “God grant these things may soon end and peace be restored,” wrote a Pennsylvania soldier after the battle. “Of this war I am heartily sick and tired.” (p. 389)

In a similar manner, *Give Me Liberty!* (Foner, 2008) includes significant details and perspective that moves beyond mere reporting—“The dead, one survivor recalled, lay three deep in the field, mowed down ‘like grass before the scythe’” (p. 512). In addition, the text adds a contextual section that allows for a comparison of the devastation of Antietam to other, more notorious events in American history—“More

Americans died [at Antietam] than on any other day in the nation’s history, including D-Day in World War II and the terrorist attacks of September 11, 2001” (p. 512).

*United States History* (Lapansky-Werner, et al., 2010) tries to capture the devastation of the battle by including a table, together with graphic imagery, that shows how casualties mounted as the battle wore on (see Figure 4, below):

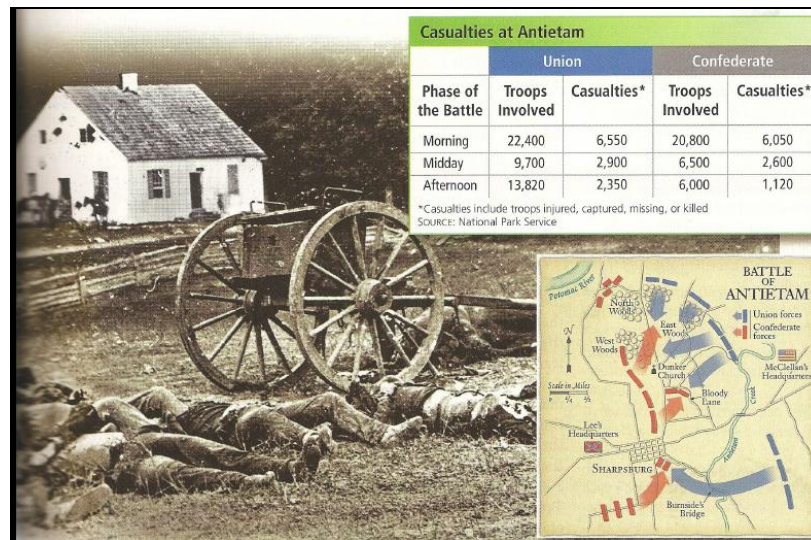


Figure 4: “The Union and Confederate Dead,” from *United States History* (Lapansky-Werner, et al., 2010) p. 369

Some textbooks aim more generally at the strategic and tactical implications of the battle, with special attention paid to the leadership of the Union army. *The Enduring Vision* (Boyer, et al., 2008) offers a standard view of the battle’s outcome: “Although a tactical draw, Antietam proved a strategic victory for the North, for Lee subsequently called off his invasion and retreated south of the Potomac” (p. 435). *The American Pageant* (Kennedy, et al., 2006) relates the story of a Union scout finding, at the base of a tree, the Confederate Army’s battle orders wrapped around three cigars, and concludes that the information helped secure a strategic victory for the North—“With this crucial

piece of intelligence in hand, McClellan succeeded in halting Lee at Antietam on September 17, 1862, in one of the bitterest and bloodiest days of the war” (p. 459). Other textbooks, though, do not share this generous assessment of McClellan’s abilities. *The American Journey* (Goldfield, et al., 2007) focuses on McClellan’s failings. “McClellan,” the text states, “squandered his numerical superiority with uncoordinated and timid attacks” (p. 430). While harsh assessments of McClellan are hardly unusual, in either historiographical works or textbooks, the term “timid” infers both personal cowardice and an unwillingness to accept the brutality of war—perhaps not a fair characterization, given the frequent descriptions of Antietam as the “bloodiest” battle in the history of the nation. The criticism of McClellan is echoed by *The American Nation: a History of the United States* (Carnes, et al., 2008), which goes so far as to presume what a different general in the same situation *should* have done:

Although casualties were evenly divided and the Confederate lines remained intact, Lee’s position was perilous. His men were exhausted. McClellan had not yet thrown in his reserves, and new federal units were arriving hourly. A bold northern general would have continued the fight without respite through the night. One of ordinary aggressiveness would have waited for first light and then struck with every soldier who could hold a rifle, for with the Potomac at his back, Lee could not retreat under fire without inviting disaster. McClellan, however, did nothing. For an entire day, while Lee scanned the field in futile search of some weakness in the Union lines, he held his fire. That night the Confederates slipped back across the Potomac into Virginia. (p. 386)

*Visions of America: a History of the United States* (Keene, et al., 2010) acknowledges the massive effusion of blood, but considers it secondary to the strategic failures of the Union general: “The carnage of the weeklong clash was staggering, but McClellan’s losses were proportionately smaller than Lee’s and his army lay just 25 miles from Richmond. He refused, however, to move on Lee’s weakened army, claiming inadequate intelligence, supplies and men” (p. 383). *The Americans* (Danzer, et al., 2010) writes in the same tone, but more blunt and caustic: “Casualties totaled more than 26,000, as many as in the War of 1812 and the war with Mexico combined. Instead of pursuing the battered Confederate army and possibly ending the Civil War, however, McClellan, cautious as always, did nothing” (p. 344). The inference in both of these passages is that casualties, as bad as they might have been, were a secondary concern compared to the strategic opportunity presented to McClellan. These may well be genuinely valid criticisms; indeed, the judgment of most historiographical works is often even less complementary, often casting the failures of the Army of the Potomac in the early years of the war almost entirely as a product of McClellan’s personality, what McPherson (1988) terms his “vainglory” (p. 359). Yet the moral implication is that McClellan *should* have pushed on, paying little heed to the bloodshed that would have resulted and less thought for the blood that had already been spilled. This judgment is clear in the text of *The American Nation: a History of the United States* (Carnes, et al., 2008), which deems McClellan’s failings to be “both intellectual and psychological,” in which his view of the war itself was a fatal flaw:

[McClellan] saw the Civil War not as a mighty struggle over fundamental beliefs but as a sort of complex game that commanders played at a leisurely pace and for

limited stakes. He believed it more important to capture Richmond than to destroy the army protecting it. With their capital in northern hands, surely the Southerners (outwitted and outmaneuvered by a brilliant general) would acknowledge defeat and agree to return to the Union. The idea of crushing the South seemed to him wrongheaded and uncivilized. (p. 384)

The Battle of Gettysburg, of course, is considered by historiography and textbook alike as the turning point of the war, the largest battle ever fought on American soil, and the most crucial moment of the entire conflict. The descriptions of this battle are sometimes evocative, sometimes quite clinical. *America: Pathways to the Present* (Cayton, et al., 2007) aims for the former, by quoting a survivor of the battle to illustrate what it was like: “Men fire into each other’s faces, not five feet apart. There are bayonet-thrusts, sabre-strokes, pistol-shots...men going down on their hands and knees, spinning round like tops, throwing out their arms, falling; legless, armless, headless. There are ghastly heaps of dead men” (p. 406). *America: History of Our Nation* (Davidson & Stoff, 2009), on the contrary, uses the battle as a device for teaching vocabulary: “In all, the Confederacy suffered more than 28,000 casualties during the three-day Battle of Gettysburg. Union losses *exceeded* 23,000.” The highlighted word is featured in a side panel, “Vocabulary Builder,” and defined as “to go beyond what is expected; to be greater than what was planned” (p. 535). *The Americans* (Danzer, et al., 2010) includes the same numerical characterization of the battle’s cost as *America: History of Our Nation*, though it concludes with a disturbing illustration of the battle itself:

The three-day battle produced staggering losses. Total casualties were more than 30 percent. Union losses included 23,000 men killed or wounded. For the

Confederacy, approximately 28,000 were killed or wounded. Fly-infested corpses lay everywhere in the July heat; the stench was unbearable. (p. 360)

The singular moment of the Battle of Gettysburg that commands the most coverage in the textbooks of this sample is Pickett's Charge of July 3, 1863, the last attempt by the Confederates to break the Union lines. It has the virtue of being a highly dramatic occurrence, and a useful framing device for the larger narrative of the battle (i.e., that this was the turning point of the war and that the South had reached its high water mark). Pickett's Charge is often presented from a tactical viewpoint, as to its goals and sequence—there is little consideration given to whether or not it was a necessity, nor whether the soldiers themselves thought it was a strategy worth pursuing. In fact, most textbooks restrict their versions of Pickett's Charge to something similar to that offered by *America: History of Our Nation* (Davidson & Stoff, 2009):

On the afternoon of July 3, Lee ordered an all-out attack on the center of the Union Line. General George E. Pickett led about 15,000 Confederates across nearly a mile of open field toward Cemetery Ridge. As they advanced, Union artillery shells and rifle fire rained down on them. Only a few hundred men reached the Union lines, and they were quickly driven back. (p. 534)

*America: Pathways to the Present* (Cayton, et al., 2007) is more descriptive, but still, there is no discussion of whether or not the attack was necessary, nor whether or not Confederate troops hesitated or resisted the attack: “Hundreds of canister shells rained down on the approaching soldiers, tearing huge gaps in their ranks. When the Southern troops approached to within about 200 yards of the Union lines, Northern soldiers poured rifle fire into those who remained standing” (p. 406). In general, the particular images of

Pickett's Charge and the overall depiction of the Battle of Gettysburg are used by most textbooks as a sort of narrative device, a pivot point between the Southern domination of the war's early years to the eventual victory of the Union forces. At best, rather than using the battle to discuss the casualties and horror inherent in war, textbooks rely on Gettysburg to provide a moral transition from the battle itself to the evocative language of President Lincoln's Gettysburg Address. In this, *The American Journey* (Goldfield, et al., 2007) is fairly typical; after relating the failure of Pickett's Charge, the authors illustrate the importance of the event by presenting the picture below (see Figure 5), with this accompanying text:

The Union and Confederate dead at Gettysburg represent the cost of the war, the price of freedom. President Lincoln transformed the battleground from a killing field to a noble symbol of sacrifice for American ideals. Gettysburg continues to occupy a special place in our nation's history and in the memory of its citizens.

(p. 437)



Figure 5: "The Union and Confederate Dead," from *The American Journey* (Goldfield, et al., 2007), p. 437

This moral concept—the horror of war, juxtaposed with an inference of moral necessity—is implicit in how textbooks discuss casualties without specific reference to battles. Often, these descriptions are disturbing. Indeed, there are many occasions when it seems that textbook authors are trying to disturb the reader with unsettling imagery. *America: History of Our Nation* (Davidson & Stoff, 2009), for example, includes this quote from a Confederate soldier to describe the experience of battle—“Our men were vomiting with excessive fatigue, over-exhaustion, and sunstroke; our tongues were parched and cracked for water, and our faces blackened with powder and smoke, and our dead and wounded were piled indiscriminately in the trenches” (p. 518). *The American Journey* (Goldfield, et al., 2007) also quotes a soldier who described the battle of Shiloh as “the dead and dying lying in masses, some with arms, legs, and even their jaws shot off bleeding to death, and no one to wait upon them to dress their wounds” (p. 427). *The American Pageant* (Kennedy, et al., 2006) is almost lyrical in its portrayal of battle: “Artillery shells blanketed the battlefield with a smoky haze. Bullets zinged through the air like a driving rain” (p. 441). In *Visions of America: a History of the United States* (Keene, et al., 2010), there is an inset section concerning photography in the Civil War, aimed largely at the work of Matthew Brady, who took hundreds of battlefield pictures that shocked the nation. The textbook’s authors include the words of the *New York Times*, which recognized the innate ability of most individuals to ignore the realities of war:

The dead of the battle-field come up to us very rarely, even in dreams. We see the list in the morning paper at breakfast, but dismiss its recollection with the coffee...Mr. Brady has done something to bring home to us the terrible reality and



earnestness of war. If he has not brought the bodies and laid them in our door-yards and along streets, he has done something very like it. (p. 387)

The section concludes with a powerful question, aimed at students: “how do you imagine such images shaped the public’s attitude toward this and future wars” (p. 386-387)?

A particularly common element of textbook narratives is a description of wartime hospitals. *America: Pathways to the Present* (Cayton, et al., 2007) makes mention of the horrifying mortality associated with being wounded in the Civil War: “a Union soldier was three times more likely to die in camp or in a hospital than he was to be killed on the battlefield. In fact, about one in five Union soldiers wounded in battle later died from their wounds” (p. 399). *The American Pageant* (Kennedy, et al., 2006) identifies “dysentery, diarrhea, typhoid, and malaria” as the major killers of the war, and the authors blame a lack of “proper medical understanding of sterilization or sanitation” on the elevated risk of camp life and hospital treatment (p. 441). In *The Americans* (Danzer, et al., 2010) and *United States History* (Lapansky-Werner, et al., 2010), there is more attention paid to the most common treatment for wounds taken in the war. The former describes how “minie balls, soft lead bullets, caused traumatic wounds that could often be treated only by amputation” (p. 355), whereas the latter emphasizes the “gaping wounds” caused by such weapons, going so far as to point out that often the amputations in question were sometimes performed “without anesthesia” (p. 377).

The assumption of command by General Ulysses S. Grant and the turn towards what is characterized as “total war” is the point at which casualties in the Civil War seemed to become almost overwhelming. Grant’s determination to wage a nearly

relentless campaign against the Confederate army, in order to take advantage of the Union's numerical superiority, resulted in some of the most ghastly battles that could have been imagined, then as now. Textbooks generally acknowledge this; they also generally acknowledge public outrage in the aftermath of these battles, as the number of dead and wounded climbed to nearly unbearable tolls. For example, *Visions of America: a History of the United States* (Keene, et al., 2010) describes how “many Northerners, appalled at the fifty-five thousand Union casualties (to thirty thousand Confederate) in a single month, questioned Grant’s competence; others simply called him a butcher” (p. 399). This text also points out that Grant heard and understood the criticism: “Grant quickly changed his strategy...By now Grant recognized the futility of staging frontal assaults against entrenched troops and settled down for a prolonged siege. It was not the aggressive form of warfare he preferred” (p. 399).

Other textbooks are not so nuanced in their view of Grant; most depict him as a stolid, steadfast presence, one who understood the elements of “modern war” now at play and who was resistant to temporary calls for restraint. *United States History* (Lapansky-Werner, et al., 2010) says that “Grant would accept nothing less than victory” (p. 386). *The Americans* (Danzer, et al., 2010) casts Grant as the steadying force the nation needed—“Democrats and Northern newspapers called Grant a butcher. However, Grant kept going because he had promised Lincoln, ‘Whatever happens, there will be no turning back’” (p. 363). *The American Pageant* (Kennedy, et al., 2006) calls Grant “the man for this meat-grinder type of warfare,” whose personal motto was “when in doubt, fight” (p. 473). Even *Visions of America*, which acknowledges the role of Northern

condemnation of Grant, describes him in positive terms; Grant “was not like his predecessors,” in that he possessed “total confidence in his overall strategy” (p. 399).

What is most noticeable about textbook depictions of Grant’s strategy is the manner in which mass casualties are conceded yet unquestioned, from a moral perspective. Practically every textbook narrative admits that Grant’s shift to “total war” meant a tremendous upswing in bloodshed; yet, implicitly or explicitly, most textbooks present this shift as a necessary, if regrettable fact of the war. *America: History of Our Nation* (Davidson & Stoff, 2009), for example, reports the 55,000 casualties suffered by Grant over seven weeks in his initial campaign against Robert E. Lee, alongside the 35,000 Confederate losses, but follows by pointing out that “Grant realized that his army could count on a steady stream of men and supplies. Lee, on the other hand, was running out of both” (p. 535). *America: Pathways to the Present* (Cayton, et al., 2007) depicts the battle of Spotsylvania, where “In some parts of the battlefield, the Union dead were piled four deep.” But when protests followed the “huge loss of life,” the textbook narrative highlights “a determined Grant” telling President Lincoln, “I propose to fight it out on this line [course of action] if it takes all summer” (p. 411). And authors here indicate that Grant had approval from at least one quarter—his own men: “Despite the high number of casualties, Union soldiers were proud that under Grant’s leadership they would not retreat so easily” (p. 411).

Some textbook accounts take a traditional “top-down” view of the change in policy that does not reflect the reality of that shift from a soldier’s perspective. *The American Journey* (Goldfield, et al., 2007), for example, illustrates “Grant’s Plan to End the War,” which meant two particular innovations: a coordinated Union effort to attack

on all fronts, and a change in the “tempo” of war, where, when in the past there had been long intervals between battles, “Grant, with the advantage of superior numbers, proposed nonstop warfare” (p. 444). The text acknowledges that now, Union and Confederate soldiers were to engage in a practically unrelenting conflict that was not only bloody, but psychological and emotionally traumatic—yet there is no opportunity for readers to critique this shift in strategy. It is passively rendered, and thus passively accepted.

Yet despite the often disturbing language and imagery used to describe battle, there is an overarching (and hegemonic) principle at work in these textbook narratives—the sacrifice of these soldiers was necessary, and their courage was a fairly representative characteristic of the combatants on both sides. Certainly, there is historical evidence for this position. Given the sheer number of soldiers, both North and South, who fought and often died for their respective causes, it is easy to conclude that most willingly fought and risked their lives without overt question. Yet the purpose of this study is to explore the presence of, and opportunity for moral criticism of American wars—and the consensus view of most textbooks is that courage and sacrifice were by default, and any deviation from that pattern was atypical.

An example of this phenomenon can be found in *America: Pathways to the Present* (Cayton, et al., 2007), in which the authors begin a section describing the soldiers of the Civil War by highlighting the nature of most battles: “Civil War battles were noisy and smoky. Cannons boomed, rifles fired, men shouted, and the battlefield was wreathed in a haze of gunfire and dust. How did commanders communicate with their troops in this chaos” (p. 402)? As in answer to this question, the textbook narrative then moves to the issue of drummer boys, “usually only 12 to 16 years old,” who “were so important that

they were often purposely fired on by the enemy, and hundreds were killed in battle.” This disturbing thought—disturbing not least of which because of the similar age of most of the text’s prospective readers—is followed by noting that one drummer boy “who was wounded in action at Vicksburg received the Medal of Honor.” The authors then include a quotation from another drummer boy that presents a surprising degree of personal courage as representative of the type:

A cannon ball came bouncing across the corn field, kicking up dirt and dust each time it struck the earth. Many of the men in our company took shelter behind a stone wall, but I stood where I was and never stopped drumming. An officer came by on horseback and chastised the men, saying ‘this boy puts you all to shame. Get up and move forward’...Even when the fighting was at its fiercest and I was frightened, I stood straight and did as I was ordered...I felt I had to be a good example for the others. (p. 402)

This passage presents the notion that physical courage, even when manifested by the very young, was the ideal characteristic, contrary to the behavior of the adult soldiers in this particular unit, who, in seeking shelter in the midst of a fight, are put to “shame” by the drummer boy. The thought that seeking shelter might be a natural, even rational reaction, is not presented in this section.

In *The American Journey* (Goldfield, et al., 2007), a poetic, emotional letter from a Union army officer to his wife is quoted at length. Sullivan Ballou wrote to his wife, Sarah, on July 14, 1861, and remarked candidly on the prospects of his own death and his willingness to face it:

If it is necessary that I should fall on the battle-field for my Country I am ready. I have no misgivings about, or lack of confidence in the cause in which I am engaged, and my courage does not halt or falter. I know how American Civilization now leans upon the triumph of the government and how great a debt we owe to those who went before us through the blood and suffering of the Revolution. And I am willing, perfectly willing, to lay down all my joys in this life, to help maintain this government, and to pay that debt. (p. 420)

This degree of commitment is admirable, as is Ballou's declaration that "my love for you is deathless...it seems to bind me with mighty cables that nothing but omnipotence can break; and yet my love of Country comes over me like a strong wind and bears me irresistibly with all those chains to the battle-field" (p. 420). It is presented as the opening anecdote of *The American Journey's* main chapter on the Civil War, and it is followed by this pronouncement: "Sullivan Ballou's letter to his wife on the eve of the First Battle of Bull Run typified the sentiments of the civilian armies raised by both North and South" (p. 421). The main thrust of the text is that the sacrifice of soldiers like Ballou (who died at the First Battle of Bull Run, shortly after writing this letter) was tragic, but necessary. This same sentiment is echoed in *United States History* (Lapansky-Werner, et al., 2010) which includes a quote from Brock's *Richmond During the War* (1970):

An old lady, the mother of several dearly loved sons, but echoed the almost universal sentiment when she said... "War, I know is very dreadful, but if, by the raising of my finger, I could prevent my sons from doing their duty to their country now, though I love them as my life, I could not do it. I am no coward, nor

have I brought up my boys to be cowards. They must go if their country needs them.” (p. 360)

In *The American Journey*, the authors remark that “the Civil War preserved the Union, abolished slavery, and killed at least 620,000 soldiers, more than in all the other wars the country fought combined. To come to terms with this is to reconcile the war’s great accomplishments with its awful consequences” (p. 421). By presenting the war itself as a tragic necessity, textbooks themselves provide a form of intellectual reconciliation.

### **Non-combatants**

Every textbook in this study includes substantial and detailed accounts of the manner in which civilians endured the Civil War. The textbooks account in this sample are compared below to historiographical works which focus on areas related to noncombatants in the Civil War: the role of women in the war, the occurrence of popular discontent with the war, the changing nature of death and dying, and particular examples of civilian suffering, especially the Union army’s siege of the city of Vicksburg.

### **Women in the war.**

There is considerable literature on the role of women in the war, though most tend to focus on the home front for both the Union and the Confederacy. This is only sensible, given the fact that, in the 19<sup>th</sup> century, home life and child care was the primary role for women, with political and military affairs a remote province for their involvement or

influence. Many historians highlight the role women on both sides were expected to fill, that of “Spartan motherhood,” what Olsen (2006) describes as “a self-sacrificing philosophy named for the legendary Greek city-state that existed on a culture of warfare” (p. 115). McPherson (1988) reinforces this depiction by highlighting the impact of the economic transformation of the mid-19<sup>th</sup> century, as work moved from the home to the factory and created the concept of separate “spheres” of life—one for work, outside the home, and one of “domesticity” (p. 33). McPherson does point out, however, that this increased emphasis on the woman’s role as guardian of the family resulted in, paradoxically, a significant increase in their activities outside the home, particularly in religion and education. By the outbreak of the Civil War, women were more highly educated and involved in civic affairs than ever before, though the broad majority (around three-fourths) remained in the traditional role of mother and homemaker. Still, this fact did not stop local communities from relying on women and women’s groups to help organize recruiting drives for the war, once fighting began.

Olsen points out that for the first six months of the war, families in both the North and the South felt the war in only a limited way, with little physical privation or lack of supply—other than the departure of their loved ones, women on both sides found their lives undisturbed in the early stages of the conflict. Other than the now-increased difficulty of maintaining the harvest cycle (though even this was only a mild disruption; most Southerners had planted crops well before the war had started, and most men and slaves were still available to harvest before the largest enrollments in the army began), there was not, through the winter and first months of 1862, “widespread material hardship or even great inconvenience” (Olsen, 2006, p. 116). All that would change.



Women played a large role in the war, both on the home front and in the war itself. The number of women at work in both the North and South increased significantly, to make up for the massive shortfall in labor during the war years. Women took jobs in civil service, nursing, agriculture (where the advent of farm machinery made stepping in for male laborers substantially easier). In manufacturing, women increased their already significant presence, increasing from one-fourth to one-third of the work force (McPherson, 1988, p. 449). In the war itself, women served as nurses, primarily through the efforts of organizations like the U.S. Sanitary Commission, which became the largest employer of women in the war effort—from 1861 to 1865, around 3,200 women served as paid nurses (Olsen, 2006, p. 197). In the South, where records were less reliably kept, the Confederacy relied more heavily on slaves—especially women—to care for the wounded. Still, women on both sides of the conflict braved the stereotype against “refined ladies” working in hospitals and contributed mightily to the war effort.

Textbooks in general take significant note of the contributions of women, but occasionally to an outsized degree not commensurate with the positions taken by historiographical works. For example, *America: History of Our Nation* (Davidson & Stoff, 2009) does refer to the work women did as nurses, factory workers, and teachers—but the authors also include details regarding at least “400 women disguised themselves as men and joined the Union or Confederate armies, as well as others who “became spies behind enemy lines.” No historian would reasonably assert that these were common experiences for women during the Civil War, yet the text in question puts such exotic occupations alongside the more routine work done by millions of women in the North and South, inferring their equal status. In like manner, *The American Pageant* (Kennedy,

et al., 2006) points out that “one woman was executed for smuggling gold to the Confederacy,” hardly a typical pastime for any woman in the time period. Some textbooks go as far as to imply that the war was a positive experience for women, as with *The American Journey* (Goldfield, et al., 2007), which comments that the “new economic opportunities the war created left northern society more open to a broader view of women’s roles” (p. 441). *The American Nation: A History of the United States* (Carnes, et al., 2008) sounds a similarly optimistic note, point out that the “‘proper sphere’ of American woman was expanding, another illustration of the modernizing effect of the war” (p. 398). *United States History* (Lapansky-Werner, et al., 2010) casts the war as the opportunity for which women had been waiting—“Many women had long sought an active role in public life. The Civil War offered them new opportunities” (p. 378).

Among the books from this sample, *The Enduring Vision* (Boyer, et al., 2008) provides a strong account of the challenges facing women in the Civil War, presenting them as something more (and something worse) than an opportunity for modernization. This text phrases these challenges as often more emotional than economic or practical—the authors quote a Kentucky woman who commented, on the loss of Southern men to the war, that “there is a vacant chair in every house” (p. 450). When relating the experiences of nurses in the war, *The Enduring Vision* tries to connect the overall human devastation of the war to what these women endured: “Wherever they worked, nurses witnessed haunting, unforgettable sights. ‘About the amputating table,’ one reported, ‘lay large piles of human flesh—legs, arms, feet, and hands...the stiffened membranes seemed to be clutching oftentimes at our clothing’” (p. 454). While other texts contain similar descriptions and make similar efforts, *The Enduring Vision* manages to highlight the

changes to the status of women in America in a manner truly reflective of the difficulties involved.

### **Discontent on the home front.**

As the Civil War began to change from a limited war to what is euphemistically referred to as a “modern” war, the experiences and attitudes of noncombatants began to change as well. Discontent with the war became a standard occurrence, in both the North and the South. As the war grew in destruction and length, civilians on both sides began to challenge the standard assumption that the war was worth fighting.

For the men fighting, that had been an open question for some time. Historiographical works have thoroughly explored the effect that the changing nature of the war had on soldiers’ commitment to the fight and their willingness to endure. McPherson (1988) cites the worsening Southern economy, as well as the development of massive shortages (especially in salt) as the major reason why, starting in 1862, desertions began to plague the Confederate army. He cites a letter from one Mississippi soldier who wrote to his governor in late 1861, saying “Poor men have been compelled to leave the army to come home to provide for their families...We are poor men and are willing to defend our country but our families [come] first” (p. 440). In the Union army, desertions were a similar problem—after the disaster at the battle of Fredericksburg in 1862, men at one point were deserting at the rate of one hundred or more a day (p. 584).

The degree to which desertions were fueled by civilians is an open question. Olsen (2006) acknowledges that it is difficult to know what impact heart-rending letters from home might have encouraged men to leave the army, but the fact that such letters

existed and played a role is beyond question. Many such letters simply described the conditions facing soldiers' families, while others were open pleas for their loved ones to return—Olsen cites one such missive, by Mary Cooper to her husband Edward, warning him that “unless you come home, we must die.” By 1864 and early 1865, around half of all Confederate troops were absent without leave (p. 211). Williams (2005) quotes a North Carolina government official who said, “Desertion takes place because desertion is encouraged...And though the ladies may not be willing to concede the fact, they are nevertheless responsible” (p. 247).

While appeals from their families probably convinced many soldiers to go home, events on the home front encouraged greater discontent. As the southern economy began to disintegrate late in the war, shortages created a degree of civil unrest that undoubtedly impacted the war effort. Inflation was a particular plague, as enlisted soldiers' pay remained fixed at eleven dollars a month in spite of rapidly rising prices. Finally, in April 1863, several hundred women in Richmond, Virginia rioted and looted bread and beef from city stores; it took an impassioned plea by Jefferson Davis, followed by a threat to have troops shoot rioters, to put down the protests. These events were echoed in cities across the South, notably in Mobile, Alabama, where crowds carried signs that read “BREAD OR BLOOD” (Olsen, 2006, p. 186). By 1863, support for the war had waned throughout the South; the lack of fervor for the war effort was evident in the returns of the Confederate congressional elections of that year (Jefferson Davis, the president of the Southern states, had a six-year term, so his own popularity is difficult to measure). In Texas, half of the congressmen elected as pro-secession two years earlier were defeated,

while in Georgia only one of ten congressmen held their seats. Altogether, only half the incumbents in the southern Congress stayed in office (Williams, 2005, p. 101).

In the North, the Democratic Party—which had been opposed to the war practically from its beginning—helped to focus popular discontent. From a social perspective, the New York City draft riots are often viewed as the singular event that represented popular unrest over the war; but these riots are often viewed as an isolated event, fueled as much by class distinction and resentment over African-Americans as by anger over the draft. In truth, the resistance to the draft was truly a national event, spanning both North and South, as lower- and working-class people in both regions viewed the attempt at conscription as a violation of personal and states' rights (especially in the Confederacy) and as a defense of what had become a “rich man's war, poor man's fight” (Williams, 2005, p. 280).

Textbooks often bring the issue of discontent among noncombatants into their narratives, but within the now-standard “mentioning” framework typical to this style. *America: History of Our Nation* (Davidson & Stoff, 2009) is fairly representative, as it presents the major issues in one separate section from the main narrative of the war. The authors concede that desertion “was a problem for both sides. Between 300,000 and 550,000 Union and Confederate soldiers left their units and went home” (p. 530). The draft, the text asserts, was deeply unpopular, resulting in riots throughout the North, with “the worst” in New York City. The authors state that rioters “destroy[ed] property and attack[ed] African Americans and wealthy white men,” though there is no explanation for why these two groups were particular targets (p. 530). *America: History of Our Nation* concludes this section on discontent with a reference to the “economic strain” felt

primarily in the South, with a depiction of the Richmond bread riots and a quote from a farm woman of North Carolina: “A crowd of we poor women went to Greensboro yesterday for something to eat as we do not have a mouthful of bread nor meat...I have 6 little children and my husband in the army and what am I to do” (p. 530)? While this section does adequately represent the major issues of popular anger over the war’s conduct, by embedding it as a segment of the larger narrative, the authors implicitly minimize it.

Other textbooks contain passages detailing popular unrest over the war. *Visions of America: a History of the United States* (Keene, et al., 2010) describes the bread riots of Richmond and other cities, as well as identifying the depth of Southern anger towards speculators and black marketers by including a contemporary cartoon and this text: “A cold-hearted speculator counts his profits as a hungry mother and child look through his window. ‘Anathema on him who screws and hoards/who rob the poor of wheat, potatoes, and bread,’ read the first two lines of the accompanying poem.” (p. 389) *America: Pathways to the Present* (Cayton, et al., 2007) describes the commonality of desertion, even quoting the same Mississippi soldier referenced by James McPherson (see p. 215 above). *Give Me Liberty!* (Foner, 2008) goes farther, not only relating the reality of desertion—the author quotes a Confederate official who noted that men “cannot be expected to fight for the government that permits their wives and children to starve” (p. 533)—but also pointing out the existence of Southern Unionists, chiefly present in antiwar societies throughout the Confederacy. *Give Me Liberty!* is the only text to include such a reference, and the author highlights the fact that “southerners loyal to the Union

made a significant contribution to northern victory...By the end of the war, an estimated 50,000 white southerners had fought in the Union armies” (p. 533).

In an interesting addendum, *The American Nation: a History of the United States* (Carnes, et al., 2008) addresses the issue of desertion by placing it within an analysis of a popular film, *Cold Mountain*, which showcases a fictional Confederate soldier who leaves the war and tries to return to his own home and loved one. The film, while fictional, does present the real dilemma soldiers faced with deciding whether or not to desert; the film shows the “the psychological effects of the loss of morale in the South, which man historians now regard as the best explanation for its defeat.” The text does a strong job of framing the issue of desertion and morale within a context with which modern audiences may be more familiar, and even highlights the manner in which film may tend to distort our understanding of real events: “*Cold Mountain* is not history. But the movie illuminates the anguish of those who cling to life and love rather than to a war effort that will likely fail” (p. 403).

There is considerable variety in the conclusions drawn by textbook authors with regard to the influence wielded by Southern civilians over the conduct of Confederate soldiers. On the one hand, textbooks like *The American Pageant* (Kennedy, et al., 2006) argue that Southern citizenry maintained its commitment to the cause until the very end: To the brutal end, the South mustered remarkable resourcefulness and spirit. Women buoyed up their menfolk, many of whom had seen enough of war at first hand to be heartily sick of it” (p. 452). On the other hand, *The Americans* (Danzer, et al., 2010), argues that the impact of civilian letters on soldier morale was considerable, and illustrates the problem of desertion by commenting that “In every Southern state except

South Carolina, there were soldiers who decided to turn and fight for the North—for example, 2,400 Floridians served in the Union army” (p. 362). The text goes on to include commentary on the “more than 100 open meetings” held in North Carolina in 1863 to demand an end to the war. The authors conclude:

Although these movements failed, by mid-1864, Assistant Secretary of War John Campbell was forced to acknowledge that active opposition to the war “in the mountain districts of North Carolina, South Carolina, Georgia, and Alabama menaces the existence of the Confederacy as fatally as...the armies of the United States.” (p. 362)

Some textbooks try to split the difference and highlight both division and unity, especially in the South as the war began to go against the Confederacy. *The American Journey* (Goldfield, et al., 2007), for example, details the issue of desertion and even provides an anecdote to illustrate how fervent antiwar sentiment had become: “In Randolph County, North Carolina, two women torched a barn belonging to a state official in charge of rounding up deserters. Incidents like these convinced authorities that women were mainly responsible for desertion in the last years of the war” (p. 443). The authors of this text relate how many religious citizens (especially women) had “concluded that it was God, not the Yankees, who had brought destruction on the South for its failure to live up to its responsibilities to women and children.” Yet despite this picture of despair and discontent, the authors still include evidence that many Southerners had not waned in both their patriotism and their ferocity: “One woman displayed the bones of a federal soldier in her yard and another hoped for a ‘Yankee skull’ to use as a jewelry box” (p. 443-444).



**Death and dying.**

The passage above alludes to what was undoubtedly the greatest calamity endured by noncombatants on both sides—the changing nature of death. While death in battle or in camp were ever-present threats for soldiers, the emotional and psychological trauma involved in wartime existence for civilians was a social hurricane that changed all Americans' perceptions of what it meant to live and die in the modern era. Reid Mitchell, in *The Vacant Chair: The Northern Soldier Leaves Home* (1993) casts the experience of war as a vast “coming of age” experience fueled by the tremendous death toll, “as if the nation could not really mature without a massive bloodletting, as if six hundred thousand deaths were some kind of adolescent rite of passage” (p. 18).

Drew Gilpin Faust, in *This Republic of Suffering* (2007), explored how the Civil War was a mechanism for the reconceptualization of death in 19<sup>th</sup>-century America. Prior to the war, there was a common understanding of what death was supposed to be, one that was strongly articulated given the close presence and ubiquity of dying at the time. The *ars moriendi*, the Good Death, dated back in Christian and cultural tradition to at least the fifteenth century, and had become standard code of practice for Americans facing their final trial. As Faust points out, by the 1860s the Good Death had been largely secularized and had “become as much a part of respectable middle-class behavior and expectations in the North and South as they were the product or emblem of any particular religious affiliation” (p. 7). The Good Death required an understanding of mortality and the victim's appreciation that the end (the *hous mori*, the hour of death) was near; additionally, it was expected that the person to die would do so at or near home, which was typical of the experience prior to the Civil War. There had been deaths in prior

American wars, but most of those were of limited duration or distance; the one truly foreign war, the Mexican-American War, had cost a comparatively few 13,000 lives, with only 2,000 of those from wounds in battle (Faust, 2007, p. 55). The Civil War was monumentally different in both expectations before the war and the experience of it—American soldiers were dying in shocking numbers, their bodies torn and mutilated by powerful new weapons, their corpses unidentified, buried in mass graves, unclaimed. Indeed, possibly the most difficult aspect of the national calamity was the fact that so many young Americans were dying far from home, without prospect for recovery by their families. The sheer volume of death in the Civil War created a rent in the social fabric of the nation, both North and South, as families struggled to endure the pain that came not only from the loss of their loved ones but also the inability to reconcile their deaths within cultural norms. As Faust puts it, “the blow that killed a soldier on the field not only destroyed that man but also sent waves of misery and desolation into a world of relatives and friends, who themselves became war’s casualties” (p. 143).

Though living with the loss of family members or loved ones was a common experience for practically all civilians, there was a particular manifestation of violence and death that was especially terrifying for many Americans. As the war progressed into its latter stages, the lines between combatant and noncombatant began to blur, especially in areas like Missouri, where arguably the war had started several years before Fort Sumter. Pro-Confederate guerrillas in that state had conducted vicious attacks against both Northern soldiers and civilians suspected of pro-Union sentiments. In response, Union troops had paradoxically adopted similar tactics in an effort to make the guerrillas submit—in the words of one Iowan, “Just shoot them down wherever we find them. In so

doing we can soon make them sick of their own work” (Fellman, 1989, p. 167). Violent reprisals and counter-reprisals became the order of the day, and any sense of social normality began to fragment in light of a war that had ceased to be a conflict between two national ideologies. Michael Fellman, in his work *Inside War: The Guerrilla Conflict in Missouri During the American Civil War* (1989), points out that “the war undermined their social security and eroded their ability to remain within the moral structure in which they believed” (p. 264). Fellman asserts that the essential nature of the Civil War, in Missouri but also present throughout the conflict, made a lasting commitment to “just war” principles difficult—“In a civil war, with neighbor attacking neighbor, justice was impossible” (p. 266). The Civil War’s impact on civilians would become more pronounced as the Union army began its move into Southern states in 1863-1864, and the war became a daily manifestation in the lives of citizens throughout the Confederacy.

Several textbooks acknowledge the changing nature of death and its impact on noncombatants, but often only in an inferential manner. *America: Pathways to the Present* (Cayton, et al., 2007) quotes Confederate diarist Mary Chesnut, who acknowledges the horrifying losses the South was suffering, both strategically and in terms of human costs: “Battle after battle—disaster after disaster...Are we not cut in two?...The reality is hideous” (p. 386). *The American Journey* (Goldfield, et al., 2007) refers to the nature of civilian suffering in the wake of the war: “fatherless children, women who never married, families never made whole” (p. 452). Other textbooks do contain descriptions of the lasting effects of the war among the civilian population (see below, “Proportionality”). Most textbooks, though, focus on the experience of death in battle, and thus tend to minimize their depictions of civilian suffering. This is perhaps

understandable—textbooks only have a limited amount of space for coverage of any topic, and authors and editors must make decisions about what goes and what stays throughout a given narrative. Yet providing an incomplete description of what a conflict like the Civil War did to American lives both in combat and at home does not adequately equip our students with the content knowledge necessary to make informed moral decisions about U.S. policies.

Two textbooks include sections detailing the advancements in communications and the manner in which this brought the reality of battle and death home to the civilian population. *Give Me Liberty!* (Foner, 2008) describes the “immediacy” with which news of the war was brought back to the home front, with the presence of war correspondents alongside the armies and quickly-published lists of casualties in newspapers across the country. In 1862, photography became the mechanism through which an understanding of the reality of war began to seep into the American consciousness, and *Give Me Liberty!* acknowledges the ability of this “infant art” to carry “images of war into millions of American living rooms” (p. 509). Similarly, *Visions of America: a History of the United States* (Keene, et al., 2010) contains a large subsection on the rise of photography, including a profile of prominent photojournalists like Matthew Brady, Alexander Gardner, and James F. Gibson. The authors here contrast two images of war—one, a famous Currier and Ives lithograph of the First Battle of Bull Run, and the other an Alexander Gardner photograph of the field of Antietam (see Figure 6):



Figure 6: “Images as History: Photography and the Visualization of Modern War,” from *Visions of America: a History of the United States* (Keene, et al., 2010) p. 386-387

In the text prior to the two pictures, the authors point out that the advances in photographic technology prior to the Civil War “allowed Americans to see what traditionally had been left to the imagination or an artist’s pen or brush: actual images of war’s carnage and destruction.” The text encourages students to notice the contrast between the two pictures—the Currier and Ives illustration that captured the standard belief that “the war would be short, glorious, and victorious,” and the authors follow this with a question which allows students to critique the impact of modern warfare on such a preconception: “How did Gardner’s grim image compare to the Romantic visions of war Northerners and Southerners expressed at the outset of the conflict? How do you imagine such images shaped the public’s attitude toward this and future wars” (p. 386-387)?

**Vicksburg.**

One of the most notable examples of civilian suffering in the Civil War was the siege of Vicksburg. This city on the Mississippi River was considered a lynchpin of the Confederate defense and was the subject of an extended attack by General Ulysses S. Grant which, at the time, was considered even more important than the Southern defeat at Gettysburg. Once the city fell—on the same day General Robert E. Lee was driven from southern Pennsylvania—it seemed the war might end in mere months. While this was not to be, the siege at Vicksburg is emblematic of the manner in which civilians would be forced to endure the war, as it was changed from a limited war mainly conducted by and between soldiers to a wider conflict, in which noncombatants were caught.

Olsen (2006) illustrates the trauma inflicted on Vicksburg's residents during the siege from the winter of 1862 through the summer of the following year. Food ran out, and soldiers and civilians alike were forced to make due on "mule meat, rats (which were 'hung and dressed' in the market, according to one resident), water-soaked leather, and dirt paste." Black humor ruled the day—a "menu," presumably written by a citizen of Vicksburg, was found after the battle and published around the country. It included items such as "mule side stewed, new style, hair on," "mule foot," and "mule hoof soused" (Olsen, p. 176). Such good humor, sardonic though it was, gave way as the siege ground on—McPherson (1988) relates that eventually, skinned cats were also featured alongside mule meat in market windows, and anxiety built to a dangerous level. One Confederate officer predicted that, if the siege went on much longer, "a building will have to be arranged for the accommodation of maniacs" (McPherson, 1988, p. 634). Residents were

forced to dig caves in hillsides in and around the city in order to avoid Union artillery, which rained down without regard for specific targets.

Many textbooks join Gettysburg and Vicksburg in their narrative; for example, *America: History of Our Nation* (Davidson & Stoff, 2009) states that “decisive battles at Gettysburg and Vicksburg would change the war’s course and enable the Union to win the Civil War” (p. 533).

While this seems a natural editorial choice (since they both ended on the same day), but historically disingenuous, since this infers the two battles were joined operations. In one sense, they were—the invasion of southern Pennsylvania was approved by Jefferson Davis at least in part in order to relieve the pressure on Vicksburg (Olsen 2006, p. 165). But aside from broad strategic purposes, the two events were operationally separate. The major content focus, with regard to Vicksburg, is the deprivations endured by residents of the city after the Union army, under General Grant, opted for a siege rather than a frontal assault. *America: History of Our Nation* captures the most visceral elements in its description: “day after day, Union guns bombarded Vicksburg. Residents took shelter in cellars and in caves they dug in hillsides. They ate mules and rats to keep from starving” (p. 535). *America: Pathways to the Present* (Cayton, et al., 2007) aims for the same sense of scarcity, but focuses its narrative on the suffering of the soldiers rather than civilians: “By late June, Confederate soldiers’ daily rations were down to one biscuit and one piece of bacon per day” (p. 408). *The American Pageant* (Kennedy, et al., 2006) does something comparable, focusing its attention on the “garrison” rather than the citizenry—moreover, in addition to relating how the soldiers of the Vicksburg garrison were “reduced to eating mules and rats,” the authors describe the

siege as “[Grant’s] best-fought campaign of the war” (p. 467). *The Americans* (Danzer, et al., 2010) also describes primarily soldiers, including their final appeal to Confederate commanders—“If you can’t feed us, you’d better surrender” (p.360)—but only refers to noncombatants peripherally.

The manner in which the civilians of Vicksburg were reduced to lives of basic survival was a consequence of policy decisions, both on political and military levels, to broaden the war’s scope and impact on noncombatants in the South. This policy, referred to as total war, is best exemplified by, and most often featured in textbooks as a corollary topic of, General William T. Sherman’s infamous “March to the Sea,” the second event to be examined under *jus in bello*.

### **Sherman’s “March to the Sea”**

The second component of the historical narrative analysis is aimed at one of the most famous events of Civil War history, the Union Army’s march from Atlanta, Georgia, to the coastal city of Savannah, under the command of General William T. Sherman. When Ulysses S. Grant ascended to the overall commander of the Union army in 1864, he had already made the decisions that would transform the war. Unlike other Northern generals, Grant understood that the traditional elements of warfare in which most members of the officer corps had been trained were poorly suited for both resolving the war and for taking advantage of the North’s material and numerical superiority. Grant’s plan was to wage a relentless campaign of nearly constant fighting, forcing the South to defend all fronts at the same time and forcing them to replace soldiers lost to death, disease and injury—which they could not do. In addition, Grant planned to deny



the Confederate forces any advantages that might help them sustain the war—which meant the destruction of material and property on a scale previously unimagined in the history of war. Termed “modern warfare,” it is featured prominently in the majority of textbooks in this study.

There is considerable debate in many historiographical works about the development and necessity of “total war.” The primary innovation of Grant’s military policy was not just destruction for its own sake—Grant had realized that eliminating the Confederate army (especially the forces under the control of Robert E. Lee) was his main objective. His initial orders to subordinate Union generals bore out this point; to George Meade, he instructed “Lee’s army will be your objective point... wherever Lee goes, there will you go also.” To William Sherman, Grant gave orders “to move against [Confederate General Joseph E.] Johnston’s army, to break it up, and to get into the interior of the enemy’s country as far as you can, inflicting all the damage you can against their war resources” (McPherson, 1988, p. 722).

The “total war” strategy is often conflated with the aggressive state of near constant fighting that Grant perpetuated upon his rise to command. The vicious battles around Richmond, Virginia—including Spotsylvania and Cold Harbor—produced overwhelming casualties that stunned the North. But in truth, these are separate issues; the policy at issue here is Grant’s directive to purposefully destroy Confederate property, both public and private.

To what degree this policy truly represented a move towards “total” war is where intense debate lies among historians. Mark Grimsley, in *The Hard Hand of War: Union Military Policy Toward Southern Civilians 1861-1865* (1995) has argued that the

traditional belief about “total war”—that Union armies waged “an immoral war in an immoral fashion”—is a myth rooted in three major foundations. First, “Redeemer” politicians who came to power in the midst of Reconstruction used this account to convince fellow white Southerners that they had suffered a “terrible wrong.” Second, it served the growing Southern belief, false though it was, that the Confederacy had been beaten primarily by brute force and not by military skill on the part of the Union. And third, the account of Northern brutality helped explain the economic crises that devastated the South in the wake of the war (Grimsley, 1995, p. 219). The legend has endured, Grimsley asserts, for a variety of reasons: in the midst of World War I, people revolted by the mass slaughter of the Western front began to conflate Grant and Sherman’s policy with it; additionally, the “total war” strategy dovetailed with the attitudes of those who felt that in war, any tactic which hastened the end of the conflict was morally acceptable (though Grimsley views this as a dangerous oversimplification of the actual policy). Finally, in the wake of the 20<sup>th</sup> century’s immensely destructive conflicts, it became commonplace for historians to consider the Civil War the starting point for “modern” strategy that led to such devastation (p. 221-222).

Grimsley asserts that even the term “total war” is a poor descriptor of the actual policy, and he has proposed the term “hard war” to more completely represent, in particular, what William Sherman pursued in Georgia in 1864. Grimsley considers the “hard war” strategy consistent with military practice stretching back hundreds of years, and he differentiates it from “total war” primarily in that the latter had a greater emphasis on extensive mobilization of manpower, something that was not present in the actual practice of the “hard war” variant. Essentially, the Northern government decided, in the

wake of several high-profile losses in the summer of 1862, to move from a policy of conciliation (derived from the initial hope that the war might be a limited one, in goals and duration) to a policy with “less regard for its effect on Southern society,” one which endorsed the destruction of public property and “the property of private persons who supported the Confederacy, especially the wealthy” (p. 3-4). The degree to which this is a moral policy is a matter of debate, as is the degree to which the policy was followed as strictly as Grimsley might assert. The term “total war” will be used in this study, given that none of the textbooks in this sample make the distinction that Grimsley and other historians who use the term (including Bruce Catton and James McPherson) do.

McPherson (1988) points out that Sherman’s March was, in some ways, spurred on by the Confederates themselves. In an attempt to harass the Union army after its capture of Atlanta, John Bell Hood’s troops had conducted a series of attacks outside the city, especially on the railroads. This exasperated Sherman, and he finally petitioned Grant for the chance to go on the offensive. Sherman claimed that if he could “move through Georgia, smashing things to the sea...instead of being on the defensive I would be on the offensive” (p. 808). In justifying his plan to the mayor of Atlanta (just prior to ordering the mandatory evacuation of the city and then its destruction), Sherman elaborated a theory of war that has been much quoted since:

War is cruelty and you cannot refine it...We are not only fighting hostile armies, but a hostile people, and must make old and young, rich and poor, feel the hard hand of war...We cannot change the hearts of those people of the South, but we can make war so terrible...[and] make them so sick of war that generations would pass away before they would again appeal to it. (p. 809)

Sherman's army left the remains of Atlanta on November 15. Making a dozen miles a day, the Union troops burned everything of military value ("a broad definition," McPherson terms it) and left a trail of devastation wherever they went. The army was trailed by "bummers," most of whom were Northerners—though a significant number were Georgia unionists and newly freed slaves—who, foraged across the countryside and "helped themselves to anything they wanted from farms, plantations, even slave cabins" (McPherson, 1988, p. 810). The greatest damage, though, was at the hands of Sherman's troops, who wrecked anything and everything that had conceivable value; though, as Grimsley points out, these troops never harmed a Southern civilian physically. There might have been soldiers who would have been willing; Olsen (2006) quotes an Illinois soldier, who, when he heard that Rebel newspapers were exhorting Southern citizens to resist Sherman, said, "Let them do it if they dare. We'll burn every house, barn, church, and everything else we come to; we'll leave their families homeless and without food; their towns will *all* be destroyed" (Olsen, p. 214).

After taking Savannah on December 21, 1864, Sherman and his men turned northward into South Carolina, the heart of secession, and raised even more havoc. The will of Sherman's men to punish South Carolina for what was considered the original sin of secession—one soldier commented that "We will let her know it isn't so Sweet to secede as she thought it would be" (Grimsley, 1995, p. 201). Eventually Sherman took the capitol of Columbia, which was burned under mysterious circumstances on February 17, 1865. Often cited (especially in contemporary accounts) as his worst atrocity, Sherman probably doesn't deserve all the blame for the city's destruction. Olsen (2006) states bluntly that Sherman's men burned Columbia, though McPherson (1988) claims

that the burning was done by a miscellaneous cast of figures, including drunken Northern soldiers, disgruntled Union prisoners, evacuating rebel troops, and possibly even some of the ubiquitous “bummers” (p. 828).

The degree to which the destruction in Georgia and South Carolina was a result of orders is debatable. Certainly, Sherman advocated a “hard” policy towards Southerners, and his men were happy to comply. And there is little doubt that the destruction was effective; as Grimsley (1995) argues, prior to Sherman’s march the Confederacy still had working railroads and food to eat, and in fact still did, even at the end of the war. What the March, and the policy that attended it, had proven was that Confederates could not stop a Union army from roaming at will and destroying at its leisure; and this resulted in a massive loss of national confidence and will to fight, which did more to end the war than any other factor associated with Sherman’s efforts (p. 203). But whether or not Union leadership anticipated or approved of the level of destruction, especially in South Carolina, is a matter of some dispute. There were multiple incidents where properties were burned “without official sanction.” Sherman himself estimated the total damage done to be around \$100 million, though he thought that only around \$20 million worked directly to the Union’s military advantage. The rest was “simple waste and destruction” (Grimsley, 1995, p. 200).

Textbooks in this sample all cover Sherman’s march, and all of them present “total war” as a natural evolution of policy, brought on by the undeniable modernity of the Civil War. *America: History of Our Nation* (Davidson & Stoff, 2009) describes Sherman as “tough soldier,” one who “believed in total war—all-out attacks aimed at destroying an enemy’s army, its resources, and its people’s will to fight.” After citing

Sherman's comment about "the hard hand of war," the text gives a brief description of the destruction created during the "March to the Sea," and then ends the section with a brief student prompt: How did Sherman show "the hard hand of war" (p. 536)? There is no attempt to critique the policy in question; the text implicitly endorses the position that "total war" was an inevitable step forward in an already devastating war.

Most textbooks echo this premise—that "total war" was a precursor to the modern war that would become typical in the 20<sup>th</sup> century. *Give Me Liberty!* (Foner, 2008) says simply, "Here was modern war in all its destructiveness" (p. 540). *Visions of America: a History of the United States* (Keene, et al., 2010) asserts that the campaign demonstrated the effectiveness of a tactic that would become central to modern warfare in the twentieth century: bringing the conflict to the civilian population to undermine its willingness to continue supporting the war" (p. 399-400). *The American Journey* (Goldfield, et al., 2007) describes Sherman's policy as an attempt to finally end the war—"he proposed to break Confederate resistance once and for all by marching his army to the sea and destroying everything in its path" (p. 447-448).

*American Nation: A History of the United States* (Carnes, et al., 2008) makes particular mention of the impact of the Union army's passage through Georgia on the residents of South: "Another object of Sherman's march was psychological. 'If the North can march an army right through the South,' he told General Grant, Southerners will take it 'as proof positive that the North can prevail'" (p. 404). Again, there is no opportunity for students to critique the morality or virtue of the "total war" approach. *The Enduring Vision* (Boyer, et al., 2008) characterizes Sherman's burning of Atlanta as simply practical—"This harsh measure relieved him of the need to feed and garrison the city" (p.

457)—and seems to view the “havoc” as merely part of Sherman’s grand strategy. The authors include Sherman’s estimate of “about a hundred million dollars’ worth of property” in destruction, but does not include his admission that only a small percentage of that destruction directly aided the Union war effort (p. 458) One textbook, *United States History* (Lapansky-Werner, et al., 2010), does allow students an opportunity to consider the perspectives involved in justification for this policy, but the prompt is one-sided and effectively reinforces the concept that “total war” was a necessity: “Why do you think General Sherman felt justified in destroying civilian property during his march through Georgia” (p. 387)?

Sherman’s personality and pugnacity is the subject of several textbook narratives. *The American Nation: A History of the United States* (Carnes, et al., 2008) presents Sherman as a philosophical match for Grant, both of whom are depicted as military thinkers well beyond the ken of their peers: “Far more completely than most military men of his generation, Sherman believed in total war—in appropriating or destroying everything that might help the enemy continue the fight” (p. 399). *The American Pageant* (Kennedy, et al., 2006) describes Sherman as “grim-faced and ruthless,” a “pioneer practitioner of ‘total war’” who succeeded in “Shermanizing” the South by crushing it (p. 468). This text is particularly admiring of Sherman and his tactics—though they do admit that “that the discipline of his army at times broke down, as roving riffraff (Sherman’s “bummers”) engaged in an orgy of pillaging,” the authors conclude by asserting that, “although his methods were brutal, he probably shortened the struggle and hence saved lives” (p. 468).

Only one textbook seeks to include a civilian voice in its depiction of Sherman's March. *The Americans* (Danzer, et al., 2010), in the midst of its general narrative, inserts a section titled "A Personal Voice," which quotes a Georgia girl, Eliza Frances Andrews, on her view of the Union advance:

The fields were trampled down and the road was lined with carcasses of horses, hogs, and cattle that the invaders, unable either to consume or to carry away with them, had wantonly shot down, to starve out the people and prevent them from making their crops...The dwellings that were standing all showed signs of pillage...while here and there long chimney stacks, "Sherman's sentinels," told of homes laid in ashes. (p. 364)

Several textbooks frame Sherman's March against the presidential election of 1864. *America: Pathways to the Present* (Cayton, et al., 2007) sets the stage by introducing the concept of "total war" as a sensible move, primarily by starting the narrative with a famous Sherman quote: "War is cruelty...There is no use trying to reform it. The crueller it is, the sooner it will be over" (p. 414). Describing Sherman as a "tough" officer, the text characterizes his march to Savannah as a "daring" move that would, in the general's words, "make Georgia howl" (p. 414). The connection to the 1864 election is established at the end of the section. Lincoln, facing a difficult reelection bid, found the pressure lessened once Sherman captured Atlanta; the fall of Savannah in December was a second piece of good news for the nation and the President's chances at another term. The text relates the now-standard account of Sherman's destruction, and follows with this question: "What had the South hoped for in the election of 1864? Why did the election turn out differently" (p. 415)? *The American Nation: A History of the*



*United States* (Carnes, et al., 2008) is similar in its treatment of the impact the March had on the presidential election: “Sherman’s victories staggered the Confederacy and the anti-Lincoln forces in the North. In November the president was easily reelected, 212 electoral votes to 21. The country was determined to carry on the struggle” (p. 404).

Sherman’s treatment of South Carolina is often presented as a form of grim justice. *The Americans* (Danzer, et al., 2010), describes the Northern advance into South Carolina by presenting the army as a sort of mechanism of abolition: “Following behind them now were about 25,000 former slaves eager for freedom” (p. 364). The destruction in South Carolina was even worse than in Georgia, but the text characterizes it as rough retribution: the authors quote a Union private who said, “Here is where treason began, and by God, here is where it shall end” (p. 364). Interestingly, in spite of this characterization, the authors felt the need to soften its interpretation of Sherman’s tactics by pointing out that, when the army moved into North Carolina, “they stopped destroying private homes and—anticipating the end of the war—began handing out food and other supplies” (p. 364). *Visions of America: a History of the United States* (Keene, et al., 2010) also represents the devastation of South Carolina as a result of that state’s role in secession; the burning of Columbia is described as a mixture of shared responsibility and harsh justice: “Evacuating Confederates and liberated slaves set some of the fires, but some were also started by Union soldiers motivated by vengeance against the state that for decades leading up to the war represented Southern nationalism and, ultimately, secession” (p. 400).

All in all, these textbooks present a picture of Sherman’s march that reinforces a central premise of the “official” narrative of war—that harsh measures were both a

necessity and an inevitability, that they shortened the war and ultimately saved lives on both sides. They do not present the nuances and moral ambiguity of Sherman's tactics; and they certainly do not include significant differing perspectives to allow students to comprehensively critique such wartime policy, from a moral standpoint.

### **Categorical Analysis**

The categorical analysis of textbook narrative descriptions of the wartime experience for combatants and noncombatants falls into the following categories: the benevolent quarantine and the ethical treatment of prisoners of war (POWs), means that may be considered *mala in se*, and proportionality.

#### **Benevolent Quarantine and Treatment of Prisoners of War (POWs)**

The treatment of prisoners of war (POWs) is, in the modern era, an issue of settled law. Brian Orend, in *The Morality of War* (2006) sums up the expectations of the international community with regard to the concept of "benevolent quarantine":

Benevolent quarantine means that captured soldiers can be stripped of their weapons, incarcerated with their fellows, and questioned verbally for information. But they cannot, for example, be tortured during questioning. Nor can they be beaten, starved, or somehow medically experimented on. They cannot be used as shields between oneself and the opposing side; in fact, the understanding is that captured enemy soldiers are to be incarcerated far away from the front lines. Very basic medical and hygienic treatment is supposed to be offered. (p. 110)

Many of these provisions are now part of generally accepted universal codes like the Geneva Conventions; and a fair argument against considering Civil War conduct in light of these codes would be that they were not written and systematized until, most recently, 1949. It would be unfair to judge nineteenth-century figures against the moral codes of the twentieth century. But as mentioned earlier, the Civil War is unique, in terms of moral theories of war, for being the staging ground for the first real code of moral conduct in wartime—the Lieber Code.

In 1863, President Lincoln asked Francis Lieber, a jurist and professor at Columbia University, to create codes for military conduct. These were collated under the heading of the “Field Army Manual” (the full title was “Instructions for the Government of Armies of the United States in the Field”), and made official by President Lincoln as General Orders No. 100. They were also, in many ways, the first national formalizations of “just war” theory in world history (Orend, 2006, p. 20-21). Lieber encapsulated much of the “just war” tradition, particularly with regard to the treatment of prisoners. Lieber creates the concept that upon being taken prisoner, a soldier attains a status that commands certain restrictions on his captors’ behavior. For instance, in Article 56 of the Code, Lieber writes that “a prisoner of war is subject to no punishment for being a public enemy, nor is any revenge wreaked [*sic*] upon him by the intentional infliction of any suffering, or disgrace, by cruel imprisonment, want of food, by mutilation, death, or any other barbarity.” Similarly, in Article 79 of the Code, Lieber requires that “every captured wounded enemy shall be medically treated, according to the ability of the medical staff.” And finally, in Article 80, torture or mistreatment of prisoners is prohibited under what Lieber terms “the modern war” (Lieber, 2008). These provisions were an initial concrete

formulation of what Walzer (1977) considers the essential nature of a prisoner of war—“the captured soldier acquires rights and obligations specified [by “just war”], and these are binding without regard to the possible criminality of his captors or to the justice or urgency of the cause for which he has been fighting” (p. 46).

The issue of prisoners in the Civil War must be preceded by a related and certainly more historically celebrated topic. There are some events that are covered to a degree perhaps not commensurate to their importance in the larger narrative of the war’s outcome—e.g., the matter of the “ironclads.” At the other end of the spectrum, however, is the issue of African-Americans fighting for the Union. Black soldiers in the Union army had a decided impact on the outcome of the war, and additionally had great symbolic weight—McPherson (1988) pronounced it a marker of the “transformation of a war to preserve the Union into a revolution to overthrow the old order” (p. 565). The experience of black soldiers was distinct from that of white troops, both in terms of the dangers they faced and their treatment by both sides. All the textbooks in this sample feature sections on African-American soldiers, especially references to the discriminatory practices the Union army adopted in terms of training, equipment, and pay. Additionally, several highlight the threats faced by black troops in the form of duty to which they were often exposed: *The Enduring Vision* (Boyer, et al., 2008) points out that “black soldiers suffered a far higher mortality rate than white troops. Typically assigned to labor detachments or garrison duty, blacks were less likely than whites to be killed in action but more likely to die of illness in the disease-ridden garrisons” (p. 443).

Many books in this sample include references to the 54<sup>th</sup> Massachusetts Regiment, the first all-black unit allowed to fight in the war. *America: History of Our*

*Nation* (Davidson & Stoff, 2009) is fairly typical, in its description of the “pride and courage” displayed by black troops, their eventual endorsement by initially skeptical Union officers (the text quotes a general who said of his troops, “They make better soldiers in every respect than any troops I have ever had under my command”), and the specific bravery displayed by the 54<sup>th</sup> in their assault on Fort Wagner, South Carolina, a section in which the prose becomes charged with imagery:

The unit volunteered to lead the assault. As the soldiers charged, Confederate cannon fire rained down. Yet the 54<sup>th</sup> reached the top of the fort’s walls before being turned back in fierce hand-to-hand fighting. The regiment suffered terrible losses. Nearly half of its soldiers were casualties. (p. 527)

One textbook, *The American Nation: A History of the United States* (Carnes, et al., 2008), even includes a section analyzing the actual historical event to a popular film, *Glory*, the release of which in 1989 did much to popularize the story of the 54<sup>th</sup> Massachusetts. While the bravery of these men is without question, and the characterization of African-American soldiers is an apt one, of greater concern in this study is the position black troops occupied from a “just war” perspective. In particular, the treatment accorded to African-Americans by the Confederacy led to a series of policy decisions, both in the North and South, that led to a failure by both sides to adhere to “just war” conditions.

Shortly after news of the formation of black units began to spread across the nation, the Confederate Congress issued a proclamation that announced the new Southern policy towards black soldiers. If a black soldier was taken in arms against the Confederacy, he would immediately be returned to a state of slavery (even if, as was

sometimes the case, the soldier in question had never been a slave). If a black soldier was captured while wearing a federal uniform, he would be summarily executed, without trial or appeal. White officers taken in command of black troops (as was initially the condition under which African-Americans were allowed to serve in the Union army) would be considered to be “criminals engaged in inciting servile insurrection,” and would also be executed (Olsen, 2006, p. 152). This policy had major and horrendous implications in the conduct of the war.

President Lincoln reacted to the new Confederate policy by threatening retaliation, and the South never followed through on the policy to any official degree. There were, however, more than a few incidents—McPherson (1988) cites occasions where black prisoners of war were shot by Confederate troops, as were several white officers captured in battle. McPherson quotes a North Carolina soldier who, in a letter home, related how men of his unit had dealt with black soldiers taken captive—“several [were] taken prisoner & afterwards either bayoneted or burnt. The men were perfectly exasperated at the idea of negroes opposed to them & rushed at them like so many devils” (p. 566).

Only a few textbooks from this sample address the events in question. *The American Pageant* (Kennedy, et al., 2006), for example, includes an illustration of the brutal treatment to which many black soldiers were exposed, as described by a Union sergeant:

All the negroes found in blue uniform or with any outward marks of a Union soldier upon him was killed—I saw some taken into the woods and hung—Others I saw stripped of all their clothing and they stood upon the bank of the river with

their faces riverwards and then they were shot—Still others were killed by having their brains beaten out by the butt end of a the muskets in the hands of the Rebels.  
(p. 463)

*Visions of America: a History of the United States* (Keene, et al., 2010) includes the most complete description of the peril facing African-American soldiers, referencing “the prospect of brutal treatment” they faced and the “acts of murder, torture, and mutilation against African Americans” that did occur throughout the war (p. 394). The most infamous example of this treatment came in 1864 at Fort Pillow, Tennessee, when Confederate soldiers under the command of General Nathan Bedford Forrest murdered several dozen black soldiers and their commander, who had surrendered. This textbook also includes the most complete description of this incident, including a graphic image to illustrate the danger faced by African-American soldiers:

In the most egregious incident[,] the Fort Pillow Massacre in Tennessee, Confederate troops murdered dozens of captured black soldiers at Fort Pillow in 1864. This image, which ran in a popular Northern magazine, was one of many that depicted Confederates as brutal and inhumane. Seeking to influence public opinion, Southern publications ran similar images that alleged Northern atrocities.  
(p. 394)

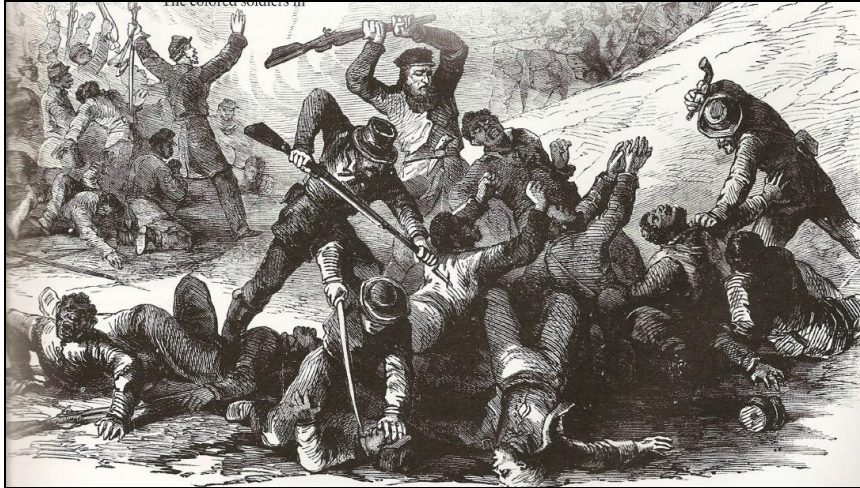


Figure 7: “The Massacre at Fort Pillow,” from *Visions of America: a History of the United States* (Keene, et al., 2010) p. 394

What is interesting about this selection is the moral equivalency evident in the final line—while it is true that the Southern press did attempt to disseminate accounts of allegedly similar Union acts, the inclusion of this fact only serves to ameliorate the Southern atrocity at Fort Pillow by inferring that such acts might have been perpetrated by both sides. *The Enduring Vision* (Boyer, et al., 2008) includes a far briefer description of the Fort Pillow massacre, but it makes a moral judgment that *Visions of America* does not, when it asserts that the “especially gruesome” murder of black troops “provoked outcries but no retaliation from the North.” (p. 443)

The treatment of black soldiers by the Confederacy, it could be argued, constituted a clear violation of “just war” tradition, which—though not formalized by any act of the Southern government, as in the North with the Lieber Code—was certainly a settled format between belligerents by this time, especially given the Confederate army’s roots in the United States military service prior to secession. Textbooks, though, give little to no opportunity for students to evaluate this distinction; only two textbooks



discuss the matter at all, and the rest focus primarily on the racism faced by African-American soldiers emanating from the North, where bigoted officers and politicians conspired to keep black troops from serving. In truth, though there was considerable discrimination towards African-Americans from their own side, textbooks tend to minimize an important consideration—given the lack of protection afforded to them by the Confederacy if they were captured, it was seen by many as inhumane to expose black soldiers to conditions that white soldiers were never expected nor asked to endure.

From a “just war” perspective, the Confederate decision to discriminate between Union soldiers on the basis of race led to the development of another morally contentious issue. From the beginning of the war, both sides had conducted periodic exchanges of prisoners taken in battle, a policy that was sensible for both the Union and the Confederacy, given the lack of facilities on both sides for long-term detention. The Confederate position on African-American soldiers and their refusal to return black troops after capture, however, compelled the Union to halt these prisoner exchanges, resulting in overcrowded conditions in prison camps for both sides. Five of the ten textbooks in this sample address prison camps in a significant fashion, and they do so generally after sections describing African-American soldiers; though only one— *The Enduring Vision* (Boyer, et al., 2008)—makes a concrete connection between the Confederate decision not to exchange African-American soldiers and the end to prisoner transfers as a whole.

Textbook depictions of prison camps provide ample evidence of “just war” violations by both sides. *America: History of Our Nation* (Davidson & Stoff, 2009) describes the prison camps as “deathtraps,” and points out that “nearly 10 percent of

soldiers who died in the war perished in prison camps” (p. 517). The text does not, however, establish why prison camps were so overcrowded, and it draws a parallel between camps in the North and South by comparing two of the most infamous, Elmira in New York state and Andersonville, in Georgia:

The Elmira camp, built to hold 5,000 Confederate prisoners, held 10,000. The camp cut rations to bread and water, forcing prisoners to eat rats to survive. Thousands died. At Andersonville, nearly 35,000 Union soldiers lived in a fenced, open field intended to hold 10,000 men. As many as 100 prisoners died each day, usually from starvation or exposure. (p. 517)

This is a false comparison—most historians consider the difference between Southern and Northern prisons to be considerable. McPherson (1988) points out that the Elmira camp provided barrack space “for the maximum of 9,600 captives living inside a forty-acre enclosure—an average of 180 square feet per man” (p. 796), in contrast to Andersonville, which provided an average of thirty-four square feet per man, with no shade or cover to protect them. *America: History of Our Nation*, in placing the two worst prisons side by side in its narrative, presents students with the implicit conclusion that both sides were harsh, both sides were in the wrong, and thus no judgment (or moral criticism, from a “just war” perspective) is justified.

Other textbooks also try to maintain equanimity between Northern and Southern prisons, though with varying degrees of success. *America: Pathways to the Present* (Cayton, et al., 2007) compares locations of the opposing sides’ prisons, and then pronounces that “the North and the South generally treated their prisoners about the same.” The text does, however, go on to make special mention of the Confederate prison

at Andersonville, describing it as “the exception” and highlighting the fact that “about 100 prisoners a day died, usually of starvation or exposure.” The authors also point out that the camp commandant, Major Henry Wirz, was the “only Confederate to be tried for war crimes after the South’s defeat. He was convicted and hanged” (p. 399). This comes, however, with no opportunity for students to consider why Andersonville might have been different, why Union prisoners were so poorly treated at that prison, and whether or not Wirz’s conduct amounted to war crimes (or, as some historians assert, added up to little more than rank incompetence, combined with supply issues beyond his ability to solve).

*The Americans* (Danzer, et al., 2010) does a better job in this area, connecting the problems facing the South as a whole to the troubles that plagued Southern prisons like Andersonville. The authors here even include the amount of space per prisoner—34 square feet per man (p. 356). It also includes a compelling description of the horrors faced by the prisoners within the site:

The prisoners had no shelter from the broiling sun or chilling rain except what they made themselves by rigging primitive tents of blankets and sticks. They drank from the same stream that served as their sewer. About a third of Andersonville’s prisoners died. (p. 356)

Additionally, *The Americans* distinguishes between the blame rightly affixed to Henry Wirz (though it provides no details or opportunities for critical thinking on the issue) and the manner in which national systemic problems facing the Confederacy trickled down to camps like Andersonville: “The South’s lack of food and tent canvas also contributed to the appalling conditions. In addition, the prisons were overcrowded

because the North had halted prisoner exchanges when the South refused to return African-American soldiers who had been captured in battle” (p. 356). Presumably in the interest of equivalency, the authors go on to describe Northern prisons like Elmira, New York, and Camp Douglas, Illinois, as “only slightly better”—yet, in the next sentence, the authors point out that “Northern prisons provided about five times as much space per man, barracks for sleeping, and adequate food.” It is true, as the text continues, that “thousands of Confederates, housed in quarters with little or no heat, contracted pneumonia and died...hundreds of others suffered from dysentery and malnutrition, from which some did not recover.” Again, though, *The Americans* distorts this attempt at parity by immediately following with this fact: “Historians estimate that 15 percent of Union prisoners in Southern prisons died, while 12 percent of Confederate prisoners died in Northern prisons” (p. 356).

The other two textbooks from this sample that speak of prisoners of war, *The Enduring Vision* (Boyer, et al., 2008) and *United States History* (Lapansky-Werner, et al., 2010), do so in different manners. *The Enduring Vision* covers much of the same territory as the previous texts in this area, pointing out the breakdown of prisoner exchanges led to prison overcrowding, “partly because the South refused to exchange black prisoners and partly because the North gradually concluded that exchanges benefited the manpower-short Confederacy more than the Union” (p. 455). This text’s attempt at parity between North and South is halfhearted, and tends to blame the South to a greater extent: “Union camps were not much better, but had lower fatality rates” (p. 455). *United States History*, on the other hand, gives only a pat description of prison camps, but does include a connection between the camps’ squalor and the larger issues facing the South: “With

their own troops starving, Confederates had little incentive to find food for Union prisoners” (p. 377).

The contemporary manifestation of the “just war” doctrine in use at the time, the Lieber Code, is quite particular on the issue of prisoners. The Union decision to halt prisoner exchanges is probably justified under this code and the “just war” tradition, given the Confederate threat to execute black soldiers if captured. The Union calculation that keeping Southern troops imprisoned to deny the Confederacy much-needed manpower is less justifiable—but the purpose of this study is not to critique the moral stance of textbooks, but only to assess its presence and applicability. In this case, the textbooks of this sample generally rely on their depictions of prison camps to illustrate the horrors of war, rather than to provide students with an opportunity for moral critique.

### ***Mala in se***

*Mala in Se* translates as “evil in themselves.” Generally this refers to activities that were well beyond the pale in the Civil War: mass rape campaigns; genocide, crimes against certain ethnic groups, the use of poison or disguising soldiers in the uniforms of the opposing side, forcing captured soldiers to fight against their own side, and using weapons “whose effects cannot be controlled, like biological agents” (Orend, 2006). Certainly, there were isolated examples of such behavior. There were instances of rape throughout the war, including a few reported assaults during Sherman’s “March to the Sea” (Grimsley, 1995, p. 199), but there were no organized campaigns to use rape as a weapon of terror or subjugation. The treatment of African-American soldiers may be considered a violation of “just war” principles, but it is more appropriate to critique those

policies under the provisions regarding the treatment of prisoners of war, rather than as an issue of *mala in se*. Poison was unheard of as a military strategy, and there were no weapons that could be construed as possessing the capability of mass destruction. Probably the closest the Civil War came to an issue of *mala in se* would be the use of siege, most famously against the city of Vicksburg.

Walzer (1977) devotes considerable attention to the siege tactic, calling it the “oldest form of total war,” the presence of which indicates that neither advances in technology or democracy have pushed the impact of war beyond the civilian population (Walzer, 1977, p. 160). The tactical approach to a siege—bombardment of the city, plus the denial of resources in an attempt to force the city’s residents and soldiers towards submission or risk starvation—is a violation of the status quo, says Walzer, and as an act of coercion that necessarily places the same burden on combatants and noncombatants, is both a violation of the “just war” admonition to discriminate between the two, as well as a prospective violation of the *mala in se* rule. Avoiding this dilemma, writes Walzer, means allowing passage out of the city to those who wish to leave. The “offer of free exit” then turns those citizens who choose to stay in the city “into something like a garrison; they have yielded their civilian rights” (p. 169). There would be military and practical considerations and numerous obstacles to such a policy’s implementation—but the point of “just war” is to make permissible a generally immoral activity, and thus the practical degree to which a policy may be enacted is of secondary importance. “If [a military commander] wants (as he probably will want) to lift his hands to heaven and say of the civilians he kills, “It’s not my doing,” he has no choice but to offer them the chance to leave” (Walzer, 1977, p. 170).

At Vicksburg (nicknamed “the Gibraltar of the West” by Confederates), Grant’s siege was typical of all sieges in its origin—his initial attempts to take the city by force failed, and he was compelled to surround it, for lack of a better strategy. After separate attempts to take the city in May 1863, Grant remained confident; the “fall of Vicksburg and the capture of most of the garrison can only be a question of time” (McPherson, 1988, p. 633). Prior to his approach to the city, many noncombatants tried to leave the city, but were unable to do so, given the shortness of time and the obstruction to roads caused by the retreat of the Confederate garrison back into the city. There was no serious attempt by General Grant, or any Union commander, to allow civilians to leave the city.

Does this comprise a violation of *mala in se*? There would be vigorous debate regarding whether or not Grant had violated his obligations, from a “just war” perspective, especially given Vicksburg’s unique status; it was one of the few classic sieges in the Civil War, one which involved a large number of non-combatants (which contrasts sharply with Grant’s own experience in siege, an entirely military affair at Fort Donelson the previous year). Grant’s decision to starve out the garrison, and by extension the civilian population, was reached only after traditional assaults on the city failed; at that point, “just war” admonitions against *mala in se* could be realistically applied.

From a textbook perspective, this argument is moot—there is no consideration, in almost all of the textbooks of this sample, of whether or not the strategy of siege against a civilian center or the tactics of widely dispersed bombardment were justified. *United States History* (Lapansky-Werner, et al, 2010) does present a question to students in the midst of a two-page graphic on the siege titled “Experience the Siege of Vicksburg” (p. 388-389), that asks “do you think Grant’s tactics at Vicksburg were warranted? Why or

why not?” Oddly, the next question seems to hint that the suffering of civilians during the siege was similar to that of Americans in the midst of events beyond all human control—“Do research to learn about recent natural disasters in the United States. How did those events impact Americans living in areas where they occurred” (p. 389)? In the bulk of the narratives in this study, the siege of Vicksburg—and the suffering of its citizens—is presented as a natural evolution of modern war, not an aberration or a morally questionable act.

### **Proportionality**

The “just war” condition of proportionality holds that a state may use only the force that is proportional to the desired outcome. This is a decidedly hazy definition. In recent decades, the concepts of “massive retaliation” (a product of the Cold War and its emphasis on weapons of mass destruction as a deterrent to conventional war) and “preemption” have further complicated an age-old question—if the goal is always to win the war, what force would be considered disproportionate?

The issue of proportionality is explored by many “just war” theorists. Brian Orend (2006), for example, asserts that “the aim should be to win the war without violating *jus in bello* at all,” but he does acknowledge that this admonition is complicated by a troubling possibility—“What if, ultimately, violating *jus in bello* seems to be the only way to stave off devastating loss” (p. 125)?

Orend (2005), in his essay “War,” postulates that soldiers “must restrain their force to that amount appropriate to achieving their aim or target,” and goes on to categorize “weapons of mass destruction” as “being out of proportion to legitimate



military ends.” Walzer (1977) accentuates this idea as an avoidance of excess, based on two considerations: first, the basic reality of “military necessity,” what must be done to win the war; and second, a comparison of the “mischief done” to the end of victory. Walzer admits, though, that this argument is a slippery slope—any argument for the utility of a wartime choice can rely on individual perspective for justification, and any critique of wartime decisions is based heavily on personal moral codes. Walzer’s application of proportionality to the Korean Conflict of 1950-1953 is meaningful—he characterizes the war in terms of the “need to balance the costs of continued fighting, against the value of punishing the aggressors” (p. 119). This, however, is a facet of proportionality that might be more appropriately applied to the change in Union strategy that was ushered in by Ulysses S. Grant, “total war.”

From a “just war” perspective, then, it is difficult to critique textbook accounts, given their generally diffuse moral content and the haziness of the proportionality rule. But there are two aspects of proportionality that can be measured, from a textbook narrative perspective—to what degree was the adoption of “total war” as an overarching policy a violation of proportionality, and to what degree do textbooks incorporate the idea that the massive effusions of bloodshed were necessary to achieve victory in the war?

Ulysses S. Grant is typically identified as the inventor and implementer of “modern war,” in most textbooks, though the ultimate decisions regarding its use were made by Abraham Lincoln. Most textbooks conflate the tactical approach of William Sherman (exemplified in his “March to the Sea”) and that of Grant; though in reality they were similar facets rather than identical iterations of the same policy. Sherman’s goal was to break Southern morale and to destroy civilian support, both materially and

psychologically, while Grant's intent was to use the North's numerical advantage to press the Confederacy simultaneously on multiple fronts. The two policies, in light of proportionality, should be divorced and considered separately.

Sherman's policy of destruction is mostly overstated in textbooks. Mark Grimsley (1995) views the "March to the Sea," as well as other examples of Sherman's conduct towards civilians (particularly his campaign against Jackson, Mississippi, after the fall of Vicksburg), as the result of a hardheaded but pragmatic policy, with the worst destruction carried out practically in defiance of Sherman's restrictions against "pillage, plundering, and rowdyism" (Grimsley, 1995, p. 160). The worst devastation was carried out by the "bummers," the non-military hangers-on that followed Sherman throughout Georgia; or, it was perpetrated by Sherman's own troops, in response to local provocation or pure spite, brought on almost understandably by the unrelenting grind of over three years' worth of war.

Textbooks, however, don't focus on the discrepancy between Sherman's policy and its execution; nor do they consider whether or not attacks on civilian property might be disproportional to the cause that preceded them. There is no criticism of the moral foundation behind commentary such as this, from *The American Pageant* (Kennedy, et al., 2006): "One of his major purposes was to destroy supplies destined for the Confederate army and to weaken the morale of the men at the front by waging war on their homes" (p. 468). The narratives in this sample present Sherman's March as attendant to Grant's shift to "total war," and largely conceptualize the tactic of destruction of civilian property as a pragmatic approach or as a virtually revelatory experience, where Americans began to understand what "modern war" was. *The*

*American Nation: a History of the United States* (Carnes, et al., 2008) describes the economic motive of such destruction as “obvious,” and includes a quotation from General Sherman to his wife, reflecting on how his army’s progress was indicative of the true nature of war—“We have devoured the land...All the people retire before us and desolation is behind. To realize what war is one should follow our tracks” (p. 399). *The Enduring Vision* (Boyer, et al., 2008), too, uses Sherman’s perspective to justify the March and its purposes, using his comment that South Carolina, as the birthplace of secession, “deserves all that seems in store for her” (p. 458).

The authors follow this with the most ubiquitous Sherman quotation—“War is cruelty and you cannot refine it”—and concludes the section with a further reinforcement of the perspective that such policies were justified: “Those who brought war into our country deserve all the curses and maledictions a people can pour out” (p. 458).

Together with this sense of pragmatism is a brand of inevitability, again located in the text’s reliance on William Sherman’s perspective for moral justification. *United States History* (Lapansky-Werner, et al., 2010) includes a lengthy quotation from Sherman to James Calhoun, the mayor of Atlanta, who appealed to the Union general in September 1864 to spare his city after its occupation. Sherman replied as follows:

You might as well appeal against the thunder-storm as against these terrible hardships of war. They are inevitable, and the only way the people of Atlanta can hope once more to live in peace and quiet at home is to stop the war...We don’t want your negroes or your horses or your houses or your lands...but we do want, and will have, a just obedience to the laws of the United States. That we will

have, and if it involves the destruction of your improvements, we cannot help it.  
(p. 387)

This quotation infers a position on war that is chronic in many of these narratives. War is something that happens *to* us, not *because* of us; war is as inevitable and uncontrollable as a “thunder-storm,” an event that proceeds without human agency or ownership. The statement infers a responsibility on the part of the war’s victims, who must “stop” the war to cease its horrors. Sherman’s conclusion—that the destruction is practically beyond his control, and that without Southern submission he “cannot help it”—is part explanation, part absolution, and textbooks largely allow such a view to go unchallenged.

This is not true for all textbooks, though. Some do include the possibility for critique of this aspect of “total war,” though such opportunities are generally incoherent in their moral foundations. *America: Pathways to the Present* (Cayton, et al., 2007), for example, features a picture of Sherman’s men pulling up railroad ties, and asks students, “What kinds of destruction are the Union troops causing here? What are the strategic purposes of this destruction” (p. 413)? There is moral value in these questions, though it seems unlikely that most students would move substantially beyond the practical purposes of such acts, rather than to ethical considerations. Put another way, an average student would probably respond to a prompt such as this by thinking about the economic and material damage that would be done to the Southern war effort, rather than extending the thought into whether or not such a policy was moral to pursue.

*United States History* (Lapansky-Werner, et al., 2010) does provide a student prompt after its depiction of Sherman’s response to James Calhoun, but it only involves

asking students to restate Sherman's own reasoning, rather than to challenge it: "Why do you think General Sherman felt justified in destroying civilian property during his march through Georgia" (p. 387)? Additionally, this text provides certainly the most comprehensive assessment for students regarding Sherman's March and the policy of "total war"—a "Document-Based Assessment" (p. 399) that incorporates four different primary sources and differing perspectives on the issues involved. One of the documents—a quote from William L. Barney's *The Reader's Companion of American History*—points to the "brutal logic" of Sherman's policy and his unwillingness to mawkishly "sentimentalize" the war. The final document, drawn from Milford Overley's "What 'Marching Through Georgia' Really Means" (a reference to a popular Northern song about the event) labels Sherman "cruel," guilty of "deeds of barbarism." These documents provide a genuine opportunity for significant moral critique of the "total war" policy; the student prompts regarding these documents, though, are comparatively low-level, asking students to identify which documents "focus on southerners reacting to total war," and requiring them to describe in writing the "impact" total war had on the South. Still, *United States History* outperforms practically all other textbooks in this regard.

*The Americans* (Danzer, et al., 2010) does include one of the few expressly critical prompts of Sherman's policy and their moral value, though it does so with an inferred presupposition—in a section titled "Evaluating Decisions," the authors ask students, "Grant and Sherman presented a logical rationale for using the strategy of total war. Do you think the end—defeating the Confederacy—justified the means—causing harm to civilians? Explain" (p. 365). The text introduces the prompt by conceding the "logic" of total war, without subjecting the policy itself to scrutiny; the question does,

however, allow students the opportunity to morally question the worthiness of “total war” as a wartime strategy, though it may require a degree of sophistication on the part of the student (the ability to differentiate levels of “harm,” for example) that may be unreasonable to expect.

*America: Pathways to the Present* does include one of the few military perspectives that questions whether the “March to the Sea” was a moral enterprise. The text includes a section titled “American Heritage: My Brush with History,” a first-person narrative by David Coyneham. Coyneham, a journalist and also an officer in Sherman’s army, wrote extensively about the army’s travel through the South, and the text’s authors present his thoughts as effectively contrarian to the main narrative:

Many of our foragers, scouts, and hangers-on of all classes, thought, like Cromwell, that they were doing the work of the Lord, in wantonly destroying as much property as was possible...A planter’s house was overrun in a jiffy...If the spoils were ample, the depredators were satisfied, and went off in peace; if not, everything was torn and destroyed, and most likely the owner was tickled with sharp bayonets into a confession where he had his treasures hid...Hogs are bayoneted, and then hung in quarters on the bayonets to bleed; chickens, geese, and turkeys are knocked over and hung in garlands from the saddles...cows and calves, so wretchedly thin that they drop down and perish on the first day’s march, are driven along, or, if too weak to travel, are shot, lest they should give aid to the enemy. Should the house be deserted, the furniture is smashed in pieces, music is pounded out of four hundred-dollar pianos with the ends of muskets....After all was cleared out, most likely some set of stragglers wanted to

enjoy a good fire, and set the house, debris of furniture, and all the surroundings, in a blaze. This is the way Sherman's army lived on the country. They were not ordered to do so, but I am afraid they were not brought to task for it much either. (p. 421)

The authors of *America: Pathways to the Present* here incorporate a point of view, if not completely opposite to, then at least different from the traditional perspective that dominates most textbook accounts of Sherman's March—it was brutal but necessary, a comprehensive example of the reality of “total war.” The other half of this policy—Grant's approach—is also presented at length as a difficult yet inevitable evolution of warfare.

During Grant's series of battles over the spring of 1864, from Richmond to Petersburg, his armies suffered nearly twice the casualties of Lee's (McPherson, 1988, p. 476). Grant lost battles in which he had great numerical superiority, and he lost battles—particularly Cold Harbor, in which he lost seven thousand men in around forty-five minutes (Olsen, 2006, p. 198)—which were ill-conceived and, by Grant's own admission, should never have been fought. In short, he was responsible for decisions as equally poor and disastrous as Union officers like Joe Hooker, John Pope, George McClellan, and Ambrose Burnside; yet those men are routinely pilloried, either explicitly or through inference, in textbooks. The simple reason for this disparity—eventually, Grant won—is often presented as justification for such narrative decisions. Yet, with regard to the issue of proportionality, the important question to ask is, did the outcome of the war justify the mass carnage created by Grant's “total war” strategy?

Textbooks do include significant references to the bloodshed of Grant's campaigns. *America: Pathways to the Present* (Cayton, et al., 2007) describes the 65,000 casualties over less than two months suffered by Grant's army in 1864, and the "chilling effect" such losses had on the morale of Union troops: At Cold Harbor, many soldiers pinned their names and addresses on their uniforms so their bodies could be identified" (p. 411). Several texts also include explanation for the horrors of these battles. *The Americans* (Danzer, et al., 2010) presents an inadequate rationalization for Grant's strategy, conceptualizing it as something like a matter of personal honor between the Union general and the President: "Democrats and Northern newspapers called Grant a butcher. However...Grant kept going because he had promised Lincoln, "Whatever happens, there will be no turning back" (p. 363). At least one text, *The American Pageant* (Kennedy, et al., 2006) justifies the bloodshed of these battles by asserting that the carnage wasn't, in fact, Grant's fault, but Lee's, calling the famous Confederate general "overrated." The text claims that "Grant had intended to fight battles out in the open...It was Lee, not Grant, who turned the eastern campaign into a war of attrition fought in the trenches... Lee's new defensive posture in turn forced Grant into some brutal arithmetic. Grant could trade two men for one and still beat the enemy to his knees" (p. 474). This position—that Grant was forced to adopt "total war," rather than a conscious choice—is disingenuous from a historiographical perspective, but from a moral point of view it perpetuates the concept that war is something done *to* participants, rather than *by* them, and that choices in wartime are driven by forces beyond one's control, rather than any ethical standards, such as the "just war" doctrine.



*The American Nation: a History of the United States* (Carnes, et al., 2008) subsumes issues of morality under the dominant narrative of the Civil War—the strategy was right because it worked. Grant’s plan was “simple, logical, and ruthless,” an acceptance of the “fundamental truth that the war could be won only by grinding the South down beneath the weight of numbers. And “critics complained of the cost, he replied doggedly that he intended to fight on in the same manner if it took all summer” (p. 398) The dismay over Cold Harbor in the public and the press could be, according to this text, dismissed, thanks to the overarching strategic value of the battle: “Although the price was fearfully high, Grant was gaining his objective. At Cold Harbor, Lee had to fight without a single regiment in general reserve while Grant’s army was larger than at the start of the offensive” (p. 398). As described earlier, textbooks include substantial descriptions of the loss and devastation incurred during these battles; yet only rarely do they question, implicitly or explicitly, whether or not such losses were justified under the aim of the war. Even more uncommon are opportunities for students to do the same. Instead, events such as Cold Harbor and other products of the “total war” strategy are presented as typical of the “harsh realities of modern warfare” (*United States History* (Lapansky-Werner, et al., 2010, p. 393).

The individuals who had to endure the calamities of such events—the soldiers—are described with considerable detail by all textbooks in this sample. With regard to the “just war” component of proportionality, the general question is whether or not the force exerted is fair in relation to the goal desired, as related to the cost incurred on both sides. As mentioned previously, all the textbooks in this sample include a reference to the failure of traditional tactical thinking in light of the modern military technology available

to both sides. Less ubiquitous is a discussion of the age of the combatants on both sides. *America: History of Our Nation* (Davidson & Stoff, 2009) points out that “three-fourths of the South’s 1 million white males between ages 18 and 45 served in the army. Two thirds of the 3.5 million northern males of the same age fought for the Union. Some soldiers were as young as 14.” The text also points out that “nearly 4,000 Union troops were 16 or younger” (p. 416). There is one activity for students to consider the impact of such policies, labeled “Critical Thinking: Draw Conclusions”—in it, students are asked, “How do you think the experience of war affected young men” (p. 515)? The title for this section of the narrative is “Old Enough for War,” a declarative statement that infers the authors’ position on the battle-readiness of soldiers at this age. *The American Nation: A History of the United States* (Carnes, et al., 2008) also includes a reference to the age of soldiers, as well as a graphic image (see Figure 8 below); the caption to the photograph reads as follows:

Eighteen-year olds were the largest age group in the first year of the war in both armies. Soldiers were universally called “the boys”; and officers, even in their thirties, were called “old men.” One of the most popular war songs was “Just Before the Battle, Mother.” (p. 380)

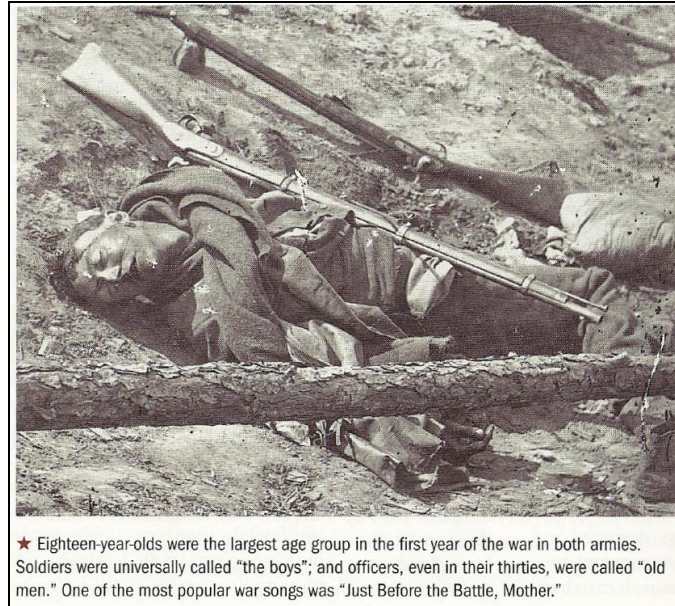


Figure 8: from *The American Nation: A History of the United States* (Carnes, et al., 2008) p. 380

*The Americans* (Danzer, et al., 2010) includes the same picture as Figure 4 above, even going so far as to identify the site at which the soldier was killed (Petersburg, Virginia). Its depiction of the comparative youth of troops in the Civil War is less matter-of-fact than the previous two texts, contained under the heading "Boys in War":

Union soldier Arthur MacArthur (father of World War II hero Douglas MacArthur) became a colonel when he was only 19. Examination of some Confederate recruiting lists for 1861-1862 reveals that approximately 5 percent were 17 or younger—with some as young as 13. The percentage of boys in the Union army was lower, perhaps 1.5 percent. These figures, however, do not count the great number of boys who ran away to follow each army without officially enlisting. (p. 344)

Although only a few textbooks make mention of the age of the participants, many focus on the national scope of the calamity involved. Most of the textbooks in this sample

include graphs, charts, and tables that neatly summarize the carnage involved; the one below (Figure 9), from *United States History* (Lapansky-Werner, et al., 2010), is fairly representative:

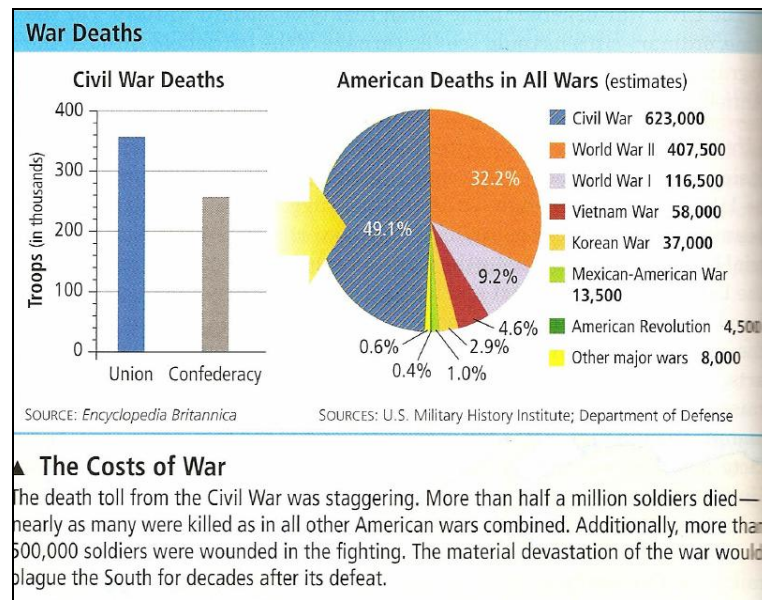


Figure 9: “War Deaths,” from *United States History* (Lapansky-Werner, et al., 2010), p. 394

*The Enduring Vision* (Boyer, et al., 2008) contains a similar graphic, but one that implicitly infers a hegemonic viewpoint that is reflected in other samples in this study. The chart (Figure 10, below), presents a demographic breakdown of the war, including statistics on the total number of soldiers who served on each side, in addition to the total number who were drafted, served as draft substitutes, those who deserted (including a separate reckoning for those who deserted and were captured later), and two separate measures for deaths—those resulting from battle wounds, and those from disease. Given the disparity between the first metric—total size of each nation’s armed forces—the chart

seems to infer that the number of those who suffered directly, as well as the number of those who chose not to participate, was relatively small.

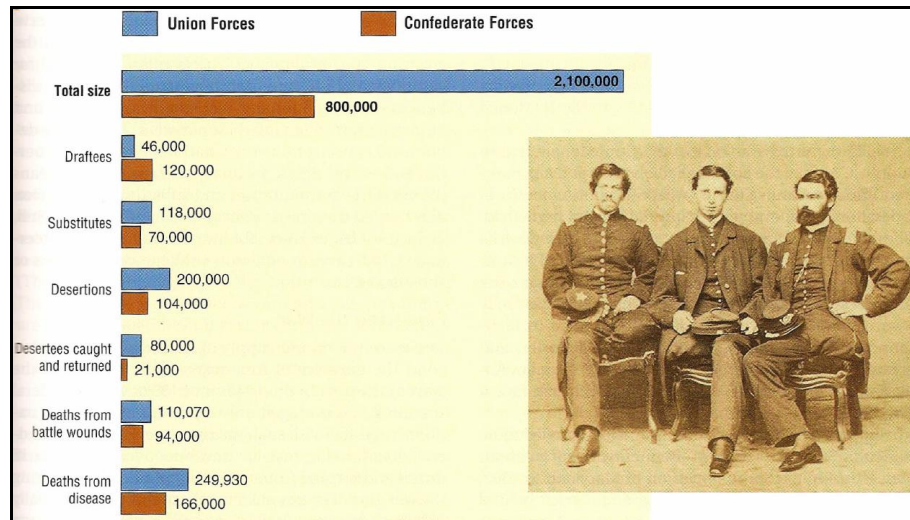


Figure 10: “Opposing Armies of the Civil War,” from *The Enduring Vision* (Boyer, et al., 2008) p. 427

These two graphic representations help to support the argument that most textbook narratives construe the Civil War as a war worth fighting—and thus, the means necessary to end the war were justifiable, under the proportionality rule. The degree to which textbooks in this sample reflect that hegemonic view varies, from strongly supportive to more complex, nuanced positions.

*America: Pathways to the Present* (Cayton, et al., 2007) includes much of the graphically disturbing descriptions that one may find in all the texts of this study, but concludes its chapter on the Civil War with this epilogue:

Both the North and the South had suffered great losses during the war, but both also gained by it. They gained an undivided nation, a democracy that would continue to seek the equality Lincoln had promised for it. They also gained new

fellow citizens—the African Americans who had broken the bonds of slavery and claimed their right to be free and equal, every one. (p. 417)

The “gains” of the Civil War are, of course, debatable and heavily dependent upon whose perspective is being relied on for that conclusion. *Visions of America: a History of the United States* (Keene, et al., 2010) tries to make its final view of the conflict as fact-based and value-free as possible: “When the Civil War began, both sides expected that they would emerge victorious in a few months. But the conflict lasted four years, claiming more than 618,000 lives, and leaving the South in total subjugation. It also emancipated some four million slaves” (p. 401). *Give Me Liberty!* (Foner, 2008) does something similar, though with a nod to the complexity of the Civil War’s outcomes—it strives to acknowledge these results with little in the way of editorializing or overt conclusions:

The Civil War laid the foundation for modern America, guaranteeing the Union’s permanence, destroying slavery, and shifting power in the nation from the South to the North...It dramatically increased the power of the federal government and accelerated the modernization of the northern economy. And it placed on the postwar agenda the challenge of defining and protecting African-American freedom. (p. 542)

On the contrary, though, many texts from this sample offer substantially more complex conclusions regarding the Civil War, especially its cost. *The American Nation: A History of the United States* (Carnes, et al., 2008) concludes with a poignant anecdote about Jones Budbury, a 19-year old Union soldier who volunteered in 1861, served as practically every major battle in the Civil War (he had even been imprisoned at the

Confederacy's notorious Andersonville camp), until his death only a scant few weeks prior to the war's end. The text's authors comment on the "human and material destruction" of the war and the manner in which such devastation "implanted in millions of hearts" a slow-to-disappear sense of bitterness. The text closes its section on the Civil War with one of the few overtly judgmental conclusions to be found in this study:

The corruption, the gross materialism, and the selfishness generated by wartime conditions were other disagreeable by-products of the conflict. Such sores fester in any society, but the Civil War bred conditions that inflamed and multiplied them. The war produced many examples of charity, self-sacrifice, and devotion to duty as well, yet if the general moral atmosphere of the postwar generation can be said to have resulted from the experiences of 1861 to 1865, the overall effect was bad. (p. 405)

Other texts comment on the lasting effects of the Civil War. *The Enduring Vision* (Boyer, et al., 2008) includes references to the "vivid reminders of the price of Union," including "armless and legless veterans," monuments to the dead, and the pensions paid to soldiers' widows, "well into the twentieth century" (p. 460). *United States History* (Lapansky-Werner, et al., 2010) aims its conclusion primarily at the moral and psychological impact of the war on the South. The authors depict the return of Confederates soldiers to abandoned or destroyed homes, the millions of dislocated refugees who "drifted aimlessly" throughout the nation, and the crippling blow that the magnitude of the defeat embodied for every Southerner:

Defeat had shaken them to the very core of their beliefs. Some felt that they were suffering a divine punishment, with one southerner mourning, "Oh, our God!

What sins we must have been guilty of that we should be so humiliated by Thee now!” Others, however, came to view the Civil War as a lost, but noble, cause. These white southerners kept the memory of the struggle alive and believed that, eventually, the South would be redeemed. (p. 395)

*The American Pageant* (Kennedy, et al., 2006) titles its conclusion “The Aftermath of the Nightmare,” and laments the nation’s “lasting hurt,” the loss of the country’s best “young manhood and potential leadership, and even points out the reality of a lost generation: “In addition, tens of thousands of babies went unborn because potential fathers were at the front” (p. 476). The authors include the total monetary costs of the conflict—about \$15 billion—but they point out that “this colossal figure does not include continuing expenses, such as pensions and interest on the national debt. The intangible costs—dislocations, disunities, wasted energies, lowered ethics, blasted lives, bitter memories, and burning hates—cannot be calculated” (p. 476). *The American Journey* (Goldfield, et al., 2007) approaches the end of the war in a similar fashion; the authors cite William T. Sherman’s prewar admonition to a Southern friend that any conflict between North and South would leave the nation “drenched in blood,” and then conclude “he was right.” The text cites the grisly numbers of dead and wounded on each side, and then concludes with a unique and grim coda to its depiction of the war: “Compounding the suffering of the individuals behind these gruesome statistics was the incalculable suffering, in terms of grief, fatherless children, women who never married, families never made whole, of the people close to them” (p. 452).

Such conclusions in a standard textbook represent a powerful occasion for students to critique the necessity of such a war, and whether or not either side violated the



proportionality rule in terms of harm incurred versus benefits gained. But, similar to textbook depictions under *jus ad bellum*, the narratives in this sample typically contain a wealth of moral content that is presented either without explicit opportunities for student critique, or with the expectation that students will passively receive the conclusions reached by the textbook's authors.

## CHAPTER SIX:

### *JUS POST BELLUM*

The focus in this chapter is on topics/events connected to the “just war” category of *jus post bellum*: the surrender of Robert E. Lee’s Army of Northern Virginia in April 1865 to Ulysses S. Grant at Appomattox Court House; the contrast between Presidential Reconstruction under Andrew Johnson and the period of Republican dominance known as Radical Reconstruction; the passage and impact of the 14<sup>th</sup> Amendment to the U.S. Constitution; and the presidential election of 1876 and the resulting “Compromise of 1877,” which is considered the *de facto* end of Reconstruction in the South.

#### **Lee’s Surrender at Appomattox**

The surrender of Robert E. Lee to his adversary Ulysses S. Grant at Appomattox Court House, Virginia, on April 9, 1865, was a moment of high drama that regularly serves as the coda to textbook and historiographical accounts of the Civil War. The image of Lee, resplendent in an immaculate gray uniform, together with Grant in his shabby private’s uniform—“unkempt as usual,” according to Olsen (2006, p. 223)—is a compelling episode with which to end the story of the war itself. Textbooks rely heavily on historiographical works for this account, though there are omissions and discrepancies that do not square with the historical record.

### Historical Narrative Analysis

Unlike textbooks, historiographical works tend to frame Lee's surrender as part of a larger series of events, rather than a singular occurrence. The two generalist works used in this study, Olsen's *The American Civil War: A Hands-On History* (2006) and McPherson's *Battle Cry of Freedom* (1988) use Lee's surrender as the pivot point between wartime operations and the assassination of Abraham Lincoln. Olsen (2006) begins his story of the last stage of the war by describing the three main components of Confederate resistance—John Bell Hood's army in Nashville, General Joseph E. Johnston's forces in North Carolina, and Lee's Army of Northern Virginia, facing Grant outside Richmond. Hood surrendered to Union General George H. Thomas in December, and Johnston failed to stop William Sherman's advance through North Carolina, allowing the Union forces (who had begun in Georgia with the infamous "March to the Sea") to enter Virginia and linkage with Grant. Still, the importance of Lee's surrender was greater than the total cessation of hostilities—Goodwin, in *Team of Rivals: the Political Genius of Abraham Lincoln* (2005), quotes Gideon Welles' remark that "This surrender of the great Rebel captain and the most formidable and reliable army of the Secessionists virtually terminates the Rebellion" (p. 726).

The situation facing Lee prior to his surrender was dire indeed—his army dissolving rapidly, surrounded on three sides, running short on food and provisions, with no realistic hope of escape for the entirety of his force. On the morning of April 9, Lee attempted his last breakout on the road to Appomattox, but it was almost immediately clear that such an attempt was hopeless, given the almost six to one advantage in troops

the North enjoyed at this point. It was at this point, together with his senior officers, that Lee was faced with a truly significant decision—whether to surrender formally, or to continue the fight in the only manner available to him. Guerrilla warfare was not unheard of in this era; most recently, it had been prevalent in Missouri and Kansas during the years prior to Fort Sumter, and notorious Confederate raiders like William Quantrill and John Singleton Mosby had become practically household names. Lee was presented with the option to order his men to break up into small units, to flee into the woods and continue the war in an irregular manner. Lee almost immediately refused, saying that the “guerrillas would become mere bands of marauders...We would bring on a state of affairs it would take the country years to recover from” (McPherson, 1988, p. 848). Given the situation, Lee finally resolved to go to Grant.

The surrender is often heavily described in historical narrative, thanks to Lee’s enduring fame, the almost-requisite dose of Civil War irony (the ceremony occurred in the house of Wilmer McLean, whose former residence in Manassas, Virginia, had been occupied by the Confederate Army during the First Battle of Bull Run, four years earlier), and the atmosphere of what Olsen (2006) calls “the most dramatic moment in American history since 1776” (p. 222). McPherson (1988), for example, includes not only the interaction between the dignified Lee and the plain Grant, but also an anecdote involving Grant’s military aide, Ely Parker, who was a Seneca Indian. Lee, upon seeing Parker, remarked that he was “glad to see one real American here.” Parker replied, in a moment full of poignancy, “We are all Americans here” (p. 849).

The terms of the surrender are a vital point to the narrative, and to the larger theme embodied by Parker’s words, that of national reconciliation and forgiveness.

President Lincoln had ordered Grant to offer the Confederates “the most liberal and honorable terms” in order to acquire their submission (Olsen, 2006, p. 223), and historians seem to agree that Grant satisfied that condition. Confederate troops would be allowed to go home, “not to be disturbed by U.S. authority so long as they observe their paroles and the laws in force where they may reside.” This was a crucial concession, especially given the fact that the Army of Northern Virginia was not the only force left in the field for the South—such a proposal “guaranteed southern soldiers immunity from prosecution for treason” (McPherson, 1988, p. 849).

Grant also allowed Southern troops to keep their horses and mules, in order to “work their little farms,” a point that Lee appreciated—“this will have the best possible effect toward conciliating our people,” he remarked, aware of the impending planting season and its importance for his men (McPherson, 1988, p. 849; Olsen, 2006, p. 223). Winik (2005), in *April 1865: The Month that Saved America*, points out that such a gesture was Grant’s own devising; the original terms allowed only officers to keep their private property, and Grant’s expansion of this allowance had a immense impact on the ease with which the cease-fire took effect (p. 188). His offer of three days’ ration to the 25,000 starving Confederate troops left in Lee’s army was just as conciliatory, in the short term.

Three days later, the formal surrender took place, and a final assuaging gesture occurred—Joshua Lawrence Chamberlain, the hero of Little Round Top at the Battle of Gettysburg and now a major general, ordered a salute of honor for the defeated Southerners as they relinquished their arms. McPherson (1988) credits this gesture with

ending the war, “not with shame at one side and exultation on the other,” but with a degree of shared dignity in light of the mutual national sacrifice of the war (p. 850).

Interestingly, in *Battle Cry of Freedom*—in all other respects, an exhaustive and meticulous retelling of the Civil War—McPherson says little of the remaining Confederate forces, allowing only that Lee’s surrender would “virtually,” rather than completely, end the fighting (p. 848). Olsen (2006) calls attention to the fact that substantial units of the Confederate military remained at large, and had yet to make the choice that Lee eschewed prior to Appomattox—namely, the decision whether to continue the fight or disperse into the wilderness and carry on the war as guerrillas. Ultimately, it took almost three weeks (April 26) for Joseph Johnston to surrender his troops to William Sherman, and over a month and a half (May 26) for Edmund Kirby Smith to submit, west of the Mississippi River (Olsen, 2006, p. 223). Hundreds of Confederate soldiers headed west rather than formally capitulate, and the final eradication of slavery in Texas was forestalled until late June (the famous “Juneteenth” of the African-American community).

The surrender of Lee at Appomattox is as close to a formal cessation of war as occurred between North and South at the end of the Civil War. There was no official proclamation by Jefferson Davis or the Confederate Congress, and the piecemeal surrender of the last Southern troops over the next few months lacks the degree of finality which the capitulation of the Army of Northern Virginia affords, from a narrative perspective. Less attention is paid to the prospect that peace might have come several months earlier, at what is commonly referred to as the Hampton Roads conference. The conference in question had begun in January 1865 with the influential editor Francis

Preston Blair, who concocted a somewhat bizarre scheme which called for the North and South to declare a postponement to the war in order to join forces and confront France, which had recently invaded Mexico in violation of the Monroe Doctrine. Though the particulars of this plan were not agreed upon, Davis allowed a group of Peace Commissioners to travel to Washington, D.C., with the goal of securing “peace between the two Countries” (Goodwin, 2006, p. 691).

This was the initial sticking point in the success of the conference, improbable though it was at the outset—Lincoln, when told of the prospect, told Blair that he was “ready to receive” such a commission, on the condition that negotiations would address the issues facing “our one common country,” with no admission of the diplomatic or political independence of the South. There was a meeting, on February 3, between Confederate representatives (most notably, Vice-President Alexander Stephens) and Lincoln, on the steamer *River Queen*, though historians differ on the question of motives and the likelihood of success. Goodwin (2006) credits “the insistent clamor for peace” (p. 691) as the reason behind Davis’ assent to the meeting. McPherson (1988) asserts that Jefferson Davis approved of the conference not out of any serious hope that it would bear fruit, but mostly to discredit the nascent peace movement in the South by “identifying it with humiliating surrender terms” (p. 822).

The terms offered by Lincoln are characterized most often as “generous,” especially with regard to the treatment of Confederate leaders and confiscation of property—Lincoln even posited the idea of compensation for slaveowners, to the tune of \$400 million (McPherson, 1988, p. 823). But the conditions he laid at the outset were too stringent for the Southern commissioners: “1) the restoration of the National authority

throughout the all the states. 2) No receding by the Executive of the United States on the Slavery question. 3) No cessation of hostilities short of an end to the war, and the disbanding of all forces hostile to the government” (McPherson, 1988, p. 822). The failure of the conference, says Olsen (2006), was brought on by Jefferson Davis’ “stubbornness, arrogance, and failure to grasp reality”; though, according to Goodwin (2006), it at least gave him the opportunity to “pragmatically” use the event “to incite greater effort on the battlefield” (p. 695).

Textbooks rely heavily on the surrender of Robert E. Lee at Appomattox to signal the end of the Civil War. Only on rare occasions do they depict the later submission of other Confederate forces or the possibility of peace prior to Appomattox at the Hampton Roads Conference. *America: History of Our Nation* (Davidson & Stoff, 2009) phrases it simply: “With Lee’s surrender, the long and bitter war came to an end” (p. 537). Most other textbooks, though, do include the reality of continued Confederate resistance, though in all such depictions, there is the implicit connotation that the war was effectively over with Lee’s surrender. *America: Pathways to the Present* (Cayton, et al., 2007) constructs its narrative chronologically: “A few weeks after Lee’s surrender, General Johnston surrendered to Sherman in North Carolina. Throughout May, other Confederate forces large and small also gave up” (p. 416). *The American Journey* (Goldfield, et al., 2007) is similar:

Joseph E. Johnston surrendered to Sherman near Durham, North Carolina, on April 26. On May 10, Union cavalry captured President Davis in southern Georgia. On May 26, Texas general Kirby Smith surrendered his trans-Mississippi army, and the Civil War came to an end. (p. 449)



The other books in this sample are less detailed but no less clear in their conceptualization of Appomattox. *Give Me Liberty!* (Foner, 2008) states that, “although some Confederate units remained in the field, the Civil War was over” (p. 541). *The Americans* (Danzer, et al., 2010) claims that, “within two months all remaining Confederate resistance collapsed...after four long years, at tremendous human and economic costs, the Civil War was over” (p. 365). *The Enduring Vision* (Boyer, et al., 2008) describes “the remnants of Confederate resistance” giving in “within a month of Appomattox” (p. 459). And *Visions of America: a History of the United States* (Keene, et al., 2010) asserts that, “over the next few weeks, the remaining armies of the Confederacy would surrender, bringing the Civil War to a close” (p. 401). In fact, only one textbook, *United States History* (Lapansky-Werner, et al., 2010), allows for the fact that “Lee’s surrender did not officially end the war.” This text points out that “the South still had some 170,000 soldiers under arms, and it took until June for other Confederate generals scattered around the South to complete similar surrenders” And *United States History* is the only narrative in this study that describes the nature and importance of “Juneteenth” to African-Americans in the Southwest (p. 391).

With regard to the terms offered by Grant to Lee at Appomattox, the books of this sample view the terms of surrender offered by Grant at Appomattox in an approving manner. Seven of the ten textbooks incorporate the term “generous” in their descriptions of the proposition. Additionally, many offer lyrical contrasts between the nobility of Lee, in full dress uniform and magisterial in appearance, and Grant—“stubble-bearded and informally dressed” (*The American Pageant*, Kennedy, et al., 2006, p. 474), of a “rough-hewn exterior” (*The American Nation: A History of the United States*, Carnes, et al.,

2008, p. 404). Two of the books explicitly connect Grant's terms to the policy of reconciliation outlined by Lincoln in his inaugural address of March 4, though two infer a more direct role was played by the President. *The Americans* (Danzer, et al., 2010), for example, hints that Lincoln's instructions to Grant was practically relayed directly to Appomattox: "At Lincoln's request, the terms were generous" (p. 365). *The American Nation: A History of the United States* (Carnes, et al., 2008) is similar, stating that, "acting on Lincoln's instructions, Grant outlined his terms" (p. 404).

A small number of the textbooks in this sample make only the barest mention of the scene inside the McLean farmhouse, though a few dedicate significant and evocative passages to the description of the two generals' meeting. An especially common feature is the depiction of Lee riding away from the house to the cheers of Union troops, which were quickly silenced by Grant; "'The war is over,' he said. 'The rebels are our countrymen again'" (*America: History of Our Nation*. Davidson & Stoff, 2009, p. 537). Though the textbooks in this study do tend to oversimplify the surrender at Appomattox (a common feature of all textbooks), they do reflect with fair accuracy the prevailing historiographical interpretations of the event.

### **Categorical Analysis**

The categorical analysis of textbook narrative descriptions of Lee's surrender at Appomattox is subsumed under the "just war" category of proportionality and publicity.

**Proportionality and publicity.**

Orend (2005) establishes proportionality and publicity as the first conditions of *jus post bellum*. It is important to distinguish between proportionality of *jus in bello*, which is aimed exclusively at the conduct of the war being waged, and proportionality of the postwar period. Any peace settlement must be “measured and reasonable, as well as publicly proclaimed.” Orend warns against the use of a peace settlement as an “instrument of revenge,” pointing out that such attempts are typically shortsighted and ultimately self-defeating, since they tend to create long-term bitterness between former combatants that tend to obstruct any lasting resolutions. In real-world terms, this means that an insistence on unconditional surrender is ruled out.

It is ironic, then, that Ulysses S. Grant, who achieved notoriety in the Civil War for his regular insistence on unconditional surrender—after his first well-publicized victory at Fort Donelson, newspapers in the East made a indicative pun out of his initials regarding the practice—was the general who offered such “generous” terms to Robert E. Lee. His offer—soldiers may keep their mules and horses, officers may keep their sidearms, the allowance of a general return for all troops with no future fear of prosecution—was entirely in the spirit of Lincoln’s desire for and policy of reconciliation. While Lincoln did not pass along specific instructions to Grant regarding such terms, the offer made at Appomattox was certainly approved of by the President.

From a “just war” perspective, the agreement between Lee and Grant highlights an important aspect of the “proportionality and publicity” requirement—what should be the goal of a “just war?” Grant’s proposal to Lee was the starting point for the postwar period of Reconstruction, and the ends Grant sought, represented in the terms of

surrender, are the goals of Lincoln for the postwar world—what Orend (2006) terms the “proverbial *status quo ante bellum*,” the restoration of the state of affairs prior to the war. In a very literal sense, this is of course what Lincoln was after; the reestablishment of the Union and its pre-1861 political structure. In a more expansive sense, though, the terms at Appomattox are representative of Lincoln’s desires for future relations between North and South. Prior to the end of the war, Lincoln would formalize these desires with his proposal for reuniting the warring factions; the “Ten Percent Plan” called for re-admittance of a Southern state after 10 percent of its voters had taken an oath of allegiance and pledged to observe emancipation, a new state government was elected and a new state constitution (which outlawed slavery) had been adopted. While not technically *status quo ante bellum*, it was as close as could be approximated in light of the war’s outcome. Michael Walzer (1977) points out that the restoration of the *status quo ante bellum* is hardly ever a solid solution to a conflict (especially a civil war) since it was the status quo that led to the initial conflict—simply restoring the original state of affairs hardly qualifies as an improvement (p. 119). While not introducing the particular elements of the “Ten Percent Plan,” Grant’s offer of generous terms represents a firm Union commitment, at the end of the war, to Lincoln’s goal of an orderly, quick, charitable period of Reconstruction.

There are two issues of greater interest, from a “just war” perspective, regarding Lee’s surrender at Appomattox. The first, Hampton Roads conference, preceded the final outcome by over a month, while the second—Lee’s decision not to allow his soldiers to begin a guerrilla campaign rather than formally surrender—came only a few hours prior to his meeting with Grant. The Hampton Roads conference may have been a doomed

effort from the start, as most historians assert; it was, though, a face-to-face meeting between combatants while an active war was still being prosecuted in the field, and thus can be scrutinized under the “just war” theoretical framework.

President Lincoln’s stated *sine qua non* at the outset of the meetings was the restoration of the Union. The bizarre idea to use the French invasion of Mexico as a sort of national military catharsis was dismissed quickly by Lincoln; as was the idea, floated by President *pro tempore* of the Confederate Senate Robert T.M. Hunter to declare an armistice and call for a “convention of the states,” to resolve their issues. Lincoln refused this idea, stating that surrender was the only viable option. The difficulty between the two sides was comprised of more than a series of sticking points, difficult to negotiate; the problem was a conceptual one. The Southern commissioners thought of themselves as representing a separate nation, one foreign to the United States, with all the rights and privileges appertaining to a sovereign state. Lincoln—and the large majority of Northerners—considered them rebels, who had endangered the Union through their actions, and thus a political restoration was required, not a treaty. When presented with the fact that King Charles I of England had entered into negotiated agreements with rebels during the English Civil War, Lincoln responded, “I do not profess to be posted in history...All I distinctly recollect about the case of Charles I, is, that he lost his head” (McPherson, 1988, p. 823).

On the issue of surrender, the Southern representatives did not have the authority to negotiate, and they returned to Richmond empty-handed. Jefferson Davis was able to use Northern demands for unconditional surrender (which, as James McPherson points out, were disingenuous, since Davis himself certainly knew Lincoln would offer little

more than that) to whip up morale and support, if only temporarily. Though the Hampton Roads conference failed, it represents an intriguing collision between Northern and Southern conceptualizations of what the meaning of the Civil War, their own state of sovereignty, and the available means for ending the conflict.

The Hampton Roads Conference is mentioned in only one textbook, *The American Pageant* (Kennedy, et al., 2006), and its version is poetically phrased, yet matter-of-fact about the event itself:

In February 1865 the Confederates, tasting the bitter dregs of defeat, tried desperately to negotiate for peace between the “two countries.” Lincoln himself met with Confederate representatives aboard a Union ship moored at Hampton Roads, Virginia, to discuss peace terms. But Lincoln could accept nothing short of Union and emancipation, and the Southerners could accept nothing short of independence. So the tribulation wore on—amid smoke and agony—to its terrible climax. (p. 474)

This passage infers the main conceptual chasm between the Union and Confederacy, the issue of “two countries,” though it provides no context or explanation for the enigmatic quotation marks around the phrase. There are no opportunities for students to critique or consider the different perceptions of nationhood on the part of the North and the South, or the manner in which each side acted upon those perceptions. From a “just war” perspective, this would be an apt occasion to utilize Brian Orend’s concept of a “minimally just community,” an appropriate theoretical model against which to cast this historical event. *The American Pageant* does not provide activities or prompts

that may serve such a purpose; though, inadequate as that may be, this is the only textbook to mention the Hampton Roads conference at all.

Similarly, only one textbook references the possibility that Lee might not have pursued a formal surrender at Appomattox at all. *America: Pathways to the Present* (Cayton, et al., 2007) describes the situation facing Lee after his last failed breakout attempt in terse but accurate terms: “Some of Lee’s officers suggested that the army could scatter and continue to fight as **guerrillas**—soldiers who use surprise raids and hit-and-run tactics. Lee rejected this idea, fearing that it would bring more devastation to Virginia” (p. 416). There is considerable scholarship on guerrilla warfare—the concept was well-known in the era, to the point that Francis Lieber (who created the “Lieber” code of moral conduct in war for the Union Army in 1863) had written a pamphlet the year before about the Turkish repression of Greek fighters who had engaged in guerrilla tactics (Walzer, 1977, p. 183).

There is considerable debate about whether or not guerrilla fighters should enjoy the same sort of protection under “just war” as do traditional soldiers. Walzer (1977) considers guerilla warfare to be a legitimate form of resistance, though punishment for that form of combat can also be legitimate; especially since, as Walzer points out, the essential nature of guerrilla combat (primarily the avoidance of standard uniform and the conduct of military operations among the civilian population) presents a substantial “challenge to the most fundamental principle of the rules of war” (Walzer, 1977, p. 179). That principle (especially in *jus in bello*), is that there must be clear division between combatants and non-combatants, one which guerillas routinely violate—“they attack stealthily, without warning; and in disguise. They violate the implicit trust upon which

the war convention rests; soldiers must feel safe among civilians if civilians are ever to be safe from soldiers” (p. 182). And there are “just war” considerations for civilian supporters of guerrillas fighters, given the fact that, “whereas soldiers are supposed to protect the civilians who stand behind them, guerrillas are protected by the civilians among whom they stand” (p. 185).

None of the textbooks in this sample address in even a tangential manner these issues. As before, it would be unreasonable to expect them to do so—these are fairly sophisticated concepts that involve a significantly higher base of knowledge than may be practicable for most standard texts. Still, an opportunity exists for students to consider the options facing Robert E. Lee prior to Appomattox; and to dismiss them with such ease—or, as is the case with nine of the ten books in this sample, not to mention them at all—limits student ability to consider the moral implications of such options.

The other half of this “just war” component, publicity, is seemingly without debate. The news about Lee’s surrender was immediate and spread nationwide; the populace of the North and its leadership, both military and civilian, signaled their mass approval of the settlement with little to no controversy. Not only did the North largely approve of the surrender in the strictest and most obvious sense, but also there was a general endorsement of the generous terms given by Grant to the Confederates. Debate over punishment, parole, and pardon would be reserved for Reconstruction.

Of particular note is the issue of publicity in light of its meaning from a “just war” perspective. The most literal interpretation of the publicity requirement is that the settlement be made available to the people at large, for approval or disapproval—as Orend (2006) states, “People who have suffered through a war do indeed deserve to know



what the substance of the settlement is” (p. 179). A less concrete elucidation of this requirement, though, is whether or not such a settlement need be part of a formal treaty. There was no official document ending the war between North and South—this was partially due, no doubt, to the contrasting views of the conflict itself, viewed by the Union as the suppression of rebellion and by the Confederacy as a legitimate conflict between distinct political entities. Lee’s surrender at Appomattox is the closest thing to a treaty; and as a military event, it was not subjected to popular authorization or acceptance, whether through a referendum or through representative assembly.

It is debatable whether or not the lack of such a formality is a defect of the process. Orend (2006) considers the view that a formal document announcing the cessation of hostilities “needlessly strict,” and he points out, rather acerbically, that World War I ended with a formal, detailed document; and with historical hindsight, not many would assert that the Treaty of Versailles was a better settlement for that conflict than Appomattox was for the Civil War. Still, if such a treaty was a necessity, or if it was legally binding, or if Grant had the right, *in absentia*, to make a political determination for President Lincoln, are issues that are unexplored in the textbooks from this sample. All make the implicit assumption that such topics are settled matters, or at least not worth investigation.

### **Presidential Reconstruction vs. Radical Reconstruction**

Every textbook in this study follows a similar pattern in its structure; there is a chapter on events leading to the Civil War, which either ends just prior to the Southern attack on Fort Sumter or just after; a chapter covering the main events of the conflict,

typically ending after Lee's surrender at Appomattox and a brief coda on the war's impact and general meaning; and, following that, a (usually much larger) chapter on Reconstruction. The texts dedicate considerable attention and detail to the issue of rebuilding the South (in some cases, more than is given to describing the war itself), and do so in a manner that would generally meet the approval of independent historians. The moral content of textbooks, viewed in light of *just post bellum*, is significantly visible in the sections detailing the policies of and conflict between Presidential Reconstruction, championed by Andrew Johnson, and the subsequent efforts of Radical Reconstruction.

### **Historical Narrative Analysis**

After the death of President Abraham Lincoln, Andrew Johnson ascended to the Presidency and was immediately thrust into a debate that had been simmering well before the assassination in April, 1865. There was no Constitutional apparatus or mechanism for what all parties assumed would have to happen after the war's conclusion—somehow, under some set of circumstances, Southern states would be readmitted to the Union. Perhaps more importantly, the issues that led to the national schism in the first place would have to be dealt with. Interestingly, it is a textbook—usually derided as too simplistic and lacking interpretive value when compared with historiographical works—that provides a comprehensive introduction to the issues of Reconstruction. This from *The Enduring Vision* (Boyer, et al., 2008):

While former slaves exulted over freedom, the postwar mood of ex-Confederates was often as grim as the wasted southern landscape...The morale of the vanquished rarely concerns the victors, but the Civil War was a special case, for

the Union had sought not merely military triumph but the return of national unity. The federal government in 1865 therefore faced unprecedented questions...First, how could the Union be restored and the defeated South reintegrated into the nation? Would the Confederate states be treated as conquered territories, or would they quickly rejoin the Union with the same rights as other states? Who would set the standards for readmission—Congress or the president? Most important, what would happen to the more than 3.5 million former slaves? (p. 468)

Andrew Johnson has become, at best, a sympathetic figure to historians, but much more often an item of mild scorn and disdain. A Unionist from Tennessee, born into extreme poverty, he was the only member of the U.S. Senate not to secede with his state; his loyalty to the nation earned him contempt from fellow Southerners and a place on the presidential ticket with Lincoln in 1864. Republicans viewed Johnson as an opportunity to achieve regional balance and pick up support in southern, pro-Democratic areas for the election and after the war. Unsurprisingly, there was consternation in the party when Johnson was installed in the White House less than a week after Lee's surrender in Virginia.

Johnson's contemporaries had few positive things to say about him. Democrats, of course, viewed him as treasonous; Republicans viewed him as "a crude man, a vulgar renegade, unable or unwilling to shed his vile temper or the habits of his plebeian upbringing" (Winik, p. 269). Beyond general impressions, most in Washington were also convinced that Johnson was a violent drunk. The stories of his intoxication at Lincoln's second inaugural—during which the Attorney-General, Edward Bates, pronounced him

“deranged” and after which Senator Charles Sumner demanded Johnson’s resignation (Winik, p. 270)—persisted during his assumption of the Presidency.

Still, most Republicans were pleased at Johnson’s initial moves, which seemed to infer his intention to be substantially harsher towards the Confederates than Lincoln had intended. His announcement that “Treason must be made infamous, and traitors must be made impoverished” met with general approval, especially among the Radical wing of the Republican Party and its leaders, Charles Sumner and Thaddeus Stevens. The Radicals viewed the ending of the war as an opportunity to remake American society, and their desire to break the Southern way of life so as to facilitate such a rebirth seemed to be shared by Johnson. And in the wake of Lincoln’s death and the bitterness it engendered among many Northerners, Johnson’s proposition of ruthlessness was welcomed by most. A Union soldier, upon hearing of the assassination, remarked in a personal letter that “we ought to hang every damn rebel in the Southern Confederacy...I go in for killing every one and burn every traitor up north by a stake” (Olsen, 2006, p. 228). Given such attitudes, Johnson had substantial public support upon taking the presidential oath.

Historians generally agree that the problems suffered by Johnson were mostly those of his own making. His first mistake proceeding with Reconstruction efforts during the spring of 1865, just after the war’s end but during a Congressional recess, when he could enact policies without seeking consent or advice from legislators. He proceeded to implement his own version of Lincoln’s “Ten Percent Plan,” though in practice, Johnson was significantly more generous than even Lincoln had planned—he gave a general amnesty to all ex-Confederates (though high-ranking political and military figures would

have to apply to Johnson personally, most of which he ratified), quickly recognized new Southern governments and effectively declared Reconstruction over in December 1865. This was in spite of the fact that many states had officially refused to accept the Thirteenth Amendment, which outlawed slavery. Moreover, the states that did accept the Thirteenth Amendment often did so with reservations attached. The 1865 Georgia constitutional convention ratified the amendment, but only reluctantly, and only after asserting that slavery was “consistent with the dictates of humanity and the strictest principles of morality and religion.” Alabama also ratified the amendment, but did so on the conditional premise that the action did not “confer upon Congress the power to legislate upon the political status of freedmen in this State” (Williams, 2005, p. 471-472). Even more troubling, most southern states elected former Confederate leaders as their representatives to Congress, and passed a wide-ranging series of laws, nicknamed the “Black Codes,” which reduced freedmen rights to a condition not at all unlike slavery. Blacks were no longer allowed to serve on juries, to own guns, or quit jobs voluntarily. “Vagrancy laws” allowed the detention of freedmen seen engaged in “idleness,” who could then be effectively sold off to large landowners for the price of their fines (Williams, 2005, p. 472). Through all of this, Andrew Johnson did nothing. His liberality, in light of his professed intent to punish the South for treason, left most Radicals “disappointed and disgusted,” and determined to reverse Johnson’s policies (Olsen, 2006, p. 236).

The period known as Radical Reconstruction was generally marked by congressional Republicans’ unwillingness to endure what they saw as Johnson’s refusal to bring about rehabilitative change in the South. Olsen (2006) claims that Johnson’s

leniency allowed Southerners—who were, at war’s end, largely resigned to defeat and accepting of whatever fate the federal government doled out—to “regain their fighting spirit” and resist Northern intervention, thus forcing the Radicals’ hand (Olsen, 2006, p. 236). Goodwin (2005) quotes the *Richmond Whig*, a Southern newspaper, on the assassination of Lincoln—“the heaviest blow which has ever fallen upon the people of the South has descended” (p. 744). The loss of Lincoln, the ascension of Johnson, and the revolt of the Radicals was the succession of heavy blows that changed the tenor of Reconstruction.

When President Johnson resisted Radical policies, he was shoved aside through veto override and made irrelevant to the new Republican effort to remake Southern society. Beginning with the Military Reconstruction Act of 1867 (which divided ten ex-Confederate states into five separate military districts), Radicals effectively forced the acceptance of the 14<sup>th</sup> Amendment and black male suffrage upon the South. Another Radical policy, the Tenure of Office Act, was “violated” by Johnson when he fired the Secretary of War, Edwin Stanton; though the impeachment trial that followed failed to unseat Johnson, it signaled clearly that the executive branch was, for the time being, no longer part of the functional government of the United States. Republican state governments were successful in enacting some reforms, but practically all of them were forced to raise taxes in order to enact most of the repairs left over from the war—perhaps worse, they were accused of ineptitude and corruption, feeding Southern charges of black inferiority. The alienation of white Southerners and the preoccupation of Radicals in removing President Johnson allowed for a resurgence of both the Democratic Party and white insurgent groups, like the Ku Klux Klan (Olsen, 2006, p. 247). Over the late 1860s,

through a combination of solidarity among white voters and racial violence, Republicans lost strength in Southern states in the face of “Redeemers” who vowed to return individual states to their prewar status. By 1876, the Democratic Party had effectively “redeemed” all the former Confederate states, and in so doing, had hit upon the “unifying themes [which] provided the foundation of Southern Democrats’ identity well into the twentieth century” (Olsen, 2006, p. 249).

Radical Reconstruction, most historians agree, failed to one degree or another. Early scholars of the era—primarily William Dunning and John W. Burgess—considered the period a disaster of corruption and seediness, finally undone by Southern Democrats and their restoration of “home rule.” More recent historiography—particularly Eric Foner, who wrote the definitive modern work on the era, *Reconstruction: America’s Unfinished Revolution, 1863-1877*—takes a more complex and comprehensive view of the era. Certainly, Reconstruction was a failure according to any metric, “whether measured by the dreams inspired by emancipation or the more limited goals of securing blacks’ rights as citizens and free laborers, and establishing an enduring Republican presence in the South” (Foner, 1988, p. 603). Possibly the most catastrophic feature of Reconstruction’s failure is the degree to which it allowed (or even encouraged) the growth of the politically uniform “Solid South,” which defined the scope and reach of racial policies throughout the United States for the next century. Given these failures, though, it is equally important to note Reconstruction’s successes, among them the creation of African-American churches and political organizations, the establishment of black male suffrage, and a partial measure, at least, of economic independence. In

particular, the creation of constitutional and legislative tools (most notably, the 14<sup>th</sup> Amendment) would eventually allow for more widespread institutional equality.

Textbooks, generally, are commendable for the historical value of their narratives, with regard to Reconstruction. The chapters on this era are, for all ten books, well-developed and detailed, and all provide multiple perspectives on the time period—white and black, Northern and Southern. Many focus their initial discussions on Reconstruction on the failure of Andrew Johnson—though the degree to which textbook authors blame Johnson (as opposed to Radicals) for the controversy that ensued varies. *America: History of Our Nation* (Davidson & Stoff, 2009) refers to Johnson’s plan as “relatively lenient,” and points out that Johnson did try to follow through with his policies without consulting legislators; but the authors also point out that in this, Johnson “followed Lincoln’s example” (p. 552). *The Enduring Vision* (Boyer, et al., 2008) avers that Johnson’s worst error was “[underestimating] the possibility of Republican unity” (p. 471). *America: Pathways to the Present* (Cayton, et al., 2007), on the other hand, is less charitable, setting the stage for the postwar era by pointing to the inadequacy of Johnson: “With Lincoln’s death, Reconstruction was now in the hands of a one-time slave owner from the South: the former Vice President, Andrew Johnson” (p. 427). Foner, in *Give Me Liberty!* (2008) describes Johnson as a “lonely, stubborn man...intolerant of criticism and unable to compromise” (p. 560). As do other textbooks in this sample, *The American Journey* (Goldfield, et al., 2007) makes a special point of “Johnson’s disdain for wealthy whites,” a form of class envy or bitterness that is commonly cited as a motivating factor for the new President’s policies (p. 465). *The Americans* (Danzer, et al., 2010) goes so far as to affirm that Johnson “hated wealthy Southern planters, whom he held responsible for



dragging poor whites into the war” (p. 377). *The American Nation: A History of the United States* (Carnes, et al., 2008) offers a discriminating view of Johnson, balancing views of his contemporaries with analysis of strengths and flaws:

Thaddeus Stevens called Johnson a “rank demagogue” and “damned scoundrel,” and it is true that Johnson was a masterful rabble-rouser. But few men of his generation labored so consistently on behalf of small farmers. Free homesteads, public education, absolute social equality—these were his objectives...The president [however] proved temperamentally unable to work with [Radicals]...he soon alienated every powerful Republican in Washington...[Johnson] had great respect for states’ rights and he shared most his poor white Tennessee constituents’ contempt for blacks. “Damn the negroes, I am fighting these traitorous aristocrats, their masters,” he told a friend during the war. (p. 411)

Johnson’s bigotry is described explicitly in many textbooks of this sample. *Visions of America: a History of the United States* (Keene, et al., 2010), for instance, points to Johnson’s “racist views about African Americans,” and asserts that he “abhorred the notion of black equality” (p. 412). *United States History* (Lapansky-Werner, et al., 2010), additionally, contrasts Johnson’s attitudes towards newly-freed slaves with those of Radical Republicans:

Johnson’s dislike of the planter class did not translate into a desire to elevate African Americans. Like many southerners, Johnson expected the United States to have a “government for white men.” He did not want African Americans to have the vote. In fact, he had little sympathy for their plight...Radical and moderate

Republicans were concerned about the lack of African American suffrage, but they remained hopeful that black political rights would soon follow (p. 405).

Such rights did not follow, of course—instead, “Black Codes” were adopted throughout the states of the former Confederacy. The linkage of Johnson’s bigotry, Radicals’ egalitarianism, and the Southern white backlash that followed implicitly casts Andrew Johnson as the antagonist of this narrative, the singular figure that betrayed Lincoln’s legacy and abandoned ex-slaves. To student readers (especially in light of their chronic passivity towards received content), phrases such as the following heighten the impression that Andrew Johnson stood firmly opposed to racial progressivism, a core value of modern American political culture: “While the Radicals claimed that federal intervention was needed to advance African American political and civil rights, President Johnson accused them of trying ‘to Africanize the southern half of our country’” (p. 406).

The degree to which Johnson’s policies are construed as a betrayal of Lincoln’s intentions is evident in several texts. *The American Nation: A History of the United States* (Carnes, et al., 2008), for example, describes Lincoln’s “Ten Percent Plan as a product of his “lack of vindictiveness and his political wisdom” (p. 410-411). Johnson’s version, which contained no ten-percent provision (since he assumed, probably correctly, that most southerners would be willing to take an oath of loyalty with the war over), had “no chance” of passing Congress, the authors argue, due to its political shortsightedness; given the impact black citizenship would have on congressional apportionment and the regional balance of power, Republicans had little reason to support it. Thus Lincoln’s vision was hamstrung by Johnson’s practical myopia (p. 411). A similar view can be seen

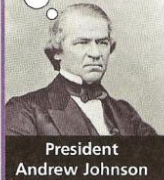
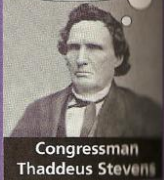
in the narrative of *The American Pageant* ((Kennedy, et al., 2006), which establishes an analysis of Johnson's failings through the metaphor of a crucifixion:

A few historians have argued that Andrew Johnson, now president-by-bullet, was crucified in Lincoln's stead. The implication is that if the "rail-splitter" had lived, he would have suffered Johnson's fate of being impeached by the embittered members of his own party, who demanded harshness, not forbearance, toward the South. The crucifixion thesis does not stand up under scrutiny...the surefooted and experienced Lincoln could hardly have blundered into the same quicksands that engulfed Johnson...In addition to his powers of leadership refined in the war crucible, Lincoln possessed in full measure tact, sweet reasonableness, and an uncommon amount of common sense. Andrew Johnson, hot-tempered and impetuous, lacked all of these priceless qualities. (p. 479)

*The American Pageant*, to its credit, does acknowledge that Lincoln's plan did not meet with mass approval among Radicals in Congress—"Lincoln no doubt would have clashed with Congress; in fact, he had already found himself in some hot water" (p. 479)—and other textbooks, notably *The Americans* (Danzer, et al., 2010), describe the ambivalence many legislators felt towards the leniency of Lincoln's proposals, pointing out that Radical leaders saw little distinction between the former President and the new executive: "To the dismay of Thaddeus Stevens and the Radicals, Johnson's plan differed little from Lincoln's" (p. 378). In such narratives, there is often a strange disconnect in the representation of Lincoln—treated as almost a mythic figure during the war itself, especially in describing his ability to hold the Union together, textbook authors struggle

to reorient their characterization of the “martyred” President in light of ongoing contemporary criticism of his plans. There is no such difficulty with Andrew Johnson; he is routinely memorialized as at least obstinate, at most foolish, and in all cases misplaced.

The events of Radical Reconstruction are related in textbooks in much the same detail and order as in historiographical works. All the books in this study feature thorough descriptions of the Freedmen’s Bureau, the the Tenure of Office Act, the impeachment of Andrew Johnson, the 14<sup>th</sup> and 15<sup>th</sup> Amendments, the Civil Rights Act, the Military Reconstruction Act, and the Enforcement Acts designed to restrict white violence towards blacks. Several texts incorporate creative, though somewhat simplistic representations of the competing plans for Reconstruction, such as *America: History of Our Nation* (Davidson & Stoff, 2009)—see Figure 11:

Opposing Plans for Reconstruction			
 President Andrew Johnson	<b>President Andrew Johnson (1865)</b>	<b>Radical Republicans (1867)</b>	 Congressman Thaddeus Stevens
I want a quick reunion.	<ul style="list-style-type: none"> <li>• Majority of white men must swear oath of loyalty</li> <li>• Must ratify 13th Amendment</li> <li>• Former Confederate officials may vote and hold office</li> </ul>	<ul style="list-style-type: none"> <li>• Must disband state government</li> <li>• Must write new constitution</li> <li>• Must ratify 13th and 14th Amendments</li> <li>• Must allow African American men to vote</li> </ul>	We want real change.

**Reading Charts**  
Skills Activity

President Andrew Johnson and Republican members of Congress, led by Thaddeus Stevens, disagreed about the process of Reconstruction.

(a) **Read a Chart** Which plan required states to write new constitutions?

(b) **Detect Points of View** Why did Radical Republicans think Johnson’s plan was not strict enough?

Figure 11: Opposing Plans for Reconstruction (*America: History of Our Nation*, Davidson & Stoff, 2009, p. 552)

In terms of the individual acts of Reconstruction, this study's sample does tend to include multiple viewpoints regarding the intent, effectiveness, and legacy of the various acts of legislation. The most comprehensively examined policy initiative of the Radical Republicans, among these ten textbooks, is the Military Reconstruction Act of 1867. Some narratives are quite brusque in their description; *The Americans* (Danzer, et al., 2010), for example, describes the Act in the barest terms possible—"Johnson vetoed the Reconstruction Act of 1867 because he believed it was in conflict with the Constitution. Congress promptly overrode the veto" (p. 381).

*America: Pathways to the Present* (Cayton, et al., 2007), does somewhat better, relating the substance of the Act and pointing out that "historians noted that this was indeed a 'radical' act in American history" (p. 432). The authors provide no more explanation or justification for this statement; that is hardly the case, however, with *The American Pageant* (Kennedy, et al., 2006), which includes a thoughtful, detailed argument about the radicalism (and pragmatism) of the Military Reconstruction Act:

The bitterest pill of all to white Southerners was the stipulation that they guarantee in their state constitutions full suffrage for their former adult male slaves. Yet the act, reflecting moderate sentiment, stopped short of giving the freedmen land or education at federal expense. The overriding purpose of the moderates was to create an electorate that would vote those states back into the Union on acceptable terms and thus free the federal government from direct responsibility for the protection of black rights. As later events would demonstrate, this approach proved woefully inadequate to the cause of justice for blacks. (p. 492)

The authors go on to critique the Reconstruction Act as an usurpation of executive authority by Congress, as well as a creation of “a martial regime of dubious legality....Peacetime military rule seemed starkly contrary to the spirit of the Constitution. But the circumstances were extraordinary in the Republic’s history, and for the time being the Supreme Court avoided offending the Republican Congress” (p. 492). Such interpretations carry their own moral weight, but from a historiographical perspective, this narrative provides a significant degree of depth, articulation, and complexity.

The textbooks in this sample do a credible job of highlighting Radical Reconstruction’s successes and failures. Many of them also present multiple historical interpretations of the event itself. *United States History* (Lapansky-Werner, et al., 2010), for example, incorporates a chart that summarizes the advances and setbacks of Reconstruction. In terms of successes, the text recognized that “the Union is restored,” as well as “Southern economic rebuilding begins”; on the other side of the ledger, the text concedes that “distribution of wealth and power in the South remains unchanged,” as well as the fact that racism precipitated the limitation of African-American voting rights (p. 428). *America: History of Our Nation* (Davidson & Stoff, 2009) includes the following summation of historical analyses of Reconstruction:

Historians once took a critical view of Radical Reconstruction, focusing on the widespread corruption and extensive spending during this period. More recently, however, historians have written about important accomplishments of Reconstruction. They noted that during Reconstruction, southern states opened public schools for the first time. Legislators spread taxes more evenly and made

fairer voting rules. They gave property rights to women. In additions, states rebuilt bridges, roads, and buildings destroyed by the war. (p. 555)

*The Enduring Vision* (Boyer, et al., 2008) highlights the Radicals' unwillingness to guarantee a "large military presence in the South," which would have protected freedmen's rights, and the subsequent diminishment of federal power in the former Confederate states as the major factor in the failure of Reconstruction (p. 481). *United States History* (Lapansky-Werner, et al., 2010), rather than blaming Republicans for not doing enough, accuses white Southerners of being the primary factors behind Reconstruction's shortcomings. In a section titled "Violence Undermines Reform Efforts," the authors describe the "fierce economic competition" that existed in the war-ravaged South and how such competition "fueled the fire of white southerners' outrage" (p. 416-417).

Eric Foner, in *Give Me Liberty* (2008) gives one of the more sweeping characterizations of Reconstruction, as may be expected, given his preeminence as a historian of the era. Foner acknowledges Radical Reconstruction's "limitations" and the "daunting challenges" faced by Radical reformers, as well as exploring one of the fundamental constraints on the American concept of freedom in the nineteenth century: "The policy of granting black men the vote while denying them the benefits of land ownership strengthened the idea that the free citizen could be a poor, dependent laborer" (p. 581). Foner does, however, draw attention to the "remarkable" achievements of Reconstruction, given such restrictions, and argues that one of the most important achievements of the era was the emphasis placed on an enduring social and political issue: "how, in a modern society, to define the economic essence of freedom" (p. 581).

*The American Journey* (Goldfield, et al., 2007) attributes the failures of Radical Reconstruction to a similar issue—a national conceptual resistance to the evolution of political and natural rights. Particular to this resistance was the issue of voting, which most nineteenth-century Americans saw as something less than a given: “Voting was a privilege to be earned, they maintained, not a basic right of citizenship. And black people, according to some Republicans, had not earned that right” (p. 471). The narrative labels this a “racist assumption,” one that was gaining “an aura of scientific respectability” among the intellectual and social elite in America: “White racial theorists held that it was folly to grant suffrage to African Americans because an inferior race (black) could not hold power over a superior race (white)” (p. 471-472).

On the whole, then, the textbooks in this sample do a commendable job in their accounts of Presidential Reconstruction and Radical Reconstruction. A common feature of these narratives is a significant degree of historical complexity; however, such complexity tends to carry moral qualifications, both implicit and explicit. Such qualifications will be apparent during the categorical analysis of *jus post bellum*.

### **Categorical Analysis**

The categorical analysis of textbook narrative descriptions of Presidential and Radical Reconstruction falls into the following categories: compensation and punishment, and rehabilitation.



### **Compensation and punishment.**

The issue of compensation is central to any *jus post bellum* analysis. Material devastation and financial loss are natural to any conflict; and for one as destructive as the Civil War, such destruction was more widespread than had been previously imaginable. Even worse, the sectional nature of the war created a major complication—given the fact that the former Confederate states were to rejoin the Union as a consequence of their defeat, the cost of rebuilding those areas would become, by default, the responsibility of the entire nation.

Brian Orend, in *The Morality of War* (2006), argues that any financial settlement between former combatants must be permissible under other *jus post bellum* conditions, primarily proportionality and discrimination. The issue is not strictly financial, though it is often reducible to that—put simply, the “Aggressor has cost [the] Victim a considerable amount, and so at least some restitution is due.” From a “just war” perspective, there are two major questions—“*how much* and *from whom* [in the aggressor state] is the compensation to be paid out” (Orend, 2006, p. 166)?

The first question, *how much*, is subject to the proportionality rule; the civilian population of the aggressor state has a claim to human rights, just as does the civilian populace of the victimized state, and those rights can’t be violated through a mass bankruptcy of the defeated nation’s financial resources. The second question, *from whom*, is more complicated. The difficulty (and irony) for the federal government at the conclusion of the Civil War lay in the fact that any financial settlement would come from the newly-unified nation—which meant, in effect, that Northerners would be paying for the rebuilding of the South, after they had paid to destroy it.

This is, of course, an unavoidable aspect of civil war, but never before in American history (and, arguably, in human history), had it been faced on such a monumental scale. The total cost of the Civil War is difficult to calculate or even to fathom. Some estimates puts the combined cost at over \$1 trillion, while other scholars limit their estimation to the total amount raised by each side, in the form of taxes or loans—\$3 billion for the North, \$2 billion for the South (Powell, 2008). Whether or not the nation would have the ability to absorb the massive financial investment necessary to achieve the physical aspects of Reconstruction was unclear.

Most of the textbooks in this sample tend to focus on the legal, emotional, and political ramifications of reunification after the Civil War. There is only cursory mention of economic issues, which mainly occurs as a form of framing or introductory device to the subject of Reconstruction in general. Several textbooks—for example, *Give Me Liberty!* (Foner, 2008)—describe one of the conditions of Presidential Reconstruction that was required of Southern states, a repudiation of Confederate debt. This is less an issue of compensation, however, and more an issue of submission to federal authority by dismissing the financial obligations of an eliminated government. Only a few textbooks explicitly mention any form of financial compensation, which—given the particular impact of reunification as the mechanism for peace—took the form of taxes. *The Enduring Vision* (Boyer, et al., 2008) describes how Republican governments of southern states, established during the period of Radical hegemony, were forced to raise taxes in order to rebuild the shattered infrastructure of Southern society—“Because rebuilding the devastated South and expanding state government cost millions, taxes skyrocketed.” The increased revenues allowed for massive rebuilding, but also fueled Reconstruction’s

critics, who termed Republican administrations, both federal and state, the “most stupendous system of organized robbery in history” (p. 479). Beyond this, there is no overt mention of any financial form of compensation.

It may be, though, that it is unfair to expect textbooks to properly address a strict definition of compensation in their content. Certainly, the classic failing of textbooks—lack of complexity and depth—may play a part in such a deficiency, but also the peculiar nature of the Civil War precludes a clear-cut establishment of compensation by an aggressor state to a victim state. One must turn, then, to other components of “just war” theory that may substitute in this situation for the moral elements of compensation, if not the legal ones. The most appropriate condition would be the issue of punishment.

As the war drew to a close, and it became apparent that the Confederacy would not win, many Northerners began to call for harsh retribution against Southern leaders and military commanders for treason. Orend (2006) and Walzer (1977) argue that a distinction must be made between soldiers—who are following orders, and are thus generally protected from postwar prosecution except in the case of blatant violations of other “just war” conditions (e.g., proportionality)—and leaders, who have committed egregious violations of “just war” tenets.

It would be unfair to draw comparisons between modern trials for heads of state for war crimes and any hypothetical trials for Confederate leaders, like Jefferson Davis. First, such trials, of course, never occurred—Davis, the most famous “traitor,” was never put on trial (though he was imprisoned for a time). Second, the crimes for which trials and tribunals have been created in the last century have been for crimes so outside the realm of traditional conduct in war—most notably, the Nuremberg Tribunals for genocide

and crimes against humanity—that nothing of which Confederacy might have been accused can be considered comparable. In point of fact, only one Confederate officer—Henry Wirz, the commandant of Andersonville Prison—was court-martialed and ultimately executed for his crimes, and that only because public outrage over the revolting standards at the prison convinced Union authorities of the necessity for such a trial (Williams, 2005, p. 239).

Orend (2006) and Walzer (1977) reach similar conclusions about the blame that may be reasonably affixed on political and military leaders—generally, “the greater a person’s influence on his country’s actions in wartime, the greater his responsibility for them” (Orend, 2006, p. 176). Using this principle, both Presidential and Radical Reconstruction can be examined from a “just war” perspective. Did either plan demand compensation in the form of punishment for political or military figures, and to what degree do textbooks represent this?

Lee’s surrender at Appomattox and Grant’s acceptance thereof set the conditions for common soldiers of the Confederacy—they would be granted a general amnesty and immunity from further prosecution, and be allowed to keep their personal effects and, where applicable, their horses and mules. For political leaders, the situation was more complex and addressed both under Presidential and Radical Reconstruction plans. To their credit, the textbooks of this sample all differentiate between the possibility of punishment for Confederate soldiers and their political leaders, which is an essential condition of “just war” theory. The U.S. government’s policy towards the latter class of Southerners is often depicted in textbooks but rarely offered for critique.

Under Andrew Johnson, the federal approach was distinguished for its leniency towards ex-Confederates, a fact which many textbooks highlight. *America: History of Our Nation* (Davidson & Stoff, 2009) includes a quotation from Radical leader, Senator Charles Sumner, at the beginning of its paragraph on Reconstruction, next to a picture of Johnson and the heading, “*Who Shall Rule the South?*” The quotation reads: “Rebels found themselves in places of trust, while the truehearted Unionists, who had watched for the coming of our flag and ought to have enjoyed its protecting power, were driven into hiding places” (p. 552). The text goes on to describe Johnson’s plan to offer a general amnesty to most ex-Confederates and characterizes the approach as “relatively lenient” (p. 552). *America: Pathways to the Present* (Cayton, et al., 2007) asserts that Johnson’s plan was “generous,” and goes on to state that his policy, “although officially it denied pardons to all Confederate leaders,” was hardly that stringent in reality: “Johnson often issued pardons to those who asked him personally. In 1865, he pardoned 13,000 southerners” (p. 427). The implication that all 13,000 must have asked him personally and were thus granted pardons seems unrealistic, but the authors present the point without further comment.

Other textbooks describe how Johnson’s leniency contributed to both flagging support for his policies and Radical disenchantment with Presidential Reconstruction. Eric Foner’s *Give Me Liberty!* (2008) points out that, “at first, most northerners believed Johnson’s policy deserved a chance to succeed,” but eventually the behavior of Southern states—the election of ex-Confederates to Congress, and reports of violence towards freed blacks—together with Johnson’s reluctance to curb such conduct, led to resistance among Northern Republicans (p. 561). Foner argues that it was the passage of the Black

Codes that signaled to Radicals that Johnson was ultimately unwilling to demand Southern submission to federal policy, which they saw as the only real form of compensation available. Foner places the blame for the harsher policies of the Radicals squarely on the South:

Wars—especially civil wars—often generate hostility and bitterness. But few groups of rebels in history have been treated more leniently than the defeated Confederates. A handful of southern leaders were arrested but most were quickly released. Only one was executed...Most of the Union army was swiftly demobilized. What motivated the North's turn against Johnson's policies was not a desire to "punish" the white South, but the inability of the South's political leaders to accept the reality of emancipation. (p. 562)

*The American Nation: a History of the United States* (Carnes, et al., 2008) also holds that the Southerners were comparatively well-treated after the war's end. The authors implicate "the refusal of the South to accept the spirit of even the mild reconstruction designed by Johnson" as a primary factor behind "ever more overbearing efforts to bring the ex-Confederates to heel" (p. 415), and they point out that prior to Reconstruction, the Civil War was marked by considerably more humane treatment than might have been expected:

Despite its bloodiness, the Civil War had caused less intersectional hatred than might have been expected. Although civilian property was often seized or destroyed, the invading armies treated the southern population with forbearance, both during the war and after Appomattox. While confederate President Davis was ensconced in Richmond behind Lee's army, Northerners boasted that they

would “hang Jeff Davis from a sour apple tree,” and he was at once clapped into irons preparatory to being tried for treason and murder. But feeling against Davis subsided quickly. In 1867 the military turned him over to the civil courts, which released him on bail. He was never brought to trial. A few other Confederate officials spent short periods behind bars, but the only Southerner executed for war crimes was Major Henry Wirz, the commandant of Andersonville military prison. (p. 410)

*The American Pageant* (Kennedy, et al., 2006) addresses the same issue of imprisoning former Confederate leaders, but does so with a more skeptical tone:

[Davis] and his fellow ‘conspirators’ were finally released, partly because the odds were that no Virginia jury would convict them. All the rebel leaders were finally pardoned by President Johnson as sort of a Christmas present in 1868. But Congress did not remove all remaining civil disabilities until thirty years later and only posthumously restored Davis’s citizenship more than a century later. (p. 479)

Still, the issue here is not whether either version—that Davis and other Confederates were treated fairly, unfairly, or too generously—is right, but whether or not textbooks contain narrative that infers a moral position, as measured against “just war” doctrine. Together, there is significant content, in the textbooks of this study, that addresses the “just war” components of compensation and punishment; yet, there are few opportunities for students to question the moral decisions of either President Johnson or Radical Republicans, from either a historical or moral standpoint.

**Rehabilitation.**

Possibly the most complex component of *jus post bellum* is that of rehabilitation, the attempt by a victorious state to rebuild the fundamental structure of a defeated nation's society so as to prevent further acts of aggression. Such efforts are complicated, aimed at social and political institutions that are often grounded historically, culturally, sometimes even ethnically or religiously. Attempts at national rehabilitation are often long-term investments of national capital, and recent examples (the U.S. occupation of Iraq) highlight the manner in which well-meaning policies can often have substantial negative repercussions.

Orend asserts, in *The Morality of War* (2006), that the “opportunity to reform decrepit institutions in an aggressor regime” are permissible, so long as such efforts are “proportional to the degree of depravity in the regime” (p. 181). These reforms are not only meant to be durable solutions to future hostile acts from that nation, but also a form of permanent “exit strategy” from future wars—all of which, claims Orend, are allowable under “just war” theory, so long as they are ethical. One of the chief concerns in this area is the reform of what Orend terms “illegitimate state structures,” and the degree to which they can be altered, transformed, or replaced (p. 190).

Peter Temes, in *The Just War: An American Reflection on the Morality of War in Our Time* (2003), posits three main principles for a “just” war: first, that the conflict “sanctifies human life” by treating all people, on both sides, as equally valued (in opposition to the general dehumanization of opponents); second, that the war is “about the future, not the past”; and third, that the war “preserves and strengthens the principles of individual rights, based on the notion that the legitimacy of government derives from



the consent of the governed” (p. 193). The last two precepts are fully in the tradition of *jus post bellum*—a war should be fought with a moral aim in mind *and* the intent to change those preexisting conditions that led to the initial conflict. Temes quotes Karl Marx, who wrote in the midst of the Civil War that “Up to now [1862] we have witnessed only the first act of the Civil War—the *constitutional* waging of war. The second act, the revolutionary waging of war, is at hand” (cited in Temes, 2003, p. 195). Marx’s point—and Temes’, too—is that the Civil War became revolutionary (and moral) when Lincoln transformed the conflict from a war of reunion to a war of liberation; and in so doing, the rehabilitation of the South, in order to prevent further oppression and denial of human liberty, became a moral necessity.

Orend (2006) spends considerable time describing the conditions for a successful rehabilitation of a defeated regime and what steps in that process may be considered just. He examines the reconstruction of Germany and Japan after World War II and points to several policies which ultimately not only helped both nations recover and made each strong partners to the U.S., but also made future conflicts substantially less likely while retaining each nation’s unique cultural identity. In Germany, the Nazi party was banned and the purging process of “de-Nazi-fication” removed former political leaders from participation. The militaries of both Germany and Japan were disbanded, and the United States and her allies became the singular security force in the postwar environment. Additionally, the Allies created “Basic Law” in the form of written constitutions and revamped both nation’s educational systems to remove the “racism, ultra-nationalism and distorted ignorance of the outside world” that presaged World War II (p. 194). Finally, and most importantly, American leaders realized that these reforms would certainly fail

in an unstable economic climate; and thus, rather than trying to punitively *remove* capital from Japan and Germany in the form of reparation payments, as with World War I, the United States pumped billions of dollars *into* both national economies. The results of this effort are quite clear—Germany and Japan, both former combatants, are now “very good ‘citizens’ on the global stage,” who have retained their cultural distinctiveness, providing “clear evidence that even massive forcible post-war changes need not threaten ‘a nation’s character,’ or what makes it unique and special to its people” (p. 194).

The example of Reconstruction after the Civil War was, in many ways, the first modern attempt at national rehabilitation, and both Andrew Johnson and Radical Republicans attempted to create a “new” South from which further acts of aggression, towards the North or its own people, were eliminated. The question here is not to what degree each succeeded, or to what degree such efforts were moral—the question is to what degree do the textbooks of this sample contain content that is reflective of the “just war” condition of rehabilitation?

Many of the actual elements of both phases of Reconstruction—e.g., the creation of the Freedmen’s Bureau, the Civil Rights Act, the Military Reconstruction Act—were imbued with the rehabilitative spirit and were clearly aimed at remaking Southern life. All of these events and policies are covered in significant detail, typically in stand-alone sections, with a considerable level of complexity (especially when compared to other Civil War topics). Particularly, the initial phase of Radical Reconstruction, after the passage of the Military Reconstruction Act, is reflective of Orend’s conditions for “coercive regime change.” *America: History of Our Nation* (Davidson & Stoff, 2009) highlights how Union soldiers helped blacks in the South register to vote for the first

time, after which “states wrote new constitutions and, in June 1868, Congress seated representatives from seven ‘reconstructed’ states” (p. 555). The language here is inferential rather than explicit—the authors modestly claim that “Under military rule, the South took on a new look,” which is a mild characterization, to say the least. Still, though, the content in question does address the issue of rehabilitation, and contains a clear element of approval for such efforts.

*Visions of America: a History of the United States* (Keene, et al., 2010) encapsulates the view that coercive rehabilitation was necessary, given the failure of the South to adopt to the new reality at war’s end:

Many Northerners wondered if the Civil War had been fought in vain. Had hundreds of thousands died to defeat the Confederacy only to see their leaders quickly resume power? Had slavery been abolished only to be replaced with a similar system of unfree labor? (p. 413)

The passage above points to the two events most often identified as the pivot between Presidential and Radical Reconstruction—the election of former Confederates to the U.S. Congress and the widespread adoption of “Black Codes.” Textbooks often indict the Southern implementation of the Black Codes as the justification for a harsher reconstruction policy, since it seemed evident at that point that “softer,” Presidential Reconstruction had failed to achieve necessary regime change. *United States History* (Lapansky-Werner, et al., 2010), for example, describes how both “Radical and moderate Republicans were infuriated by the South’s disregard for the spirit of Reconstruction” (p. 406). *The Americans* (Danzer, et al., 2010) portrays the dissatisfaction Republicans felt over Johnson’s desire for a quick reconciliation: “Many [Radicals] believed that the

Southern states were not much different from the way they had been before the war. As a result, Congress refused to admit the newly elected Southern legislators” (p. 378). And the Black Codes were indicative of the South’s desire to re-institutionalize the practice, if not the formality, of slavery: “To many members of Congress, the passage of black codes indicated that the South had not given up the idea of keeping African Americans in bondage” (p. 379). *The American Pageant* (Kennedy, et al., 2006) echoes the frustrations of many Republicans in light of such Southern repressions: “Again, angry voices in the North raised the cry, who won the war” (p. 488)?

The Radical belief that coercive regime change was necessary is on full display in many textbooks from this sample. *Give Me Liberty!* (Foner, 2008) describes how “the Radicals fully embraced the expanded powers of the federal government born during the Civil War. Traditions of federalism and states’ rights, they insisted, must not obstruct a sweeping national effort to protect the rights of all Americans” (p. 562) *The American Pageant* (Kennedy, et al., 2006), on the other hand, sees the Radical attempts to undertake a massive renovation of American society as less a noble experiment and more a hardheaded political assessment:

While the South had been “out” from 1861 to 1865, the Republicans in Congress had enjoyed a relatively free hand. They had passed much legislation that favored the North, such as the Morrill Tariff, the Pacific Railroad Act, and the Homestead Act. Now many Republicans balked at giving up this political advantage. (p. 488)

*The American Nation: a History of the United States* (Carnes, et al., 2008) issues its own judgment regarding the Radical embrace of rehabilitation in the South. “The Radicals,” the authors claim, “were in effect demanding not merely equal rights for

freedmen but extra rights; not merely the vote but special protection of that right against the pressure that southern whites would surely apply to undermine it.” The need for such protection would necessarily lead, the text maintains, to “interference by the federal government in local affairs, a concept at variance with American practice [and] conventional American beliefs in equality before the law and individual self reliance” (p. 414). This, by itself, would represent a thorough and thoughtful analysis of the Radical approach, and would comprise a substantial degree of content representative of “just war” perspectives. *The American Nation* goes even further, though, and issues a fairly explicit endorsement of the Radical approach and their ultimate goal: “Events were to show that the Radicals were correct—that what amounted to a political revolution in state-federal relations was essential if blacks were to achieve real equality. But in the climate of that day their proposals encountered bitter resistance, and not only from white Southerners” (p. 414). For the purposes of this study, whether or not *The American Nation* is right is beside the point; the incorporation of such a moral viewpoint is representative of “just war” doctrine.

Interestingly, several textbooks include descriptions of attempts at Reconstruction prior to the war’s formal end. Eric Foner, in *Give Me Liberty!* (2008) depicts the Sea Islands Experiment, in which Northern Radical reformers helped newly freed slaves in coastal South Carolina to create a new social structure. On the Sea Islands, freedmen owned and worked their own land, produced their own crops (sweet potatoes, rather than rice, rejecting the slavery-era stigma of that crop), and largely ran their affairs. Foner points to the benefits and long-term hazards of such an experiment:

By 1865, the Sea Island experiment was widely held to be a success. Black families were working for wages, acquiring education, and enjoying better shelter and clothing and more varied diet than under slavery. But the experiment also bequeathed to postwar Reconstruction the contentious issue of whether land ownership should accompany black freedom. (p. 537-538)

Foner also depicts a military attempt at rehabilitation during the war itself, which he terms “Wartime Reconstruction.” After the capture of Vicksburg in 1863, Union military authorities forced white plantation owners (the ones who had taken a loyalty oath) to sign labor contracts with newly emancipated slaves. The traditional relationship of landowner-to-laborer would remain, with one major exception: “unlike before the war, [blacks] would be paid wages and provided with education, physical punishment was prohibited, and their families were safe from disruption by sale” (p. 538). Foner uses these examples to demonstrate not only the promise of Reconstruction, but also the future conflicts such attempts at rehabilitation would create, particularly over the issue of land ownership.

Only one other textbook, *Visions of America: a History of the United States* (Keene, et al., 2010), includes references to the Sea Islands, as well as similar black resettlement projects in Louisiana and Davis Bend, Mississippi. This textbook, however, is less optimistic in its depiction of such experiments, calling into question the motivation of the reformers that helped the freedmen. Initially, the ex-slaves engaged in subsistence farming; when reformers arrived, they came with “a very different vision of the future for the Sea Islands” (p. 406). Federal authorities did not give land to freedmen, but instead sold it, primarily to Northern investors. Such investors were intent on restarting cotton

production and hired blacks as wage earners. The text questions the moral intent of white reformers in these projects, allowing initially for the prospect that such efforts were “sincere,” motivated by a belief that small-plot subsistence farming was “backward [and] harmful to the long-term interests of the freedmen.” Directly thereafter, however, the authors parallel this motive with the statement that reformers also held “the racist notion that African Americans were not capable of handling their freedom responsibly and therefore needed white employers to guide them” (p. 406-407). According to *Visions of America: a History of the United States*, efforts at pre-1865 Reconstruction were, at best, only middling in success, and (seemingly worse), they “created a host of conflicting visions regarding the rights of freedmen, land redistribution, and the authority of ex-slave owners” (p. 408).

Textbook narratives from this sample are fairly clear in their endorsement of Radical policies. This is not to say that such endorsements are explicitly stated or affirmed; that would run contrary to the generally passive voice employed by most standard textbooks. Instead, the attempts by Radical Republicans are generally presented as virtuous, motivated by notions of equality and justice, whereas resistance in the South is shown as motivated by racism, fear, ignorance, and bitterness. *The Americans* (Danzer, et al., 2010) portrays “resentful whites [who] used violence to keep blacks from improving their position in society,” (p. 378), while *America: Pathways to the Present* (Cayton, et al., 2007) decries the “brutality” of white Southerners towards freedmen while describing the “public outrage” over such incidents (p. 432). *The American Pageant* (Kennedy, et al., 2006) probably is most equitable in its treatment of the postwar South, describing ex-Confederates as “beaten but unbent,” who “cursed the

‘damnyankees’ [*sic*] and spoke of ‘your government’ in Washington, instead of ‘our government’” (p. 480). Southerners were “conscious of no crime,” and “continued to believe that they view of secession of correct and that the ‘lost cause’ was a just war.” Still, though, despite this attempt to incorporate the perspective of white Southerners, the text’s authors still manage to characterize the former combatants as “dangerously defiant” (p. 480).

Textbooks often portray the remaking of Southern society as inevitable, the only possible solution to the issues that led to the Civil War. *The American Pageant* (Kennedy, et al., 2006), as described earlier, characterizes the Reconstruction Act of 1867 as an act of moderation, one intended to “create an electorate that would vote [Southern] states back into the Union on acceptable terms.” The text makes it clear, though, that this policy did not go far enough: “As later events would demonstrate, this approach proved woefully inadequate to the cause of justice for blacks” (p. 492). This conclusion may well be right; many historians consider Reconstruction (at least, the proposed reforms, if not the actual ones) to have been an appropriate response to the original causes of secession, or even, as with *The American Pageant*, not far-reaching enough. “Just war” theorists, in view of the general rule that violence should be limited in all ethical ways, would tend to accept a limited resolution without coercive regime change, but *only* if the factors which led to the conflict were rectified. If not, one is left with an unjust resolution.

One of the important points about the concept of rehabilitation is the ethical application of force. Orend (2006) believes that issues of all three phases of “just war”—*jus ad bellum*, *jus in bello*, and *jus post bellum*—must be ethically maintained throughout the entire progression of the war itself. If a state’s cause for going to war is



just, Orend asserts, it does not necessarily follow that its conduct in war, or its postwar resolutions, will be similarly just—but, by the same token, if a defeated state does not obey the provisions of a postwar resolution, the victorious state would be justified in using additional force, in defense of its continued just cause. In effect, then, all phases of “just war” must be satisfied in order for a war to be considered morally permissible.

Textbooks do sometimes reflect this understanding of rehabilitation, though such reflection tends to be inchoate. *The American Pageant* (Kennedy, et al., 2006), for example, acknowledges different attitudes between moderate and Radical Republicans regarding the correct course of action in the South, but also states that “one thing both groups had come to agree on...was the necessity to enfranchise black voters, even if it took federal troops to do it” (p. 492). In fact, several textbooks also note that military force was not the only form of coercion that was at use during this period. When Radicals and President Johnson were at loggerheads over their competing visions for Reconstruction, Republicans in Congress were willing to override the President’s veto of the Civil Rights Act and the Military Reconstruction Act, the first time that particular method of legislative force had been used in American history.

On the whole, all the textbooks contain significant passages related the Radical attempt to remake Southern society after the war; yet very few provide opportunities for students to critically examine or challenge the ethical value of such policies. Whether or not Reconstruction (Presidential or Radical) was a moral approach, of course, depends heavily on one’s perspective. The perspective of this study is drawn from “just war” tradition—and textbook depictions of the two main phases of Reconstruction, and the moral conclusions drawn or inferred from those depictions, are at issue. Textbooks in this

sample are unmistakably more willing to include moral content in their depictions of Reconstruction, but there are few clear opportunities in the narratives for students to question the policies of that era.

### **The 14<sup>th</sup> Amendment**

The willingness of Radical Republicans to use legislative and constitutional tools to effect rehabilitative efforts in the South is well-explored in historiography and well-represented in textbooks. Radical Republicans used the constitutional amendment process to enshrine and protect the advances made in race relations during their control of Congress, in the late 1860s. The Thirteenth Amendment banned slavery, which was enormously important in its own time; the 14<sup>th</sup> Amendment, however, which guaranteed “equal protection” under the law, has had significantly more repercussions in the modern era. In this section, textbook depictions of the 14<sup>th</sup> Amendment, one of the most important and far-reaching milestones of Reconstruction, are examined.

#### **Historical Narrative Analysis**

The 14<sup>th</sup> Amendment is a legislative achievement that most historians rank alongside the most important of American history, not least of which for its long-term impact. It was the first constitutional amendment since 1804, and while its contemporary purpose was protective of newly-granted status for blacks, it has become one of the most expansive and powerful constitutional tools in American political culture.

In effect, the 14<sup>th</sup> Amendment is little more than the citizenship provisions of the Civil Rights Act of 1866 (Olsen, 2006, p. 239). In reality, though, the 14<sup>th</sup> Amendment was, as Eric Foner writes (1988), the result of the Radicals' "lonely battle... [aiming for] equality before the law, overseen by the national government" (p. 256). This was the central tenet of the Amendment, though some historians differ on the nature of Radical motivation for its passage. Olsen (2006) relies on the most traditional explanation for the Amendment: to prevent future legislative rollback of Radical policies, particularly the Civil Rights Act, which, Republicans presumed, would come under assault from any Democratic-controlled Congress (p. 239). Williams (2005) claims that the amendment's support among Republicans was driven by the knowledge among the Congressional majority that "blacks would vote for Republican candidates if given the opportunity" (p. 475). Foner (1988), considered the authoritative voice on the era, claims the Amendment was brought about by a series of contemporaneous factors: "the break with the President, the need to find a measure upon which all Republicans could unite, and the growing consensus within the party around the need for strong federal action to protect the freedmen's rights, short of suffrage" (p. 257).

One of the few provisions of the Amendment that can be taken concretely is its passage on citizenship: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside." This phrase "[established] the primacy of a national citizenship whose common rights the states could not abridge" (Foner, 1988, p. 258), a fact which carried tremendous portent in its own time. The Radical Republicans in Congress had embarked on a massive "state-building" process, and the 14<sup>th</sup> Amendment represented a permanent and far-

reaching intrusion into local Southern politics. It was true that many Republicans considered the proposal more moderate than it might have been; only if state governments failed to protect the newly-granted citizenship of freedmen would the federal government be empowered to intervene, thus placing the main authority in the states. However, what was at issue was less the immediate meaning of the 14<sup>th</sup> Amendment, but instead its future role in the creation of a “new political leadership that would respect the principle of equality before the law” (Foner, 1988, p. 259).

The 14<sup>th</sup> Amendment had a divisive effect on the nation, partially because it encompassed fears in the former Confederacy that the Radical intent was to disenfranchise white Southerners and to empower blacks, and partially because, under the Military Reconstruction Act of 1867, readmission to the Union was tied to a state’s acceptance of the Amendment. What made the Amendment powerful as well as impactful was its adaptability of the Amendment. Republicans at the time understood the need for a flexible constitutional tool, given the dynamic and changing nature of the process. The phrases “equal protection” and “privileges and immunities” from Section 1 of the Amendment would undergo chronic reinterpretation, given the number and changing nature of injustices to which blacks might be subjected in the postwar South. The federal court system would, in years to come, attempt to dilute the Amendment’s import—through the courts’ refusal to dismantle “Jim Crow” laws in the 1870s (Williams, 2005, p. 477), and particularly with the *Slaughterhouse Cases* of 1873—in which the Supreme Court chief justice, Samuel Miller, asserted that since the rights described in the Amendment still resided in the states, thus the Amendment itself had, effectively, “nothing to do” (Foner, 1988, p. 529). As the United States grew into the twentieth

century, though, the 14<sup>th</sup> Amendment's promise of "equal protection" became one of the main constitutional instruments for achieving racial equality, primarily during the civil rights era of the 1950s-1960s. Moreover, the language of the Amendment, guaranteeing "equal protection" to all those born within the United States, provided a crucial constitutional platform from which, eventually, to secure the right of suffrage for American women (Williams, 2005, p. 478).

All the textbooks in this sample include the 14<sup>th</sup> Amendment, though some dedicate considerably more attention to it than others. In some cases this is probably a result of authorial choice—Eric Foner, the chief writer of *Give Me Liberty!* (2008), is also one of the leading contemporary authorities on the Reconstruction era, so it is understandable that he might dedicate more time and pages to such a constitutional milestone.

Generally, textbooks accurately reflect the Amendment's origins, its intent, and its impact. *Visions of America: a History of the United States* (Keene, et al., 2010), for example, establishes the Radical belief that the reforms they had achieved might prove tenuous: "The recently passed Civil Rights Bill was an unprecedented piece of legislation, but its supporters knew that it could easily be overturned by a later Congress. An amendment, on the other hand, became a permanent part of the Constitution" (p. 416). *America: History of Our Nation* (Davidson & Stoff, 2009) provides context to the Radicals' concerns: "Republicans remembered the Court's Dred Scott decision. In that ruling, the Court declared that no one descended from an enslaved person could be a United States citizen" (p. 554). *America: Pathways to the Present* (Cayton, et al., 2007) also references this fear among Republicans, as well as neatly summarizing the singular

impact of the 14<sup>th</sup> Amendment: “Concerned that courts might strike down the Civil Rights Act, Congress decided to build equal rights into the Constitution” (p. 431). *The American Journey* (Goldfield, et al., 2007) describes the 14<sup>th</sup> Amendment as an attempt to “To keep freedmen’s rights safe from presidential vetoes, state legislatures, and federal courts” (p. 466), while *The American Pageant* (Kennedy, et al., 2006) uses an evocative phrase to indicate how the 14<sup>th</sup> Amendment was intended to “rivet the principles” of the Civil Rights Act into the Constitution (p. 489).

Two textbook narratives explicitly recognize the political maneuvering behind the 14<sup>th</sup> Amendment’s proposal and adoption. *Give Me Liberty!* (Foner, 2008), for instance, points out the stark political options made available by Radicals to the former Confederate states: “The Fourteenth Amendment offered the leaders of the white South a choice—allow black men to vote and keep their state’s full representation in the House of Representatives, or limit the vote to whites and sacrifice part of their political power” (p. 564) *The Americans* (Danzon, et al., 2010) points out the political reality that black suffrage was probably beyond even the most ardent Radicals at that point: “The amendment did not specifically give African Americans the vote” (p. 377). The text goes on to highlight the manner in which Radicals extracted Southern approval of the amendment with the amendment’s provisions: “...it did specify that if any state prevented a portion of its male citizens from voting, that state would lose a percentage of its congressional seats equal to the percentage of citizens kept from the polls” (p. 377).

The textbooks of this sample perform strongly in their description of the Amendment’s long-term impact. Some descriptions are simplistic but accurate; *United States History* (Lapansky-Werner, et al., 2010) says simply of the Amendment, “It

guaranteed equality under the law for all citizens” (p. 403). *The Enduring Vision* (Boyer, et al., 2008) refers to Southern reaction to the amendment’s proposal as a “firestorm” (p. 472). Other texts are more substantial in their evaluations—*Visions of America: a History of the United States* (Keene, et al., 2010), for example, characterizes the Amendment as a “radical redefining of the role of the federal government as the guarantor of individual civil rights” (p. 416). *The American Nation: A History of the United States* (Carnes, et al., 2008) highlights the revolutionary nature of the Amendment, calling it a “truly radical measure... Never before had newly freed slaves been granted significant political rights” (p. 414). The authors also refer to the Amendment as a “milestone along the road to the centralization of political power in the United States” which “confirmed the great change wrought by the Civil War: the growth of a more complex, more closely integrated social and economic structure requiring closer national supervision” (p. 414).

Probably the most substantive and historically relevant description of the 14<sup>th</sup> Amendment can be found, appropriately enough, in Eric Foner’s *Give Me Liberty!* (2008). Foner describes the “broad language” of the Amendment and the resulting flexibility of its principles, which allowed “future Congresses and the federal courts to breathe meaning into the guarantee of legal equality” (p. 563). *Give Me Liberty!* depicts the rights instituted by the Amendment’s passage as “fundamental” to all Americans, the principle of “equality before the law regardless of race” (p. 564). Foner gives the most emphatic endorsement of the Amendment’s historical stature, calling the 14<sup>th</sup> Amendment “the most important change in [the Constitution] since the adoption of the Bill of Rights” (p. 564).

Overall, the textbooks in this study do arguably their best work, as compared to historiographical works, in their depictions of the 14<sup>th</sup> Amendment. In terms of moral content, this sample's textbooks similarly contain significant passages as compared to components of *jus post bellum*.

### **Categorical Analysis**

The categorical analysis of textbook narrative descriptions of the 14<sup>th</sup> Amendment focuses on the “just war” category of rights vindication.

#### **Rights vindication.**

The primary purpose of going to war (other than stopping another state's aggression) is the restoration of a right or rights that have been violated through aggression. Walzer (2004) refers to *jus post bellum* as the “least developed part of just war theory,” and the issue of rights vindication is one of the most nebulous concepts of this category. “Just war” theory aims to institute limits on a conflict to ensure that pursuing it to its end is moral. Initially, “just war” theory was aimed at the restoration of the *status quo ante bellum*, the condition prior to the aggression which led to the war. The idea of “restoring” or rehabilitating an aggressor state had never really been a component of “just war,” except for the fairly obvious caveat “that the threat posed by the aggressor state...before the attack should not be included in this ‘restoration’” (Walzer, 2004, p. 92). But Walzer posits that the internal transformation of a defeated state and its political structure is only justified in “extreme cases,” like Nazi Germany; mainly because any



such attempt to create a new system of internal politics “would require a usurpation of sovereignty, which is exactly what we condemn when we condemn aggression” (Walzer, 2004, p. 92).

Certainly, though, the issue of rights vindication, as indistinct as it might be in practice, is generally approved of by “just war” theorists. And some form of external compulsion of a defeated government to recognize a violation of rights and correct it is accepted by scholars in the field as a reasonable evolution of *jus post bellum*. This may be for no other reason than basic responsibility; as Walzer (2004) puts it, “once we have acted in ways that have significant negative consequences for other people (even if there are also positive consequences), we cannot just walk away...The work of the virtuous is never finished” (p. 20-21).

Orend (2006) considers the goal of a just war in light of the “just goal” of that conflict; namely, a “more secure and more just state of affairs than existed prior to the war.” Generally speaking, Orend gives an overall definition of that principle as “a more secure possession of our rights” (p. 163). He establishes three major conditions to the concept of rights vindication that should be observed in order for a war’s moral foundation to remain stable. First, the pursuit of rights vindication “forbids the continuation of the war after the relevant rights have, in fact, been vindicated” (p. 163). This is meant to prevent a war from degenerating either into an unending conflict, one in which a just resolution is hopelessly muddled or, worse still, one which may devolve into a war where the goal is to eliminate a “demonized enemy.”

The second condition Orend proposes for rights vindication is the restriction of unconditional surrender. This is because the very nature of the rights that had been

violated serve as a form of limitation, or “outside constraints” on what may be done to an aggressor after its defeat. A reliance on unconditional surrender is typically counterproductive, since it rarely convinces an enemy to give in and tends to lengthen a conflict; it is often at this point that wars become, in Walzer’s (1977) phrase, “crusades...[which] aims not at defense or law enforcement, but at the creation of new political orders and at mass conversions” (p. 114).

Orend’s third condition is that a victorious state must “communicate clearly to the losing aggressor its sincere intentions for post-war settlement.” “Winners,” Orend argues, “should never find themselves in a position where they have won the war but they do not know what do to next and so start making up post-war policy on the fly” (Orend, 2006, p. 164). In many ways, this is precisely what happened after the Civil War, as President Johnson and Radical Republicans battled over competing visions of how to properly readmit the South to the Union.

Orend also considers what might be a “just aim” of a post-war settlement, and he proposes three major components:

- The “unjust gains from aggression must be eliminated” (Orend, 2006, p. 164). Whatever wrong was done by an aggressor state must be restored (often, this is as simple as the removal of enemy troops from a conquered territory and the restoration of the victimized state to a minimally just community).
- Compensation for the victimized state and punishment for the aggressors—its political leaders and, where necessary, military leaders or troops who have behaved egregiously.

- Some form of political rehabilitation of the aggressor state may be required, Orend claims, dependent upon the “nature and severity of the aggression it committed and the threat it would continue to pose in the absence of such measures” (Orend, 2006, p. 165).

These conditions are by no means settled among “just war” scholars, and there is considerable debate over their meaning and application; this is especially so given the relatively thin level of work in *jus post bellum*, as compared to the first two categories of “just war” (a condition that has less to do with scholarly efforts and much more with the changing nature of war, as post-war resolutions have become a larger issue in the last century). Given Reconstruction’s status as a brand of intra-national rehabilitation, textbook descriptions of the 14<sup>th</sup> Amendment, and the manner in which it served as a tool of rights vindication, are common enough, though often disorganized and implicit.

The 14<sup>th</sup> Amendment was intended, by its supporters, to constitutionally enshrine the advances of the Civil Rights Act of 1866 particularly, and the progressive changes of Radical Reconstruction generally. The degree to which textbooks describe such intentions and their judgments regarding the Amendment’s success or failure is the subject of this analysis. *America: History of Our Nation* (Davidson & Stoff, 2009) terms the 14<sup>th</sup> Amendment “a powerful tool for enforcing civil rights,” but the text does note that “almost a century passed before it was used for that purpose” (p. 554). The dismissive phrasing infers the author’s position that the Amendment did little help African-Americans at the time or in the immediate future. *America: Pathways to the Present* (Cayton, et al., 2007) is somewhat more supportive of the Amendment in its depiction, terming it “a turning point” and claiming, somewhat ambiguously, that “its

effects have echoed throughout American history” (p. 431). *Visions of America: a History of the United States* (Keene, et al., 2010) points out the Amendment’s importance without offering moral commentary on its value or impact on African-Americans: “The Fourteenth Amendment represented a radical redefining of the role of the federal government as the guarantor of individual civil rights” (p. 416). Beyond relating the Amendment’s general importance and its prominent role in future civil rights debates, however, none of these books can be said to contain significant moral content, relating to the concept of rights vindication.

Two textbooks—*The American Nation: a History of the United States* (Carnes, et al., 2008) and *Give Me Liberty!* (Foner, 2008)—include the most detailed and comprehensive accounts of the 14<sup>th</sup> Amendment, and come the closest, of this sample, to offering content somewhat relatable to the “just war” component of rights vindication. *The American Nation* characterizes the Amendment as “a truly radical measure” for its day and age, and compares the expansion of black rights to an analogous case study: “Never before had newly freed slaves been granted significant political rights. For example, in the British Caribbean sugar islands, where slavery had been abolished in the 1830s, stiff property qualifications and poll taxes kept freedmen from voting” (p. 414). The authors go on to describe the Amendment and identify its importance, politically and socially:

The Fourteenth Amendment was a milestone along the road to the centralization of political power in the United States because it reduced the power of all the states. In this sense it confirmed the great change wrought by the Civil War: the growth of a more complex, more closely integrated social and economic structure

requiring closer national supervision. Few people understood this aspect of the amendment at the time. (p. 414)

While this does signify the impact of the Amendment and does so in a fairly comprehensive and analytical manner, the passage does not contain significant content that can be related to the conditions of rights vindication established by Orend: the correction of wrongdoing by an aggressor, compensation for victims of aggression, and political rehabilitation of the aggressor state. In Foner's *Give Me Liberty!* (2008), there is a more passionate and lyrical endorsement of the 14<sup>th</sup> Amendment, but again, there is little overt connection to be found between the textbook narrative and the obligations of rights vindication:

The laws and amendments of Reconstruction repudiated the idea that citizenship was an entitlement of whites alone...The Reconstruction amendments transformed the Constitution from a document primarily concerned with federal-state relations and the rights of property into a vehicle through which members of vulnerable minorities could stake a claim to freedom and seek protection against misconduct by all levels of government. In the twentieth century, many of the Supreme Court's most important decisions were based on the Fourteenth Amendment, perhaps most notably the 1954 *Brown* ruling that outlawed school segregation [.] (566-567)

This selection can be inferentially held up against the components of rights vindication, and some moral content can be discerned. The expansion of rights and equality to African-Americans can be reasonably interpreted as a form of restoration of natural rights, the type of which was denied to them under the duress of slavery. The

transformation of the Constitution and its utility for the protection of minorities is representative of the “just war” condition of political rehabilitation (especially if one does not interpret the renovation of the South as the product of a foreign nation’s occupation, but instead the restoration of the political order throughout the Union after a sectional rebellion). And certainly, the 14<sup>th</sup> Amendment can be realistically construed as a means of correcting an immoral act by the aggressor nation—namely, the denial of equal rights, which had been the fundamental rule of Southern society prior to the war.

While all of these inferences may be reasonable, they are necessary because *Give Me Liberty!* and *The American Nation* include little content that presents a plain, clear moral tone. Like other textbooks in this sample, it is difficult to find content that is clearly derived from the ethical principles found in the “just war” tradition.

### **The Compromise of 1877**

By the mid-1870s, Northerners were tiring of the long national discussion on Reconstruction. But the era itself did not end neatly, by legislative act or presidential fiat. Most historians—and thus, most history textbooks—mark the unofficial end of Reconstruction at the presidential election of 1876, the disputed result of which set in motion a series of events that ultimately led to the removal of federal troops from the South. While it would be simplistic to call this the complete and final end to Reconstruction, it clearly is the event that, at least, ended the active engagement of the federal government in rebuilding the South, socially, economically, and politically. In this section, textbook depictions of the presidential election of 1876 and the resulting

“Compromise of 1877” are examined, as compared to historiographical works on the same subject.

### **Historical Narrative Analysis**

While the presidential election of 1876 offers a definitive and clear-cut finale to Reconstruction from a dramatic standpoint, the reality of the collapse of governmental reform efforts in the South is significantly more complex. Christopher Olsen (2006) describes the factors that led to Reconstruction’s end, as a governmental process, pointing particularly to two factors. First, Southern Democrats focused their efforts on “redeeming” individual states from black Republican government control by utilizing two main strategies—“white unity and violence” (p. 248). Because whites outnumbered blacks in most congressional districts, Democrats relied on racial arguments about black inferiority and the tradition of white rule in the South to boost their electoral chances. Additionally, vigilante groups like the Ku Klux Klan intimidated, harassed, beat, and even killed scores of Republican supporters, black and white. Though the passage of several federal laws designed to stop the Klan had a significant effect, by the early 1870s most Northerners had grown weary of the dissension and bloodshed, and were ready to move on.

The second factor that led to Reconstruction’s collapse, according to Olsen, was the disintegration of the southern Republican Party. Originally a coalition between white Southern Unionists (nicknamed “scalawags”) and new black voters, party unity suffered from increasing demands for political equality and leadership by African-Americans, which in turn led to the disaffection of many white supporters. In congressional elections,

“many whites balked and then withdrew from politics...Some returned as Democrats, but many simply stayed home” (Olsen, 2006, p. 249). As a result of this collapse, together with growing northern fatigue with the issue, the Democrats managed to “redeem” (reclaim control) all but three southern states by the time of the presidential election of 1876.

The election that year, between the Republicans’ Rutherford B. Hayes of Ohio and the Democrats’ Samuel Tilden of New York, became a morass of error, manipulation, confusion and, very likely, fraud. Tilden won the popular vote handily, and seemed to have won the electoral vote; though three Southern states (Florida, South Carolina, and Louisiana) reported two different sets of electoral results. Foner (1988) considers this quite predictable; the three states’ election boards, dominated by Republicans, invalidated returns from counties “rife with violence” to hand the election to Hayes (p. 575-576). Amid charge and counter-charge of voter intimidation, violence, and corruption, the two parties turned to the Constitution. With neither candidate holding a clear electoral victory, the Constitution decreed that the Congress should settle the matter—but as Olsen points out, “while Congress counts the electoral votes, the Constitution does not specify *who* does the counting” (p. 250). With Democrats in control of the House and Republicans in charge of the Senate, the election’s results would be determined by an appointed commission, one balanced between the two parties—seven Democrats, seven Republicans, and one independent. The latter member, Supreme Court Justice David Davis, abruptly dropped from the commission after being nominated for an open Senate seat in Illinois; his replacement, Justice Joseph Bradley, had been appointed to the bench in 1870 by Ulysses S. Grant, a Republican. Democrats complained bitterly,



but the commission's final vote—along party lines, “eight” to seven—gave Hayes the election (Olsen, 2006, p. 250).

The impact on Reconstruction is a subject of debate. Most commonly, historians characterize the removal of federal troops by Hayes, in his first two months as president, as one of two things: either an effort to mollify Democrats over the disputed result of the election, or as the result of a “backroom” deal with Democrats in exchange for the White House. As to the latter theory, Foner (1988) focuses on a meeting between Democrats and Republicans at Washington, D.C.'s Wormley House hotel (owned, ironically, by a black man). The meeting was ostensibly about the fate of Francis T. Nicholls, the Democrats' choice for Governor of Louisiana. At the meeting, Republican representatives vowed that Hayes would cleave to a policy of noninterference in Southern affairs. For their part, Democrats vowed to “avoid reprisals against [Louisiana's] Republicans and recognize the civil and political equality of blacks” (Foner, 1988, p. 580). Republicans and Democrats apparently felt that some sort of accord had been reached at the Wormley House meeting, and thus the legacy of the “Bargain of 1877” began. Foner points out that the “deal,” whatever it might actually have been remains difficult to pin down; all parties have differing versions of what was actually agreed to at Wormley House. What matters, to historians, is the reality of what followed next: Hayes removed federal troops from the South, and political Reconstruction was abandoned, what Foner terms “a decisive retreat from the idea, born during the Civil War, of a powerful national state protecting the fundamental rights of American citizens” (Foner 1988, p. 582).

Every textbook in this sample ends its depiction of Reconstruction with an initial account of the 1876 election, its results, and its aftermath. Most include the salient details to a considerable detail, though some (particularly those designated for Advanced Placement use) are significantly more thorough in their descriptions. All the texts, however, connect the Compromise of 1877 to the end of Reconstruction, and all proceed from their explanations of the election to a *post mortem* of the Reconstruction era—its successes, failures, and legacy.

*America: History of Our Nation* (Davidson & Stoff, 2009), for instance, begins its account of the Compromise of 1877 with a frank statement: “The end of Reconstruction was a direct result of the presidential election of 1876” (p. 558-559). The bargain reached by Republicans and Democrats to end the dispute is described as the final act of the postwar era, one which “sealed the fate of Reconstruction” (p. 559). *America: Pathways to the Present* (Cayton, et al., 2007) states that “the two parties made a deal,” one which “opened the way for Democrats to regain control of southern politics and marked the end of Reconstruction” (p. 434). *The American Journey* (Goldfield, et al., 2007) is even more blunt, stating that “Reconstruction officially ended with the presidential election of 1876,” and that it “installed Hayes in the White House and gave Democrats control of every state government in the South” (p. 473). *The American Nation: A History of the United States* (Carnes, et al., 2008) considers the significance of the compromise—“one of the great intersectional political accommodations of American history”—was its role ending Reconstruction and the fact that it “inaugurated a new political order in the South,” one which “would shape the destinies of the four million freedmen” (p. 430).

Several textbooks are less overt in establishing the connection between the election of 1876 and the end of Reconstruction, though the implication is generally clear. For instance, *The American Pageant* (Kennedy, et al., 2006), states that, “with the Hayes-Tilden deal, the Republican party quietly abandoned its commitment to racial equality” (p. 511). The authors go on to assert that “Hayes clinched the bargain by withdrawing the last federal troops that were propping up carpetbag governments” (p. 511). Though this seems damning, it is notable that the text’s narrative does not conclude that Hayes or the Republicans agreed to anything with Democrats. However, the statement that “the bayonet-backed Republican regimes collapsed as the blue-clad soldiers departed” (p. 511) is a fairly clear conclusion on the authors’ part that the electoral result was directly linked to the end of Reconstruction.

Whether or not Hayes and Tilden (or their representatives or proxies in either party) actually reached an accord in which Republicans would retain the White House in exchange for the removal of federal troops from the South is a matter of debate among historians, and that lack of unanimity is reflected in textbooks. *America: History of Our Nation* (Davidson & Stoff, 2009), for example, states explicitly that Hayes ended the military aspect of Reconstruction in accordance with a private assurance he made with the Democrats, though the authors do not indict Hayes for the outright end of Reconstruction as a political movement:

Rather than fight the decision in Congress, Democrats agreed to accept it. Hayes had privately told them that he would end Reconstruction. Once in office, Hayes removed all federal troops from the South. (p. 559)

*The Americans* (Danzer, et al., 2010), in a more cautious turn, distinguishes between Hayes and Republican leaders and their respective roles in negotiating an end to the election crisis. The text introduces the campaign of 1876 by portraying the “stodgy governor of Ohio, Rutherford B. Hayes” and his opponent, of the Democrats’ “ablest leaders, Governor Samuel J. Tilden of New York” (p. 339). The authors describe the resolution of the election as a deal made by party leaders, “in the oldest tradition of politics,” one in which Democrats extracted a series of concessions (*The Americans* is one of the few textbooks in this sample to include all Democratic demands, including federal appropriations for construction of railroads, bridges, and harbors in the South). The Democratic demand for a removal of federal troops from the South is described in circumspect terms; rather than implicating Hayes, the text states that “Republican leaders” were behind the deal (p. 399). In any case, the authors reach the same conclusion as the other textbooks in this sample: “The acceptance of this compromise meant the end of Reconstruction in the South” (p. 399).

*United States History* (Lapansky-Werner, et al., 2010) does not establish a firm connection between the election’s results and the end of Reconstruction, avoiding a condemnation of Republicans or Democrats: “Hayes was elected President. In return, the remaining federal troops were withdrawn from the South...Federal Reconstruction was over” (p. 424). *Visions of America: a History of the United States* (Keene, et al., 2010) depicts the damage done to the Hayes presidency by the taint of the election’s outcome—the text states that “Hayes’s presidency was weakened by the aura of illegitimacy... detractors referred to him as ‘his fraudulency’” (p. 427). But the authors do not attach the electoral debate to the end of Reconstruction, other than stating that Hayes

“oversaw the dismantling of the last remnants of Reconstruction policy” (p. 427). Though there is variance in the degree to which textbooks connect the Compromise of 1876 to the end of Reconstruction, this variance does reflect similar disputes among historians. To the textbooks’ detriment, however, there is no open discussion of this historiographical debate; instead, the issue is largely unexplored. Still, though some are more concrete in their conclusions, the textbooks from this sample generally reflect historians’ conclusions that the Compromise of 1877 was the definitive political end of the era of Reconstruction.

The impact of the Compromise of 1877 on the end of Reconstruction is a feature common to textbooks, as it is to historical works. Most of the books in this sample move immediately from a discussion of the election and its result to an analysis of what led to Reconstruction’s collapse, establishing clearly a connection between the two—sometimes to the detriment of the narrative’s complexity. *America: History of Our Nation* (Davidson & Stoff, 2009), for instance, describes the presidential election and moves directly to its depiction of the “end of Reconstruction” (p. 560). Most of the other textbooks, however, do not simplify the matter by stating that the Compromise of 1877 *caused* the end of Reconstruction. Instead, to their credit, they tend to offer complex, nuanced, historically valid evaluations of the era.

*America: Pathways to the Present* (Cayton, et al., 2007), after its description of the presidential election of 1876, refers to Reconstruction as “a dying issue,” one with which white voters “had grown weary.” It summarizes Northern frustration with the decade-long political process of reconciliation under four categories: “Corruption,” “the Economy,” “Violence,” and “The Democrats Return to Power” (p. 433). Most of the textbooks conceptualize the end of Reconstruction in a similar manner.

*The American Journey* (Goldfield, et al., 2007) considers political violence to be the major contributor to the end of Reconstruction. Such violence “reflected less the inadequacy of congressional legislation than a failure of will on the part of northern Republicans to follow through on commitments to southern Republican administrations” (p. 471). Moreover, the text presents violence as it was utilized by southern Democrats, as a form of political mechanism:

For southern Democrats, the Republican victory in 1872 underscored the importance of turning out larger numbers of white voters and restricting the black vote. They accomplished these goals over the next four years with a surge in political violence, secure in the knowledge that federal authorities would not intervene against them. The elections of 1876 affirmed the triumph of white southerners. Reconstruction did not end; it was overthrown. (p. 472)

The term “overthrown,” in this context, contains less moral implications and is more fundamentally analytical—it hints at the active role Southerners played in ending political Reconstruction, rather than casting aspersions or judgment on those who practiced such violence.

*The Enduring Vision* (Boyer, et al., 2008) presents the end of Reconstruction as the culmination of a long trend—a combination of national fatigue with the issue and a desire to “celebrate reunion,” rather than to continue dealing with division. To that end, *The Enduring Vision* does not consider the presidential election of 1876 as the definitive end of Reconstruction, but instead epilogic—the real finale of the era came with the toppling of Republican governments in the South. When that happened, the text states,

“the era of Reconstruction finally ended, though more with a whimper than with a resounding crash” (p. 496).

*United States History* (Lapansky-Werner, et al., 2010) addresses the failure of Northern support, focusing more on the desire of Northerners to reform perceived political abuses and corruption, primarily of the Grant administration. It also includes national anxiety over the financial strain of continued military occupation of the South. Interestingly, *United States History* is the one of the few texts to dedicate substantial coverage to the role of the U.S. Supreme Court in dismantling Reconstruction, describing the Court’s decisions in *The Slaughterhouse Cases* and *United States v. Cruikshank* (p. 421).

*Visions of America: a History of the United States* (Keene, et al., 2010) offers one of the more detailed and complex analyses of the end of Reconstruction. Though it does include the obligatory reference to political violence in the South and the role played by vigilante groups like the Ku Klux Klan, the authors also highlight the “abandonment” of political Reconstruction, rather than its failure, and focus on reasons why Northerners became less committed to “vigorous Republican policy” (p. 423). The text describes the corruption scandals that occupied national attention during the presidency of Ulysses S. Grant, a common trait of the textbooks in this sample; yet it also pointed to the dissension within the Republican party over two major issues—the concern of moderates over the proper role of the federal government in intervening in state affairs, and the disaffection of liberal Republicans in the wake of continual debates over such intervention, combined with disgust with the attempt to impeach President Johnson (p. 423). Finally, *Visions of America* is unique for its emphasis on economic factors beyond the considerable cost of

Reconstruction. This text also highlights the impact of the “Panic of 1873,” a national economic calamity that changed many Northerners’ view of the value of Reconstruction—“As hard times set in, and hundreds of thousands of workers lost their jobs, the fate of the freedmen became less of a concern to Northerners” (p. 424).

Some textbooks rely on visual graphics to summarize for students the factors behind the end of Reconstruction. *The Americans* (Danzer, et al., 2010), for example, includes this “Visual Summary” that captures the foundations, policies, and end points of Reconstruction (see Figure 12, “Reconstruction and its Effects”):

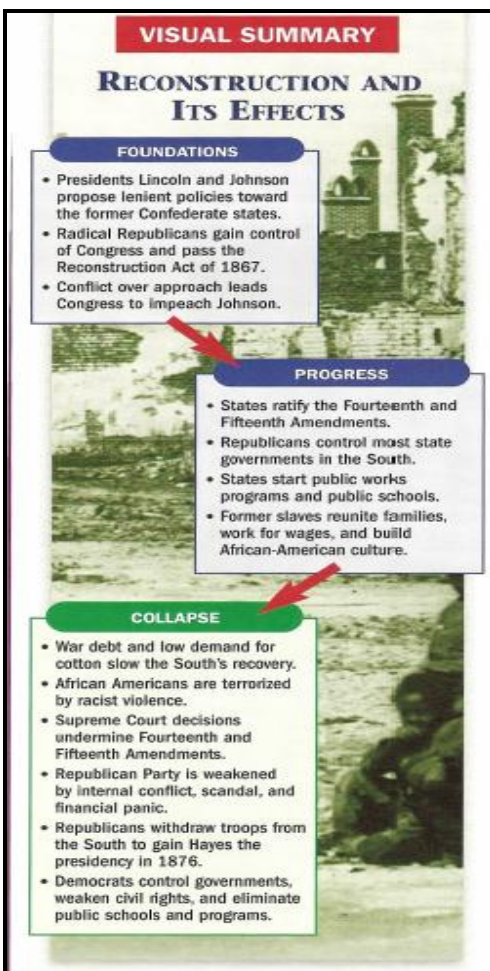


Figure 12: Reconstruction and its Effects (*The Americans*, Danzer, et al., 2010, p. 402)



As is evident in the final cell of the graphic, the authors here highlight many of the causes of Reconstruction's ending that are the subject of historiographical works, including the internal dissension of the Republican Party, the impact of scandal and political corruption, Supreme Court decisions, and economic stagnation. In this manner as well as those discussed above, textbooks from this sample perform strongly in their depiction of the Compromise of 1877, the facets of historical debate regarding that event, and its connection to the military and political end of Reconstruction.

### **Categorical Analysis**

The categorical analysis of textbook narrative descriptions of the Compromise of 1877 concerns the “just war” category of rights vindication.

#### **Rights vindication.**

The concept of rights vindication, it may be recalled, concerns the ability and responsibility of a victorious state to “secure the basic rights whose violation triggered the justified war” (Orend, 2007, p. 580). The goal of a state that has successfully resisted aggression is to remove the conditions that led to the hostile acts of a defeated state, as well as to restore the rights of a vanquished people which had been, presumably, limited or violated by the aggressive act of the ruling regime. The obligation of the winning side is to avoid punitive measures of retribution—“vindicating rights, not vindictive revenge, is the order of the day” (p. 580).

The Compromise of 1877 is recognized by all the textbooks of this sample to be the practical end of Reconstruction. Moral content is evident in textbook narratives in the manner in which such narratives express a position, primarily on two issues—whether or not the compromise itself was moral, and whether or not Reconstruction, at its end point, was successful or a failure.

Textbook depictions of the Compromise of 1877 do include moral conclusions regarding whether or not the agreement between Republicans and Democrats like moral—however, as has been common in such depictions, such conclusions are often latent and implicit. Some books, like *The American Journey* (Goldfield, et al., 2007) include only veiled references to the ethical failings of the agreement, referring to the “so-called ‘Compromise of 1877’” (p. 473). Some equivocate on the value of the compromise, relying on moderation to characterize the bargain’s flaws: “Like all compromises, the Compromise of 1877 was not entirely satisfactory; like most, it was not honored in every detail” (*The American Nation: A History of the United States*, Carnes, et al., 2008, p. 429). In other cases, though, the viewpoint of a given textbook is apparent from the conjoined descriptions of the presidential election of 1876 and the failings of Reconstruction. This can be seen in the narrative of *America: History of Our Nation* (Davidson & Stoff, 2009), which explains that, “once in office, Hayes removed all federal troops from the South,” and follows this in the next section with the following: “With the end of Reconstruction, African Americans began to lose their remaining political and civil rights in the South” (p. 559-560). A similar practice is evident in *The Americans* (Danzer, et al., 2010):

In the **Compromise of 1877** [*sic*], Republican leaders agreed to these demands, and Hayes was peacefully inaugurated. The acceptance of this compromise meant the end of Reconstruction in the South. The Democrats had achieved their long-desired goal of **home rule** [*sic*]*—*the ability to run state governments without federal intervention...They passed laws that restricted the rights of African Americans, wiped out social programs, slashed taxes, and dismantled public schools. (p. 399)

Other textbooks are more explicit in their condemnation of the Compromise as an abrogation of the promises made by Radical Republicans at the outset of Reconstruction. In fact, it is the depiction of Reconstruction's failures and shortcomings, as related to its premature end after the 1876 presidential election, that textbooks contain their most pronounced and explicit moral perspectives.

The "just war" component of rights vindication requires that a "reversal of the aggression that prompted parties to resort to arms" (Bosanquet, 2007, p. 39). Several textbooks in this sample conceptualize the end of Reconstruction as a moral disaffirmation by the North, an abandonment of freedmen and the principles that motivated Radicals at the war's end. Eric Foner, in *Give Me Liberty!* (2008), goes so far as to avoid the standard term for the agreement between Republicans and Democrats, habitually calling it the "Bargain" of 1877, rather than "compromise." Southern Democrats ("Redeemers") who took control in southern states, displacing Republican administrations in the late 1860s, are often portrayed as villainous restorers of a corrupt and racist regime. For instance, *The American Pageant* (Kennedy, et al., 2006) characterizes the Democrats as follows: "Shamelessly relying on fraud and intimidation,

white Democrats...resumed political power in the South and exercised it ruthlessly. Blacks who tried to assert their rights faced unemployment, eviction, and physical harm” (p. 512). *Visions of America: a History of the United States* (Keene, et al., 2010) describes the “hundreds of thousands of freedmen” who worked with “thousands of Southern whites attracted by the progressive ideology of the Republican Party to build a reconstructed society based on democracy and equal opportunity, and social and civil equality for all”; but the section ends with an implicit indictment of the “rising tide of Redeemer oppression” (p. 426), as well as condemnation of “white Southerners who rejected this vision regained control of their state governments and began to slowly dismantle Reconstruction and impose a new form of white supremacy” (p. 435). The perspectives of Democrats are rarely included, and instead are often minimized to caricatures of bigotry and small-mindedness. *The American Pageant* does admit the reality that “many white Southerners regarded Reconstruction as a more grievous wound than the war itself,” but dilutes the weight of this counterpoint by claiming that Republicans could have (and presumably, *should* have) been much harder on the South: “Given the explosiveness of the issues that had caused the war, and the bitterness of the fighting, the wonder is that Reconstruction was not far harsher than it was” (p. 498).

In *The American Journey* (Goldfield, et al., 2007), the tactics employed by Democrats to win the 1872 congressional elections are presented as craven and practically antidemocratic: “For southern Democrats, the Republican victory in 1872 underscored the importance of turning out larger numbers of white voters and restricting the black vote” (p. 472). The text deprecates the “political violence” endorsed by Democrats, “secure in the knowledge that federal authorities would not intervene against

them,” and goes on to describe how, in years to come, Democrats would rely on “the menace of black rule” to rally their white constituents in opposition to African-American equality (p. 474). *The American Journey* characterizes the Compromise of 1877 not as a natural endpoint for Reconstruction, but instead as an artificial conclusion chosen by white southerners. “Reconstruction did not end,” the authors claim, “it was overthrown” (p. 472). In general, then, textbooks view Democrats as antagonistic opponents of the moral aims of Reconstruction, and the chief obstacle to the successful vindication of freedmen’s rights.

Even more than Democrats, though, textbooks blame Republicans for the failures of Reconstruction. *The Enduring Vision* (Boyer, et al., 2008) echoes the opprobrium heaped upon the Democratic Party at first—“Democratic promises to treat blacks fairly, were forgotten” (p. 496)—but it goes on to admonish Rutherford B. Hayes and the Republicans for failing to “ensure freedmen’s rights.” The authors include a harsh quotation from Frederick Douglass, at the Republican presidential convention of 1876, as a moral reproach of the administration’s failure to protect freedmen in the “redeemed” South: “When you turned us loose, you turned us loose to the sky, to the storm, to the whirlwind, and worst of all...to the wrath of our infuriated masters [...] The question now is, do you mean to make good to us the promises in your Constitution?” The textbook follows this with a grim pronouncement, a response to Douglass’ question—“The answer provided by the 1876 election and the 1877 compromises was ‘No’” (p. 496).

*Visions of America: a History of the United States* (Keene, et al., 2010) also criticizes Republicans for their failures in Reconstruction, though it does begin by conceding some of the real philosophical differences held by some in the party regarding

postwar policy—“many Republicans, including former radicals, began to question the wisdom of maintaining a strong federal role in the affairs of Southern states” (p. 423). Similarly, the text refers to the belief among some Republicans that the primary tasks of Reconstruction had been accomplished, and that it was up to “the freedmen to elevate themselves economically, socially, and politically using their new rights” (p. 423). Still, though, within short order the authors charge liberal Republicans with caving in to Southern arguments about black inferiority—“they accepted the argument of Southerners that freedmen and their white allies were incapable of honest and effective government” (p. 424). *Visions of America* begins by excusing Republicans for the end of Reconstruction—an end clearly perceived to be premature—but ends by charging the party with a “transformation from a progressive to a reactionary view” (p. 424).

*The American Journey* (Goldfield, et al., 2007) charges northern Republicans with a “failure of will” to support southern Republican state governments, in addition to the malaise and frustration with governmental corruption felt by liberals (p. 471). Moreover, *The American Journey* charges many Republicans with falling prey to what is described as a “racist assumption”—the concept that the right to vote was not a right at all, but a privilege that had not been earned by African-Americans, an “inferior race,” one that “could not hold power over a superior race” (p. 472). The accusation of racism is one that is particularly harsh to a modern reader; the text’s point that “racism gained an aura of scientific respectability in the nineteenth century” does not moderate the unforgiving tone, but instead infers that such science was faulty and thus, conclusions based on it were based more on plain bigotry than reason.

Some books do not single out Republicans and Democrats for excessive blame, but instead critique both sides and most white Americans for their neglect of former slaves. *The American Journey* (Goldfield, et al., 2007) states that “ideally, Americans could have had *both* healing and justice, but instead they settled for the former” (p. 475). *United States History* (Lapansky-Werner, et al., 2010) laments the Compromise of 1877 as a desertion of freedmen who were relying on federal assistance, though it conjoins the unsolved problems of both black citizens and the former Confederacy—“The South and the millions of recently freed African Americans were left to negotiate their own fate” (p. 424). *The American Nation: A History of the United States* (Carnes, et al., 2008) adopts a tone of disapproval for North and South, as well as Democrats and Republicans, for the manner in which freedmen were left to fend for themselves after 1877:

The major significance of the compromise, one of the great intersectional political accommodations of American history, was that it ended Reconstruction and inaugurated a new political order in the South. More than the Constitutional amendments and federal statutes, this new regime would shape the destinies of the four million freedmen. (p. 430)

By itself, this passage would not be substantially different from the tone adopted by most textbooks. Whether for good or ill, there is little debate about the prospect that the “new political order” in question would “shape the destinies” of African-Americans in the South. But the authors go on to include a blistering denunciation of the failings on both sides to adequately address the unresolved issues of Reconstruction:

For most, this future was to be bleak. Forgotten in the North, manipulated and then callously rejected by the South, rebuffed by the Supreme Court, voiceless in

national affairs, they and their descendants were condemned in the interests of sectional harmony to lives of poverty, indignity, and little hope. Meanwhile, the rest of the United States continued its golden march toward wealth and power. (p. 430)

After fixing blame, most textbooks of this sample move to their conclusions about Reconstruction—which, generally, are laments over its limitations and inadequacies. Contrary to other events and topics described in *jus post bellum* (or, in fact, in the first two phases of this study, *jus ad bellum* and *jus in bello*), most textbooks are much more open about taking moral positions, articulating them, and reaching substantial conclusions about the ethical conduct of both North and South. It is not necessary to parse or infer from textbook passages; instead, with regard to the end of Reconstruction, textbook authors make their points clear from the outset.

*The American Pageant* (Kennedy, et al., 2006), for example, characterizes the Compromise of 1877 as a morally reprehensible bargain—“violence was averted by sacrificing the black freedmen in the South” (p. 511). The verdict on Reconstruction’s success is similarly sharp—“Reconstruction conferred only fleeting benefits on blacks and virtually extinguished the Republican Party in the South for nearly one hundred years” (p. 499). The authors clearly regret the failure of Republicans to follow the radical policies espoused by Thaddeus Stevens, including “drastic economic reforms and heftier protection of political rights” for freedmen,” pointing at that under such policies, “things might well have been different” (p. 499). But in a single passage, *The American Pageant* summarizes the obstacles faced by well-meaning Radicals and the causes of Reconstruction’s failure:



Deep-seated racism, ingrained American resistance to tampering with property rights, and rigid loyalty to the principle of local self-government, combined with spreading indifference in the North to the plight of blacks, formed too formidable an obstacle. Despite good intentions by Republicans, the Old South was in many ways more resurrected than reconstructed. (p. 499)

*The American Journey* (Goldfield, et al., 2007) is equally unsympathetic in its portrayal of Reconstruction's end, titling this section "The Failed Promise." The authors clearly deplore the inability of Americans to take advantage of the prospect for a lasting, just peace after the war—"But by 1877, the "golden moment," an unprecedented opportunity for the nation to live up to its ideals by extending equal rights to all its citizens, black and white alike, had passed" (p. 475). The Fourteenth and Fifteenth Amendments are held up as "among the few bright spots in Reconstruction's otherwise dismal legacy," and the final verdict on the era is unforgiving—"the chance to redeem the sacrifice of a bloody civil war with a society that fulfilled the promise of the Declaration of Independence and the Constitution for all citizens slipped away" (p. 476).

One textbook, *Visions of America: a History of the United States* (Keene, et al., 2010) considers Reconstruction a lost opportunity, not only to help freedmen in the South, but also in terms of achieving long-lasting social reform among white Southerners. In particular, the text addresses the rise in the postwar South of "Lost Cause" mythology, the belief among many white citizens that presented a nostalgic picture of how life had been prior to the war—"a harmonious paradise where benevolent masters treated loyal, contented slaves with kindness, where chivalrous Southern gentlemen protected delicate, charming Southern women, and where everyone revered tradition, family, and the Bible"

(p. 429). For the authors, the hardening of this myth among Southerners was one of the lasting legacies of the war and the abortive attempt at Reconstruction. Worse still, the “Lost Cause” became the foundation for further acts of suppression by the white majority:

The Lost Cause thus presented Southerners as victims of misguided and unjustified Yankee aggression who, in the wake of devastating war and humiliating Reconstruction, ought to be left alone to run their own affairs. The overt racism and self-serving depictions of slavery in Lost Cause rhetoric and imagery served to justify a resumption of white rule and the return of African Americans to the status of powerless, exploitable laborers. (p. 429)

While most textbooks are neither equitable nor mild in their allegations of missed opportunities and a revival of racism in the South, several textbooks try to be more evenhanded in describing Reconstruction’s end. One, *America: History of Our Nation* (Davidson & Stoff, 2009), attests that the final record was mixed; in the final estimation, the authors hold, “[Reconstruction’s] record showed many successes and some failures. Most importantly, all African Americans were finally citizens. Laws passed during Reconstruction, such as the Fourteenth Amendment, became the basis of the civil rights movement that took place almost 100 years later” (p. 563). *The Americans* (Danzer, et al., 2010) presents a chart titled “Point/Counterpoint,” that summarizes evidence supporting both the conclusion that Reconstruction was a success and that it was a failure. For the former, the text suggests that “African Americans only a few years removed from slavery participated at all levels of government,” and that “the breakup of the plantation system led to some redistribution of land.” In support of condemning Reconstruction as a failure,

the text points out that “state Republican parties could not preserve black-white voter coalitions that would have enabled them to stay in power and continue political reform,” as well as stating that “racial bias was a national, not a regional problem” (p. 400).

Compared with other textbooks in this sample, *The Americans* tends to be more forgiving to Reconstruction’s legacy. Still, despite the seeming balance in the chart’s content, there is still an implicit tone of defeatism regarding Reconstruction’s accomplishments. While lauding the passage of the Fourteenth and Fifteenth Amendments, the text concedes that the “Supreme Court undermined the power” of those amendments; and while claiming that “African Americans succeeded in carving out a measure of independence within Southern society,” the authors precede that point by referencing the “loss of ground that followed Reconstruction” (p. 400). The narrative concludes with a quote by Eric Foner—“Whether measured by the dreams inspired by emancipation or the more limited goals of securing blacks’ rights as citizens... Reconstruction can only be judged a failure” (p. 400).

The quotation above is drawn from Foner’s (1988) largest work on the subject of the era, *Reconstruction: America's Unfinished Revolution, 1863-1877* (p. 603). Ironically, the textbook from this sample primarily written by Foner himself, *Give Me Liberty!* (2008), also tends to be more charitable in its account of the end of Reconstruction, claiming that “In view of the daunting challenges they faced, the remarkable thing is not that Reconstruction governments in many respects failed, but how much they did accomplish” (p. 573). This text acknowledges the “limitations” of Reconstruction, but calls it “a remarkable chapter in the story of American freedom” (p. 581). Even while “the policy of granting black men the vote while denying them the benefits of land

ownership strengthened the idea that the free citizen could be a poor, dependent laborer,” this text considers this failing the genesis of a new opportunity—“Reconstruction placed on the national agenda a problem that would dominate political discussion for the next half-century—how, in a modern society, to define the economic essence of freedom” (p. 581).

In summary, then, many of these textbooks contain content that can be interpreted from a “just war” perspective; yet, like examples from *jus ad bellum* and *jus in bello*, most textbook narratives are not morally articulate. The value of the “just war” theory, in textbooks, would be to provide a coherent framework of moral criticism. While the authors often address historical events that contain moral conclusions, they often do so in such a latent and implicit manner as to make the opportunity for students to similarly engage with such critical thinking difficult to detect.

The textbooks of this study do not explicitly mention rights vindication as a condition of a just postwar settlement, though it would be naïve to expect them to do so. However, there is significant evidence that these narratives contain numerous passages which represent moral content drawn from the “just war” tradition; namely, the expectation that a victorious state should pursue a redress of the wrongs that led to the initial outbreak of violence. The state of economic, political, and social inequality between blacks and whites was left largely unsolved in the South after the end of Reconstruction, and the failure of the North to successfully attain secured rights for African-Americans is presented in textbooks as a moral failing. It is certainly the most overt moral stance taken by textbook authors in this sample, especially as compared to the other topics examined under the three components of the “just war” doctrine.

CHAPTER SEVEN:  
A FRAMEWORK FOR THE MORAL CRITIQUE OF WAR

This study indicates, through two separate analytical methods, that American History textbooks contain a considerable amount of historically accurate content that does represent moral value and perspective; but that this moral content is often inchoate, opaque, or passively offered. The emphasis of this study has been on the presence and type of content made available to students, but has commented little on the value of such subject matter. In this chapter, I will consider the implications of the study's findings, and offer recommendations based on the utility and value of the "just war" doctrine in the classrooms. Moreover, I will explore the values we present to our students—what we want them to know about war, and what we should hope to teach them.

**What Should Students Know About War?**

On October 25, 2007, Salvatore Giunta, a 22-year old soldier in the U.S. Army, was involved in a fierce battle with Taliban fighters in the Korengal Valley in Afghanistan. He was hit in the chest by a high-velocity bullet, which was deflected by his body armor; and while other soldiers in his unit tried to find cover, Giunta ran directly towards the ambush, in order to help three wounded comrades. He went three times, in order to rescue each one, in spite of the danger to his own life. For his actions, Giunta

was awarded the Congressional Medal of Honor, the nation's highest decoration for valor in combat (Whitlock & Jaffe, 2010).

A year and a half earlier, a U.S. Army soldier named Steven Green was stationed in Iraq. On March 12, 2006, Green and three other soldiers got drunk while on duty manning a checkpoint. The region of Iraq they were in was one of the country's most dangerous, at the height of insurgent violence towards U.S. troops. Green and his fellow soldiers put on black clothing (which they called their "ninja suits"), left their checkpoint and went to a nearby house, occupied by an Iraqi family. Inside, the soldiers cornered the residents, raped the 14-year old daughter, and then killed all four members of the family—including a six-year old girl. The initial assumption was that the attack was the result of sectarian violence; but ultimately, another soldier who had heard about the attack indirectly came forward and implicated Green. All of the soldiers were arrested, put on trial, and ultimately convicted. Green, who did the shooting, was found guilty of 16 counts of murder, rape, and other charges. At his sentencing hearing, Green's attorney said that the U.S. Army was partially to blame for Green's actions—they had known about the awful conditions under which Green's unit had been living, as well as the failure of the unit's leadership to recognize Green's obsession with killing Iraqis. Eventually, the jury could not reach a unanimous decision to give Green the death penalty, so he was sentenced to life in prison without parole (Frederick, 2009).

The two stories represent two extremes of the American experience in warfare—tremendous courage and bravery, as opposed to vicious cruelty and barbarity. Perhaps strangely, there may be no more moral enterprise in human affairs than war, given its function and intent. The nature of war is based on the belief that a wrong has been done

which is so immoral, the only solution is to resort to the most extreme mechanism available to us. Americans have participated in a variety of armed conflicts over the nation's history, but all have been predicated on one fundamental basis—there are causes for which no solution is possible *except* for violence. Textbooks, upon which so much of our instruction is based, present a moral picture of war, but one which is generally implicit, inferential, and without criticism. We should consider what we want our students to know about war, and the best manner in which to teach it.

### **The Psychology of War**

One of the deficiencies of textbooks is their inability to routinely present complex ideas in a manner that is engaging, enlightening, and accurate. This is both a structural failing and an ideological one. For the former, textbook narrative is a poor device for transmitting such ideas, given the restrictions on space and the demand for more universal coverage of subject matter. On ideological terms, textbooks serve as the vehicle for the transmission of a dominant cultural paradigm, as well as being subjected to a near-constant process of political haggling, whitewashing, and marginalization. It is little wonder that the narratives in question often seem incoherent. The picture of war that our textbooks present to students is one where the experience of battle is often brutal and vicious, but the behavior of soldiers is generally the same—stoic acceptance of the necessity to fight, kill, and possibly die.

This is a gross oversimplification. We should not hide the fact that men in battle react differently, across a wide spectrum of behavior. The extremes of such behavior—represented by the two examples described above—are valuable for students to

understand, given the fact that such extremes are not only possible in wartime, but are often regular occurrences. Students should first be made aware of the varying reactions of soldiers to battle, and be given the opportunity to explore how and why those reactions occur.

This is a difficult task—teenagers are, of course, still children, and the degree to which we expose them to gruesome, horrifying content should be measured and prudent, after much thought. Such an argument, however, allows us to escape a decidedly unpleasant truth—most of the soldiers who go to fight on our nation’s behalf are barely older than the children in our schools. If children do not learn about war in schools, there are few other avenues or opportunities for such lessons. If we choose to teach about war, though, what is our aim? If our goal, as a society, is to encourage our students to admire the sacrifice and valor of our soldiers, then certainly showing the costs incurred and borne by those who fight is necessary. If our goal is to make war less likely, then exposing our students to the terrible reality of war is vitally, equally important.

The 19<sup>th</sup>-century notion of combat—the idea that war was heroic, adventurous, with the possibility of injury or even death but a greater likelihood of glory—was quickly dashed against the reality of the Civil War. Yet the picture described by most textbooks—war was brutal, but most soldiers were able to bear its privations and dangers—is too one-dimensional a portrait, and doesn’t encompass the full range of behaviors soldiers might exhibit when faced with the near-daily possibility of dying. For instance, while most textbooks depict the death and devastation of the Civil War, many rely on comparatively antiseptic descriptive terms (especially “casualties”). Textbooks try to occupy a middle space between presenting an authentic view of the war and revealing



too much of the hideous nature of such conflicts. But our students might be better served if they were exposed to the depths of human behavior and experience, so as to better judge American policies which may have led to our involvement in such conflagrations.

For instance, most textbooks relate the hardships and deprivations soldiers were expected to endure, focusing mainly on poor food, lack of hygiene, and the boredom of camp life. *The Americans* (Danzer, et al., 2010) includes the following roughly humorous doggerel about camp food—“The soldiers’ fare is very rough/The bread is hard, the beef is tough/If they can stand it, it will be/Through love of God, a mystery” (p. 354). Yet the scarcity of supply—and, routinely, the inadequacy of the supplies they did have—had much more horrific consequences for soldiers. Sam Watkins, a Tennessee volunteer whose memoirs were featured prominently in the widely viewed PBS miniseries *The Civil War*, relates a horrifying example of the type of extremes to which soldiers were often exposed, after his unit was ordered to relieve a regiment on guard duty:

I cannot tell the facts as I desire to. In fact, my hand trembles so, and my feelings are so overcome, that it is hard for me to write at all. But we went to the place that we were ordered to go to, and when we arrived we found the guard sure enough...there were just eleven of them. Some were sitting down and some were lying down; but each and every one was as cold and as hard frozen as the icicles that hung from their hands and clothing—dead! They had died at their post of duty. (Williams, 2005, p. 206-207)

The horror of war is often featured in textbooks, but largely as the consequence of the traditional expectations of combat—that is to say, violent death and injury as the result of armed interaction with the enemy. Such activity has the veneer of respectability,

an end that meets Faust's (2007) conditions of the *ars moriendi*, the "Good Death." Yet death in the Civil War was often more anonymous, more degrading, and much more terrifying than textbooks can (or will) hint at. David Williams (2005) describes how wounded men at the battle of Antietam would crawl towards and hide in haystacks which were scattered about the battlefield. As the battle ground on, some of the haystacks were set afire by exploding artillery; too badly injured to get out, many of the wounded men were burned alive (p. 225).

Perhaps more importantly, the psychological impact of killing is rarely explored or hinted at in textbooks. One of the most disturbing aspects of war is the fact that soldiers often began to see their business as less the avoidance of death and more the infliction of it. Ernie Pyle, in World War II, wrote from Tunisia that "the most vivid change" in soldiers exposed to combat is "the psychological transition from the normal belief that taking human life is sinful, over to a new professional outlook where killing is a craft. To them now there is nothing morally wrong about killing. In fact it is an admirable thing" (Pyle & Nichols, 1986, p. 103). This attitude is not a modern development for soldiers. Linderman (1987) quotes an Illinois volunteer who thought of killing as his "duty," and who described his "business" in frightening terms—when his unit overran a Confederate position, he said, "We won it fairly. We are the best killers...that establishes the righteousness of any cause" (p. 150).

The hard truth of all wars, including the Civil War, is that while many people see the necessity of war, and often consider armed conflict the only option, there are many, too, who see war as something else entirely. Noddings (2006) points out that we are doing ourselves and our students a disservice when we present war as strictly an option of

last resort, without consideration of the fact that there are many individuals who *want* war, whether for “financial gain, national dominance, or personal glory” (p. 36). Noddings quotes Chris Hedges, who wrote in “War is a Force That Gives Us Meaning” (2002) that individuals who lack “purpose, meaning, a reason for living” find war to be an “enticing elixir,” with its “simplicity and high” (p. 10). Hedges writes that war creates its own culture, which can be addictive for its participants:

The rush of battle is a potent and often lethal addiction, for war is a drug, one I ingested for many years. It is peddled by myth-makers, historians, war correspondents, filmmakers, novelists and the state—all of whom endow it with qualities it often does possess: excitement, exoticism, power, chances to rise above our small stations in life, and a bizarre and fantastic universe that has a grotesque and dark beauty. It dominates culture, distorts memory, corrupts language and infects everything around it, even humor, which becomes preoccupied with the grim perversities of smut and death. Fundamental questions about the meaning, or meaninglessness, of our place on the planet are laid bare when we watch those around us sink to the lowest depths. War exposes the capacity for evil that lurks just below the surface within all of us. (p. 13)

This concept—that many soldiers enjoy war—is a ghoulish thought, especially in contrast to the traditional view of war, that it is a terrible event in which we participate reluctantly, but unavoidably. The modernist view of war holds that fighting has deep and lasting psychological costs for soldiers; but the idea that soldiers may come to enjoy what they are doing is a difficult one for most Americans to consider. J. Glenn Grey, in *The Warriors; Reflections on Men in Battle* (1967) says that “anyone who has watched men

on the battlefield...finds hard to escape the conclusion that there is a delight in destruction” (p. 51). This phenomenon has been apparent, among some soldiers, since at least the Civil War. Stonewall Jackson talked of the “delightful excitement” he found in combat. Phillip Kearny, a Union general, reportedly told George Armstrong Custer, “I love war. It brings me indescribable pleasure, like that of having a woman.” Kearny even wrote a poetic homage to war that captured the same view: “Let us fight for fun of fighting/without thought of ever righting/Human Wrong” (Linderman, 1987, p. 74).

Perhaps more importantly, such behavior among soldiers is still present in modern conflicts. In a 2009 *Newsweek* article titled “Love is a Battlefield” (Stone, Conant, & Barry, 2009), the experiences of Staff Sgt. Shaun McBride are shown as what may happen to a soldier who returns from an active war (in McBride’s case, after 43 months in Iraq and Afghanistan). McBride “would rather be in a war zone than at home,” and revels in what he considers to be war’s freedom—in Iraq, “[you can] do whatever you want...You can go into people's houses without being invited in. It's like you own their house.” Retired Gen. Barry McCaffrey points out what was true of Phillip Kearny and soldiers like McBride—“Soldiers want to fight...that’s why they signed up” (Stone, Conant, & Barry, 2009).

The impact of such behavior is not limited to the psychological condition of soldiers—it directly affects civilians, both in the war and out. Textbooks often hint at how war may have adverse implications for noncombatants, but they restrict these implications to those directly derived from the conflict itself—the destruction of cities, the loss of crops and foodstuffs, the debilitation of a cultural way of life (as with the South in the Civil War). Yet none of the textbooks in this sample explicitly address the

costs of war that go far beyond the final gunshots. Veteran care, continued disability, loss of wages and employability—all these are real concerns and our students should be exposed to them in any discussion of war. In the modern era, significant new research has been and is being done regarding the continuing damage done by war to soldiers. In 2008, the Rand Corporation produced a detailed report, *Invisible Wounds of War: Psychological and Cognitive Injuries, Their Consequences, and Services to Assist Recovery* (Tanelian & Jaycox, Ed., 2009), that researched the occurrence of post-traumatic stress disorder (PTSD) and traumatic brain injury (TBI) among veterans of the wars in Iraq and Afghanistan. The report finds that a significant percentage of returning soldiers suffers from such ailments—with regard to TBI, the findings indicated that, 19 percent of U.S. troops (around 380,000) may have sustained brain injuries in war. The report takes their treatment as a national priority: “The nation must ensure that quality care is available and provided to its military veterans now and in the future” (p. 452)

The “just war” component of proportionality applies to each side’s own populace, and the care of those who fought for a state’s defense is paramount among its conditions. Textbooks have little to say about national veterans’ policy after Civil War, a deficiency that would be easy enough to dismiss, if one assumed that PTSD and TBI are modern diagnoses which were not medically recognized at the time. This would not be entirely true, however. “Shell shock,” the term used first in World War I, is the precursor to more appropriate contemporary terminology like PTSD and TBI. There is, however, considerable anecdotal evidence that such trauma had existed prior to 1914, especially in the Civil War, given its role in the introduction of modern artillery barrages (Alexander, 2010). In 2010, Home Box Office (HBO) premiered a documentary special titled

*Wartorn 1861-2010*, an examination of PTSD and TBI as it occurred throughout all American wars. An essay written as a companion piece to the special, titled “Psychic Injury from Bull Run to Fallujah” (Talbot, 2010), outlines the evolving understanding of the effects of war on soldiers. It relates the struggle Civil War medical experts had in diagnosing what today we understand to be PTSD. They called it alternatively “melancholia” or “Dementia,” or sometimes even “soldier’s heart,” a reference to the only physically recognizable symptoms they could recognize—heart palpitations and rapid breathing, what would probably be termed panic disorder today.

Particularly poignant in this documentary was the story of Angelo Crapsey, a Union soldier from Pennsylvania who entered the Civil War in 1861, just after Fort Sumter. He survived Fredericksburg and was on Little Round Top at Gettysburg, serving over two-and-a-half years altogether. Upon his return home, his friends and family found him a changed man—his stepmother noted that “his mind was weak,” and those who knew him as “lively and cheerful” now characterized Angelo as “melancholy and sober.” By mid-1864, Angelo suffered from hallucinations of lice infestations, even trying to hack the imaginary vermin off his arm with a rusty scythe; he tried several times to commit suicide, drinking poison and even trying to drown himself in the Allegheny River (he was saved by his own father). Finally, after several old friends refused to take him on a group hunt, Angelo went into the woods near his house and shot himself. Dennis Brandt (2010) writes, “The American Civil War cost the nation 620,000 lives. Angelo’s death is not included in that statistic, but he is a casualty of war as surely as if he had died in battle.” The experiences of soldiers like Angelo Crapsey are depressingly common, and

his difficulties after the war are chronic for veterans of all wars. Textbooks take little note of such struggles, especially with regard to the Civil War, and they should.

The loss of a loved one is a fact of warfare that textbooks refer to tangentially, if at all. There has been a great deal of research on the impact of war on noncombatants, particularly on soldiers' families. A 2010 Rand Corporation report, titled *Views from the Homefront: the Experiences of Youth and Spouses from Military Families* (Chandra, et al., 2010) examines the impact of the wars in Iraq and Afghanistan on military families over the course of a year. The report includes alarming results with regard to the damage done to service personnel's children during deployments: "We found that youth in our study sample reported experiencing anxiety symptoms at levels that were higher than the average observed in other studies of youth. Thirty percent of the youth in our study reported elevated anxiety symptom levels, compared with 15 percent of youth in civilian studies" (p. xv). Military spouses often fare as bad or worse. A May, 2010 Associated Press article titled "'Where Do We Fit In?' Asks GI's Widows," addresses the continuing agony of the families who face difficulty in moving on with their lives after the death of a relative in war. Often, widows who try to move on after the death of their spouses facing tremendous social pressure that civilians do not face, as they fear they may be "betraying not just the memory of their deceased husbands but also that of fallen national heroes" (Watson & Maurer, 2010). The damage done to soldiers' families is a crisis for any democratic nation to solve; yet it missing from textbooks almost entirely.

Instead of presenting students with an authentic view of war, textbooks hint at the terrors of war without fully rendering them. Injuries are commonly described in textbooks, as is the medical treatment most commonly applied to such wounds; namely,

amputation. And photos of such treatments can be occasionally found in textbooks. For example, this is a picture of Alfred Stratton, a Union soldier who lost both his arms in battle, featured in *The Americans* (Danzer, et al., 2010):



Figure 13: “Alfred Stratton,” from *The Americans* (Danzer, et al., 2010, p. 367)

The text includes the following description: “Though both Union and Confederate soldiers were lucky to escape the war with their lives, thousand—like this young amputee—faced an uncertain future” (p. 367). The picture hints at the horrors endured and the lifetime of difficulty faced by soldiers like Stratton, but does not tell the full story. Stratton received a set of artificial arms and a pension of twenty-five dollars a month from the government, but little else. With no ability to earn a living, Stratton—like many disabled veterans—turned to selling small photos of himself, called *carte-de-visites* (Connor & Rhode, 2003). Below is a picture of Stratton, without his prostheses, from 1869:



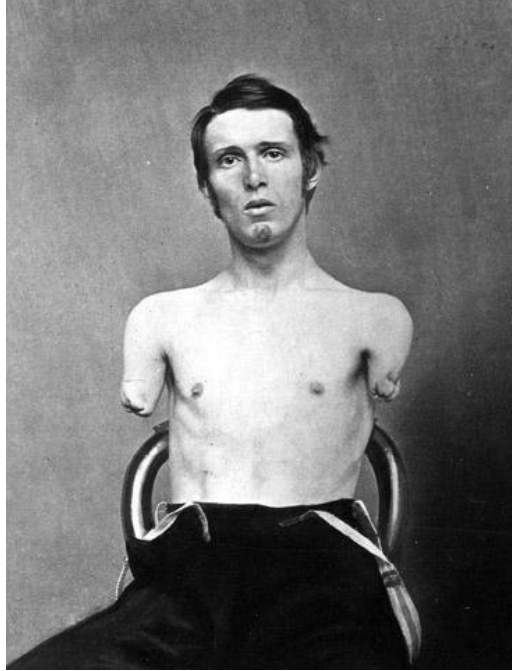


Figure 14: Alfred Stratton, from *Shooting soldiers: Civil War medical images, memory, and identity in America*. (Connor & Rhode, 2003)

The photograph of Stratton, naked to the waist and his scars plainly visible, is made all the more plaintive by the fact that he had been reduced to selling such pictures to survive. This is not to say that such images should be included strictly for the sake of shock value. But the reality of veterans' experience are hardly hinted at in most textbooks; and stories like Alfred Stratton's, where the cost of war continue long after the cessation of hostilities, are necessary for students to properly judge, from a fully critical standpoint, the politics and policies that may have led soldiers to such a condition.

In modern depictions of war (outside of textbooks), it has become common to present human beings as a short step away from savagery. Hedges (2002) writes that "it takes little in wartime to turn ordinary men into killers. Most give themselves willingly to the seduction of unlimited power to destroy, and all feel the peer pressure" (p. 12). Yet as disturbing as this portrait of war is, it was much more common for soldiers to find ways

in which to maintain a degree of normality in the midst of brutality. Students should also be presented with another facet of soldiers' behavior in wartime—their ability to modify their conduct in such a way as to *avoid* taking human life. Many soldiers were able to endure the nightmarish reality of war, all the while circumventing the need for killing. This is not to endorse such a maneuver as the moral or recommended course of action—there are those (perhaps many) who would consider such behavior to be akin to cowardice. However, if our goal is to give our students both an accurate view of war and the opportunity for genuine critical thought, the description of such behavior is crucial.

Many Civil War historians have documented how Confederate and Union soldiers often established friendly, informal truces between lines, to accommodate the exchange of foodstuffs, small items, and gossip. Bruce Catton described the Civil War as a conflict in which the men “got along beautifully” (Catton, 1952, p. 66). Linderman (1987) depicts how soldiers on both sides would give warnings prior to attacks—“Are you dressed yet?” “Look out, Yanks, we’re going to shoot” (p. 67). Displayed courage was often a basis for extending a degree of charity that seems contrary to the intent of war; often, if an opponent seemed brave or commendable in behavior, a soldier might hold off firing, highlighting what Linderman (1987) called “the ability of courage even to *suspend* the soldier’s sense of killing as the first necessity” (p. 69). An unwritten yet binding code was in place about when and how violence might be utilized in war. For instance, Elisha Hunt Rhodes, a Rhode Island volunteer, detailed a chance encounter in 1863 in Virginia with the iconic Confederate General Stonewall Jackson across a riverbank:

General Thomas J. Jackson came down to the riverbank today with a party of ladies and soldiers. General Jackson took his field glasses and coolly surveyed our

party. We could have shot him with a revolver, but we have an agreement that neither side will fire, as it does no good, and in fact, is simply murder. (Rhodes, 1991, p. 103)

Even more intriguing, there is considerable evidence that men will go to extraordinary lengths to avoid killing, even in the heat of battle. S.L.A. Marshall, in *Men Against Fire: the Problem of Battle Command in Future War* (2000), explored the experiences of infantrymen in the European Theatre of Operations (ETO) during World War II. He proposed answering a question that seemingly had been ignored by military experts—“During engagement, what ratio of fire can be expected from a normal body of well-trained infantry under average conditions of combat” (p. 51)? He found, amazingly, that a strong majority of soldiers would simply refuse to take part in what had been considered an elementary, automatic process—firing at the enemy. “A commander of infantry,” Marshall wrote, “will be well advised to believe that when he engages the enemy not more than one quarter of his men will ever strike a real blow unless they are compelled by almost overpowering circumstance or unless all junior leaders constantly ‘ride herd’ on troops with the specific mission of increasing their fire” (p. 50). Marshall’s emphasis at this point is to propose corrective training measures that will increase the rate of fire; but it should be noted that, absent such training, the natural inclination of men in combat seems to be *not to fire at the enemy*.

This seems to be true for other American wars, as well. Paddy Griffith, in *Battle Tactics of the Civil War* (1989), shows how the Union Army salvaged over 27,000 muskets and rifles abandoned by retreating Confederate soldiers at the Battle of Gettysburg. Of these, “24,000 were loaded, including 12,000 loaded twice, 6,000 loaded

between three and ten times, one with twenty-three charges and one with twenty-two balls and sixty-six buckshot. Some had six balls and only one charge of powder; others had six unopened cartridges. Others again had the ball behind the powder instead of the other way round” (p. 86).

Dave Grossman, in *On Killing: The Psychological Cost of Learning to Kill in War and Society* (1995), comments on the gravity of this finding. The training of Civil War soldiers was a series of constantly repeated drills, over and over, without pause. From the very start, soldiers on both sides were trained to load, aim, and fire, in a steady and unrelenting fashion. The idea that so many soldiers would load their weapons, fail to fire, and *then load again*, is an anomaly that signals, to Grossman, the presence of a deeper motivation—the willingness of soldiers to subvert their own training in an effort to avoid hurting or killing other people. Grossman holds that physical proximity is a major issue here; the farther away an enemy might be, the more likely a soldier is to fire upon him, and conversely, as an enemy draws closer, the chances for directed fire decrease significantly. Grossman calls this “the impact of powerful instinctive forces and supreme acts of moral will” (p. 25).

Such moral will is evident in the type of fighting and killing that went on in the Civil War. The physical distance between combatants led to a difficult choice for soldiers—with which weapons to engage the enemy. While artillery fire was quite common in the Civil War, the use of musketry was haphazard (and scattered in usage); and the use of bayonets was practically nonexistent. As much as soldiers would drill with projectile weapons, they received just as much training in the use of bayonets, and yet those weapons were rarely, if ever, used. In fact, both Griffith and Grossman hold that the

majority of bayonet wounds, as limited as they were, occurred almost always in a singular set of circumstances—after an enemy unit had broken and ran in pell-mell fashion, when the “chase instinct” had set in among victorious troops. All in all, though, the evidence of reluctance to use any weapon on human beings, especially during the Civil War, is considerable.

Such reluctance is barely hinted at in textbooks. Indeed, only one textbook, *The Enduring Vision* (Boyer, et al., 2008) refers to bayonets at all, and then only in terms of the impact of improved artillery in keeping charging troops at bay—“Attackers would now have far greater difficulty getting close enough to thrust bayonets; fewer than 1 percent of the casualties in the Civil War resulted from bayonet wounds” (p. 432). In most textbooks, the behavior of soldiers is dutiful; in spite of all hazard and threat to their lives, men on both sides trudged stoically to the fight. To be fair, many did—yet many, in battle, chose not to kill. The complexity of human behavior, in this regard, is absent from our textbook narratives. Soldiers, according to these accounts, fight and kill without particular reservation, in spite of the considerable evidence leading to a contrary conclusion—men are made into killers, not born.

What is especially troubling about textbook depictions of war is the overriding sense that such conflicts were inevitable products of multiple causes, events which were unavoidable for historical participants. Worse still is the implication that such conflicts were necessary for national progress towards a more unified, more cohesive American identity. While such presumptions may or may not be historically valid, the foundational belief behind them encourages student passivity and an absence of critical thought. If

students are taught that Americans wars *had* to happen and could not have occurred otherwise, there is little hope for substantive, reflective thought.

This is in light of another startling historical truth—in human society, war is actually becoming a rarity. The Human Security Report Project of Simon Fraser University in Canada recently released the *Human Security Report 2009-2010: The Causes of Peace and the Shrinking Costs of War* (2010). The Report’s findings indicate a number of encouraging trends around the globe, especially a sharp decline in global conflicts since the end of the Cold War, primarily international wars. Civil wars—defined as “intrastate conflicts”—did rise, but surprisingly, the mortality rate of these wars dropped substantially. There are many reasons for this decline—the “rapid rise in the number of democracies, a growing international economic interdependence, a growing norm of ‘war-averseness,’ and the deterrent effect of nuclear weapons” (p. 2). The Report includes the following chart which details the waning number of wars:

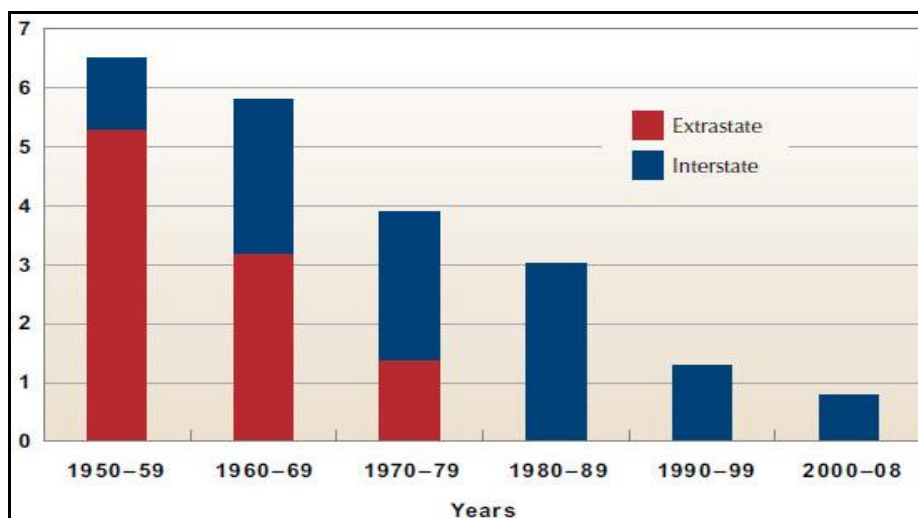


Figure 15: Average Number of International Conflicts, per Year, 1950-2008, from the *Human Security Report 2009-2010* (2010)

As it develops, this movement toward peace is not a recent trend. John Horgan, in “Winning the Ultimate Battle: How Humans Could End War” (2009), details how most people believe that war is a natural phenomenon, practically a default state for human beings, in line with our savage, pre-civilization roots. This is not so, Horgan argues; war seems to have arisen in human society as a result of the slow movement from a nomadic lifestyle to one grounded by agriculture, and was thus a cultural change, not one rooted in genetics. Further, Horgan asserts that the decline of state-to-state warfare over the last fifty years, promoted by the rise of democracies (from 20 to almost 100) is similar to the overall decline in violence around the world. Human beings, it seems, are more averse to war and less violent than ever before. Yet textbooks infer a degree of inevitability and acceptance to war that should be reexamined and revised.

The difficulty with textbooks, of course, is their subtlety, a strange criticism given their usual reputation as a sort of academic blunt instrument, stacked to the bursting point with names, dates, and places and wielding considerable authority over pedagogical choices. This is no doubt partially due to the intent of any textbook—Paxton (1999) posits that “it may be that school texts need not be exciting to students to be educative,” since their most basic intent is to introduce students to a massive historical span. There have been textbooks that have attempted a more open, clearly subjective authorial voice, particularly Harold Rugg and David Muzzey in the early twentieth century, a decision which opened them both up to critics who accused them of promulgating a particular moral viewpoint (Paxton 1999; Nash, Crabtree, & Dunn, 1997). Still, as this study has shown, it is rare for a textbook to take an explicit moral position, though there is substantial moral content that is suggestive in nature. A textbook’s ability to create a

sense of inevitability regarding war can be detected in its reliance on a passive voice in its narrative. Such a voice denotes a lack of agency in human behavior—we do not cause events, such events *happen* to us. Benware and Deci (1980) point the danger of passivity in learning: “People may absorb the facts, but they will be less active in interpreting and integrating them” (p. 755). Below are some examples from the textbooks in this study:

Table 3

*Examples of Passive Voice/Lack of Agency in Textbook Narratives*

Book Title	Example
<i>Give Me Liberty!</i> (Foner, 2008)	“And the war came.” (p. 499) “Civil war had begun.” (p. 499)
<i>America: History of Our Nation</i> (Davidson & Stoff, 2009)	“Compromises Fail” (p. 359) “The Crisis Deepens” (p. 401) “The Coming of the Civil War” (p. 401)
<i>America: Pathways to the Present</i> (Cayton, et al., 2007)	“The War Starts” (p. 371) “Instead, the fort became the flash point that ripped apart the Union.” (p. 372) “Cannons boomed, rifles fired, men shouted, and the battlefield was wreathed in a haze of gunfire and dust.” (p. 402)
<i>The American Nation: A History of the United States</i> (Carnes, et al., 2008)	“Fear approaching panic swept the region.” (p. 322)
<i>The American Pageant</i> (Kennedy, et al., 2006) <i>America: Pathways to the Present</i> (Cayton, et al., 2007)	“The Collapse of Compromise” (p. 428) “Impending bloodshed spurred final and frantic attempts at compromise—in the American tradition.” (p. 429)
<i>The Enduring Vision</i> (Boyer, et al., 2008)	“The Coming of War” (p. 421)



*United States History*  
(Lapansky-Werner, et al.,  
2010)

On the U.S. acquisition of territory after the Mexican War: “Thus, the lands won from Mexico increased tensions between North and South.” (p. 312)

“The Civil War Begins” (p. 352)

Textbooks which infer that wars are products of historical causation, outside the control of human choice, minimize both the importance and consequences of all American wars, but especially the Civil War. The imputation that the war occurred beyond our will is disingenuous—Drew Gilpin Faust, in *This Republic of Suffering* (2007), in referring to the mass bloodshed of the war, wrote that “the carnage was not a natural disaster but a man-made one, the product of human choice and human agency” (p. 55).

In sum, there is a need to revisit the tone and structure of textbook narratives which do not fully represent the psychological impact of war, or infer a lack of agency or the inevitability of war. But given the restrictions and parameters generally facing textbook authors and publishing firms, such a shift in tone is unlikely. Teachers should consider ways in which such materials, given their limitations, may be used to help students engage in thoughtful, critical analysis of the moral implications of human conflict. Such methods are considered in the following section.

### **The Value of the “Just War” Doctrine**

The hegemonic influence of textbooks can lead to student passivity and lack of inquiry, two outcomes which are antithetical to the democratic process. Hofstadter and Wallace (1970) point to the impact of textbooks in writing that “American history textbooks are written in order for students to be instructed, informed, and to accept the

author's interpretation and evaluation of history" (p. 3). The use of the textbook to foster a particular viewpoint of American wars—that they were generally moral in scope and intent, that they were prosecuted as such, and that American involvement in such conflicts was always necessary and reluctantly entered—is an evaluative stance that should be challenged, not necessarily because it is wrong in all circumstances, but because challenging such assumptions and testing their validity is the purpose of the educational process.

The value of reflective inquiry in the social studies is well-established (Dewey, 1938). Noddings (2006) defines critical thinking as “the diligent and skillful use of reason on matters of moral/social importance—on personal decision-making, conduct, and belief” (p. 32). Teachers have relied on critical thinking as a foundation of their instruction for decades—yet textbooks, often the informational resource upon which such inquiry is based, is often deficient to those needs (Wong, 2003). Stahl, et al. (2002) points out that students who have relied primarily on textbooks for information—and thus have “been taught to think of history merely as a series of chronicled events” (p. 20)—may have difficulty pursuing critical inquiry without assistance. Assuredly, that is a teacher's function; but a clearly delineated standard against which to cast any reflective exercise would be a boon to historical instruction, a role the “just war” doctrine can fill appropriately.

The value of the “just war” doctrine is that it provides a critical framework for judging war. Those who might take issue with student analysis of American wars could be concerned about such analysis being rooted in a teacher's conception of right and wrong, the overweening influence of a single instructor's moral values on student

conceptions—and that would be a fair concern. The significance of the “just war” doctrine, then, is that it is the culmination of two millennia of thought, both secular and religious; and it has become the foundation of international law and diplomacy around the world. In the U.S., it has formed the standard of military conduct since the Lieber Code was written, in 1863 (Doty, 1998). While morality is inherently subjective, no careful examination of the “just war” tradition could conclude that it was without broad support across the spectrum of human societies. The “just war” doctrine is as universally agreed upon as a moral scaffold about war is likely to be, and thus provides a valuable teaching tool for the social studies.

Textbooks contain a wealth of moral content and perspectives, yet these are largely incoherent and implicit. As is always the case, it falls to the teacher to determine what happens in the classroom and how students may use such resources for their benefit (Thornton, 1991). As often as textbooks are criticized for their shortcomings, they can still be useful learning resources for students. Teachers often rely on textbooks as the source and scope of their curricular choices; therefore, the use of a framework like “just war” would serve to focus and accentuate the value of such materials. Teachers generally will move away from textbooks only when given a better, more useful alternative (Schug, Western, & Enochs, 1997). Given this, the inclusion of the “just war” tradition increases the educational value and impact of traditional materials.

Possibly the most mundane issue for teachers, yet one of the most important, is that of time. Moving chronologically through an American history course and covering the required number of topics, in accordance with most state curricula, is a challenging enough task for teachers; doing so in a meaningful way is often impossible, given the

daunting number of challenges facing even the most experienced educator. Most teachers resort to a belated focus on the historical names, dates, places, and events that comprise traditional “information knowledge” (Wineburg, 2002). When teaching wars, it is little wonder that teachers may resist spending time on the events of the war itself (the scope of *jus in bello*) and instead focus more peripherally on causes and consequences of the conflict. The “just war” doctrine has a particular utility in this instance. Rather than being forced to teach *all* the events of a given war, or *none* (and instead relying on causes and effects), “just war” allows for a clarity of effort and instruction. Teachers may choose specific events, themes, trends, or results of a given war and apply the “just war” convention in the classroom.

The “just war” doctrine also has variable uses in its implementation. It may be used critically with historical events, as large as the Civil War (as this study has done) or as particular as specific battles, policies, or decisions. World War II, for example, is often characterized as a conflict that was simply necessary to fight. Nazi Germany, the standard argument goes, together with fascist Italy and militarist Japan, represented too great a threat to the rest of humanity to allow to go unchecked. Studs Terkel (1985), in *The Good War*, his oral history of World War II, drew his title from several interviewees who referred to that global conflict as a “good war,” a bromide which has become hardened truth among many Americans. But one of Terkel’s subjects, US Navy Rear Admiral Gene R. LaRoque, was more thoughtful on the issue: “World War Two has warped our view of how we look at things today. We see things in terms of that war, which in a sense was a good war. But the twisted memory of it encourages the men of my generation to be willing, almost eager, to use military force anywhere in the world” (p. 36). If we

conceptualize World War II as a “good” war to our students, we should consider the impact such a description may have. Have we signaled our belief in the concept of a “just war?” Are there occasions when mass extermination of human beings is justified, even commendable? When the U.S. firebombed the city of Dresden in early 1945, killing tens of thousands of German civilians, should that be characterized as a grim necessity, one forced on us by external forces? Should it be characterized as a “victory?” These are questions which, without a moral anchor point to facilitate critical analysis, lead to almost rudderless debate, without merit or conclusion. The “just war” doctrine is a coherent and measured standard to use in finding answers to these questions.

The value of the “just war” tradition goes beyond the evaluation of historical events or era. It may be used as a framework against which to judge the historical sources themselves, applying a methodology very similar to this study—a teacher might ask students to examine their own textbooks for moral content and conclusions in their depictions of a given American war. Richard Paxton wrote, in “A Deafening Silence: History Textbooks and the Students Who Read Them” (1999), that though textbook aim for a voice of disembodied objectivity, this is not the case at all—in truth, “the characteristics of the finished solution are determined not only by its components, but also by the hand that stirs it” (p. 319).

The value of the “just war” doctrine is in its use as a moral structure against which to evaluate historical events. Like all moral constructs, though, it is subjective, which means the terms and conditions we use for morality may be open to debate and question. Just as valuable as the question, “Is a war moral?” is the question “What do we mean by *moral*?” Teachers can find significant instructional value in posing such questions to their

students. Is there ever an occasion in which it may be permissible to attack a nation that has not committed an overtly aggressive act? Is it possible that the *jus ad bellum* admonition of just cause is no longer applicable in a world where traditional state-to-state warfare is becoming a rarity? In an era where asymmetrical methods and tactics are now becoming the norm, and where state-sponsored transnational terrorism represents a threat that is more existential than territorial, is it worth relying on international law built at a time where such threats were practically nonexistent? The “just war” tradition generally disapproves of the moral nature of nuclear weapons, terming them indiscriminate and disproportional to the threat faced (Walzer, 1977, p. 277). This is a prohibition that would provide a valuable instructional experience for students—did the United States commit a violation of *jus in bello* with its use of two atomic bombs at the end of World War II? Should a threat have been made to use such weapons, without the intent to actually do so? Or would even that threat constitute a moral violation, as many theorists consider it “wrong to *threaten* to do something which is *actually* wrong to do” (Orend, 2006, p. 122)? The components of the “just war” doctrine should be themselves critiqued, both their moral foundations and their applicability in a modern world.

There are those, doubtlessly, who would be troubled by the prospect of students challenging the policy decisions and moral assumptions that have led our country to war in the past. It seems likely that some of these potential critics might consider such inquiry to be contrary to “traditional” American values or the United States’ status as a “lodestar to people around the world” (Cheney, 1995). But judgment is inherent in historical inquiry, not merely about a given event’s “importance” or “relevance,” but, innately, its value. The historian Paul Gagnon (1988) refers to judgment as “nothing less than

wisdom,” which requires “a bone deep understanding of how hard it is to preserve civilization or to better human life” (p. 43). This goal, “to better human life,” has to mean more than dry intellectualism; it needs to be closely connected to a student’s life and experiences, with the overt goal of helping all to prosper. The principled aim of any democratic society should be to make war as unlikely and as limited as possible, given the sanctity and value of each human life.

This may sound troubling, to some. Those who might view the “just war” doctrine simplistically or from a particularly myopic standpoint may criticize it as pacifistic. This would be inaccurate. “Just war” is neither pacifistic nor militaristic. It is instead firmly based on the concept that war *can* be justified, and thus can be moral, but must *always* be limited. To insist upon these limitations is the method through which we can make our participation in violent action both justifiable and utilitarian.

### **Morality and War in Education**

Nel Noddings, in *Critical Lessons* (2006), elaborates upon her ethic of care as a foundation of public education, and distinguishes between “caring-for,” a personalized act between individuals, and “caring-about,” a generalized emotive trend that encompasses abstractions (like the moral nature of war) and thus is the purview of public education. The issue of caring for ourselves and each other is, of course, a deeply moral one; Noddings points out that ultimately, whether an educational relationship is between a teacher and a student or simply one human to another, “we are responsible for each other's moral development” (Noddings, 1990, p. 124).

There may be no more important time in American history to understand the moral nature of war. Over the last ten years, the United States has been committed to two separate military incursions, in Iraq and Afghanistan, where the fighting has been borne entirely by the all-volunteer armed services. It is deceptively simple for an American citizen to ignore the fundamental reality of war in today's society; and with that, to ignore the threats, perils, and costs endured by servicemen and servicewomen at war. Our textbooks and our classrooms should be alive with principled discussions of the moral nature of our conflicts, to be certain that the risk we ask our soldiers to take on is worth such an investment of human life.

James Palmer was killed at the Second Battle of Bull Run in 1862. Prior to the battle, knowing her brother was in combat, Sarah Palmer regularly scanned newspapers for casualty lists, even though the prospect of what she might find nearly unnerved her—"I do feel too anxious to see the papers and get the list of casualties...and yet I dread to see it" (Faust, 2008, p. 104). When news came that James had been killed, the Palmer family underwent a moral and psychological trauma all too familiar to families of those killed in action. Esther, James' mother, embraced denial—"I sometimes think he is not dead, it might have been a mistake," as did another sister, Elizabeth, who said "I find myself continually thinking of him as alive" (p. 145). The realization that James was gone and would not return required an almost physical act of will, a determination to accept the horrifying reality—Harriet, a third sister, five months after the battle, said, "It is very hard for me to believe that dear Jim is dead. Were it not for the cessation of those letters we used to hail with so much gladness...I could not realize it" (p. 144-145). Sarah's pronouncement that, prior to James' death, "we had never known what death was



before” is a sentiment understood by all those who have waited for news of their loved ones. It is also a principle that should be remembered by a nation that has asked its citizens to risk their lives in the service of their country’s aims.

The physical, psychological, and moral damage done by our participation in wars is a cost that all Americans should keep in mind, and our decisions to enter such conflicts must be informed by the reality of what war can do to us and our enemies. William Sherman, in a letter to his wife in July 1864 during his campaign in Georgia, wrote that ““I begin to regard the death and mangling of a couple of thousand men as a small affair, a kind of morning dash” (Wortman, 2009, p. 250). The dehumanization of war, “an abandonment of emotion and sensibility” (Faust, 2008, p. 145), is a consequence that teachers (as well as the resources they use) should be prepared to withstand.

There is a need for continued research and contemplation in this area, as circumspect and qualified as it may be in design and conclusion. Under a critical pragmatist perspective, there is no one great “truth,” but instead competing arguments. Certainly, an argument about our national conception of war is one that would cause much consternation. There would be accusations of bias and underlying agendas, critiques of patriotism and ideology. But such an argument is vital to our sense of our national identity and our humanity. Williams (2005) relates the story of a soldier’s wife who railed against her government after learning her husband had been killed in battle: “What do I care for patriotism...my husband is my country. What is country to me is he be killed” (p. 162)? A discussion about our national conception of war is not unpatriotic; it is, instead, humanistic.

In 1845, prior to the outbreak of the Mexican-American War, Senator Charles Sumner gave a Fourth of July Address in Boston to the American Peace Society, during which he claimed that “in our age, there can be no peace that is not honorable; there can be no war that is not dishonorable” (Ziegler, 1992, p. 111). There was great disagreement as to Sumner’s conclusion, as there would be now. But we live now in an era where war is often disassociated from regular human experience, where, as the journalist Joe Klein writes, “every human tragedy can easily be mistaken for a television show” (Klein, 2010). The language we use to describe our wars in our textbooks represents a hegemonic view of the moral stature of such conflicts; and conversely, the language we avoid or minimize signifies a moral choice in our national memory. Michael A. Bellesiles, in his article “Teaching Military History in a Time of War” (2010), describes how painful otherwise innocuous discussions about war can be for veterans when words like “just” or “only” are used to characterize the number of casualties in a given engagement. And, more ominously, he describes the failure of many Americans to consider the import of U.S. military policies—regarding the decision by President Barack Obama to increase the number of American soldiers in Afghanistan in 2010, Bellesiles admonishes us that “we should see more than just a number; we should see families beginning their long, anxious vigil until these men and women return home” (Bellesiles, 2010). We cannot afford, in an era where we are capable of such destruction, to avoid moral criticism of war in our classrooms. To do so would be to indulge in collective dissonance, where we decry war as a moral evil but revel, in a variety of ways, in its occurrence.

## Discussion and Recommendations

A standard criticism of many textbook analyses is that they spend a great deal of time focusing on a given text's deficiencies, and comparatively too little on possible solutions to such deficiencies. Often, these analyses point to a textbook's failure to include or to marginalize a particular point of view, and the solution then is quite simple—the textbook should have *more* of a given topic. This solution, then, helps to foster another standing criticism of textbooks—that they are often too large, filled to the bursting point with seemingly trivial bits of data that have little meaning to students.

The findings of this study suggest that a similar phenomenon occurs with textbook depictions of war. Textbook authors are faced with two competing forces—the tendency to avoid concrete or controversial value positions, together with the demands of various constituencies that their perspectives be represented. Narrative depictions of the Civil War are long, often very detailed and—though there is latent moral content—rarely explicit in value judgment. Given this study's orientation and goals, it is unlikely that the failing of textbooks to adequately represent war could be solved by simply adding more to the standard textbook narrative. Instead, a reorientation of focus and intent is necessary, and this section aims at offering possible recommendations for such a transition.

Will and Ariel Durant, in *Lessons of History* (1968) point out that advances in human history are often “merely new means of achieving old ends” (p. 95). It would be retrograde to propose solutions to textbook depictions of war that would be limited by the factors that limit all the effectiveness of any text-based resource in the classroom. Teachers are restricted by time, availability of resources, student ability and interest; and

suggesting that another section, or another graph, or another eyewitness account be folded into the main narrative, and that this would provide an adequate remedy, would be foolish. The problem, then, is reconsidering the *goal* of textbooks. The Durants claim that, throughout history, “means and instrumentalities change; motives and ends remain the same” (p. 34). We must consider what textbooks will look like with a new goal in mind. Primarily, this section is concerned with two important questions: what should textbooks be doing? And, even if such remedies are not likely in the near future, what might teachers do in order to more effectively instruct students about the realities of war?

It would be unfair to indict textbook authors specifically for the failings of textbooks. A textbook is the product of a substantial and lengthy process, one that involves a large number of entities, from the writers themselves to publishers and editors, with the added obstacles of state adoption committees, legal considerations, and revision after revision—all in light of the constant scrutiny that such books receive as both mechanisms and victims of political ideology. Given this, any proposed revision to textbooks could hardly be a radical one. Noddings, in *Critical Lessons*, (2006) concedes that the traditional curriculum utilized across the country for decades “probably will not change in the foreseeable future.” Yet her belief that “every discipline can be stretched from the inside to provide richer, more meaningful studies” (290) can also be true of textbooks.

In order to more appropriately address American wars in classrooms, there are two facets to consider (as this study has tried to do): historical and moral. From a historical perspective, it is vital that the events of our past be represented *accurately* and to an appropriate degree of depth and breadth. From a pedagogical perspective, textbooks should provide teachers with the tools and content necessary for a moral evaluation of

war. It is vital to note that this is not a call for *indoctrination*. This study has focused on the presence and nature of value positions in textbooks, not in judgment of them. Instead of instructing our students in what to believe, our textbooks should be one of the devices through which we teach students *why* our principles are held dear.

### **Telling the Story: How We Must Change Textbooks**

Criticizing textbooks is an easy thing to do—they are as maligned as they are ubiquitous. Textbooks are critiqued as discriminatory, racist, sexist, too detailed, not detailed enough, poorly written, as mechanisms of social control and as ineffective transmitters of national values. While many of these criticisms are valid and should be addressed, it bears repeating that very few of these faults can be considered intentional. Textbook authors—most of them professional historians or educators—try, under difficult circumstances, to create the best instructional resources they can, with the singular goal of promoting the best education for our students and our nation. The construction of a textbook is a collaborative process that often includes dozens of direct contributors, created in light of a varying number of motivations (academic interests and the prospect of publication chief among them). It is little wonder that moral content—in fact, *any* content—is disparate throughout any textbook.

The omnipresent status of the textbook in school curricula has made it the center a perennial debate over censorship. As far back as 1783, attempts to control the content of textbooks have occurred in American civic life (Borowiak, 1983, p. 11). The argument over textbook content is a well-profiled and routine ritual of school life, as various groups assail textbooks for containing too little of this, too much of that, and presenting our

students with a dangerous amount of ideology, whether liberal or conservative. It has been occurring in America since the early days of public education, and many of the most important names in social studies have been subjected to such scrutiny. Harold Rugg's massive set *Man and His Changing Society*, the most popular textbooks ever produced (which over five million students used over time), were assailed in the late 1930s by conservative groups for their perceived "lack of patriotism and subversive efforts to introduce socialism into public schools" (Makler, 2004, p. 37).

In truth, though, the history of textbook censorship is less about the battles waged over content, fierce though they may be, but instead the battles that are avoided. Given the multiple reality and responsibility for a textbook's authorship, it is easier to see how many are subject to a form of self-censorship. In an effort to avoid the public (and often commercial) backlash brought on by the possibility of controversial topics or language, textbooks are often diluted in content to avoid the likelihood of offense and any consequences that attend it (Swearingen, 1986, p. 33). This avoidance of confrontation over content is understandable, and pervasive. Certainly, it would be obtuse to blame textbook authors and publishers for wanting to be published; and it would be naïve to insist on controversial content for its own sake. But the willingness of textbook companies to avoid, delimit, or moderate the reality of war may prove to be a disservice to teachers and students, in serving to obscure the potential for moral criticism. This is an area of research that requires further exploration and investigation.

A more common criticism of textbooks is inaccuracy. While the degree and frequency of content mistakes vary from text to text, many of the resources we hand to our students as unquestioned repositories of historical fact are often anything but. The

failing of textbooks is rarely that of outright factual error, but more commonly the sin of omission. Vital events, themes, and ideas are missing from the primary mechanism of social studies instruction.

For instance, with regard to the Civil War, a proper consideration of the war's beginning is incomplete, from a historiographical standpoint, without addressing the end of James Buchanan's presidency. As this study has asserted, it is incomplete to consider the Confederate attack on Fort Sumter without considering the policies which led to it. While textbooks often praise Abraham Lincoln for his sober and measured approach to the issue of secession, little is made of Buchanan's attempt, with the *Star of the West* mission, to resupply the fort, maintain the federal garrison there, and avoid war. With the value of hindsight, it is easy enough to criticize this plan; but while Lincoln's reluctance to provoke the South is portrayed as thoughtful moderation, Buchanan's policies are derided (if they are mentioned at all) as dilatory and dithering. Textbooks should give students the opportunity to face the same choices James Buchanan did—should he resupply the fort? Would he have weakened the authority of the executive if he did not? Was it moral to risk American lives and peace for the federal installation in Charleston harbor—and if not there, where?

Textbooks can also be adjusted to reflect the reality of war. It is a difficult challenge to provide compelling and realistic depictions of military conflict while remaining appropriate for the classroom—but we should consider what we mean by “appropriate.” Surely, we do not want to shock or disgust our students to a degree that may prove psychologically damaging; but at the same time, if students are not exposed to the brutality and carnage of war in classrooms, where will they be? Some of the children

in our classrooms will grow into the young men and women we, as a nation, will send to battlefields on our behalf. If we rely on popular entertainment to serve as the primary avenue through which American students learn about war—where it is generally offered as amusement, rather than for educative value—we do a tremendous disservice to them and to those who fight for us now, trivializing their risk and their sacrifice.

We, as educators, should insist on frank, unvarnished depictions of war, not with the intent of horrifying our students or convincing them that war is a pointless, bloody tragedy. But how can students be expected to respect the hardships of our soldiers without knowing of the dangers they have faced? How can students judge, in the same manner we ask our adult citizens to judge, the morality of our decisions to risk our fellow citizens' lives? Textbooks should include accounts from the soldiers themselves, relating the experiences of war—and not simply the horrific presence of death and injury, but also the exhilaration felt by many participants, the troubling fact that many soldiers *enjoy* war.

Students should know that the psychological implications of combat are complex and our understanding of them is still evolving. While the concrete details of such depictions would be devilish and painful to contemplate, a reasonable standard should be our conception of soldiers like Alfred Stratton, the Union soldier who lost both his arms in combat and eventually, sold pictures of his mutilated limbs as keepsakes. We should see the enormous sacrifice made by soldiers who are injured in combat, and we should esteem them for enduring such adversity; but we should also keep foremost in our mind the frightful nature of such wounds, the failure of our nation to heed Lincoln's admonition "to care for him who shall have borne the battle, and for his widow, and his orphan."



In a similar fashion to failings of historical accuracy, textbooks often also fail to provide sufficient breadth or depth for meaningful engagement. As instructional resources, textbooks are plagued by either a lack of complexity or a deluge of meaningless data (and, occasionally, both). Providing students with the murky reality of wartime policy allows them to engage in the sort of critical thinking that marks the best of social studies instruction. Moreover, it also allows them to consider the traumatic nature of war for all participants and the costs of imprudently entering such a conflict. In war, there are few decisions with clearly defined choices. When Abraham Lincoln was confronted with the Confederacy's discriminatory policy towards African-American soldiers, he faced a thicket of dangerous options—should he refuse to allow black soldiers to serve under such conditions? Should he extend similar treatment towards Confederate prisoners, and contemplate the use of summary execution? Or should he suspend prisoner exchanges, condemning captured soldiers on both sides to a hellish existence for the remainder of the war? The fact that Lincoln opted for the last choice is rarely presented in textbooks; and when it does appear, it is presented with the standard veneer of inevitability, with the implication that because it was the choice taken, it was thus the right one. In the study of history, there are routinely less answers than questions; we should expect the same from our textbooks. A textbook that included activities for students to evaluate the choices facing leaders and soldiers alike would better serve the aims of our schools. Noddings, in *The Challenge to Care in Schools* (2005) calls for a “clear and unapologetic” commitment to what should be our goal—“the main aim of education should be to produce competent, caring, loving, and lovable people” (p. 174). If we claim to care for our students and wish for them to have fulfilling, happy lives,

surely we should want them to have the ability to avoid carelessly endorsing human conflict.

Passivity in tone is a common feature of textbooks, and while it is certainly less overt of a problem than other deficiencies, it has a deceptive impact on readers. The air of inevitability adopted by many textbook authors leads students to the implicit assumption that wars are something that *happen* to us, rather than a course of action chosen by individuals for any number of reasons. Perhaps more alarmingly, such a tone robs the narrative of its dramatic element, removing any sense that what *did* happen need not have, and that the historical figures involved had choices they had to make. When the narrative of *The American Pageant* (Kennedy, et al., 2006) asserts that “impending bloodshed spurred final and frantic attempts at compromise—in the American tradition” (p. 429), the ownership of such bloodshed is shifted to nameless forces beyond our control. This divorces us from the costs, tragedies, and responsibilities for war. Textbook authors and publishers should adopt a more personal, honest tone in writing narrative, one which encourages students to understand that while war may sometimes be justified, it is always avoidable, always the product of a choice.

This study has revolved around the “just war” doctrine, and its use in the classroom would be an effective mechanism for moral education and a thoughtful evaluation of American wartime policy. This is not to say, however, that its explicit inclusion in a textbook is a necessity. Instead, textbook authors should construct their narrative on American conflicts with a focus similar to the doctrine itself, considering the conditions that may lead the United States to enter into a war, our conduct during it, and the manner in which we conclude it. The “just war” doctrine represents an opportunity

for moral scrutiny, and while the use of its conditions and categories is negotiable, the aim of the doctrine—to compel an examination of our moral conduct—should not be.

Any criticism of such scrutiny as unpatriotic would be misguided. No one would argue that textbooks should provide contrary narrative to the traditional hegemonic view of U.S. history, simply for its own sake. Students should, though, be exposed to not only multiple perspectives of historical events, but *opposing* ones, primarily to avoid the intellectual slovenliness that accompanies indoctrination. And if we fear that our students may reach different conclusions about American wartime behavior—if we fear that the monuments of our past may crack and fade in the present and the future—we would do well to recall that our ongoing critique of our national story is what makes it relevant to all generations. J. William Fulbright claimed that “in a democracy, dissent is an act of faith” (Fulbright, 1964, p. 221). We should not avoid such moral criticism, nor dismiss it as anti-American, when it is, in fact, the source of our national strength.

### **Teaching the Story: How Teachers Should Change**

How the textbook is written is the first step towards reforming how it is used by teachers. The “just war” doctrine, as has been asserted, has great potential for teachers as a mechanism for teaching American military conflicts. Orend (2005) contends that “just war” theory can serve as a “hugely useful and insightful—indeed, unparalleled—[aid] to reflection and decision-making in connection with war,” and teachers should embrace that utility (Orend, 2005, p. 268). I have argued, throughout this study, that the “just war” doctrine can serve as a highly effective tool for teachers in the thoughtful examination of

American wars. Textbooks are still, perhaps in spite of everything, the main resource for classrooms around the country, and thus what they say has an outsized impact on instruction. But, as with any instructional resource, its value is chiefly determined by the individual instructor, who will elaborate the process through which content and skills are passed on to students. The manner in which teachers utilize such content is just as important as the content itself. The difficulty lies in the fact that many teachers view the textbook as less a guide to instruction and more the foundation of the entire curriculum. The status of the textbook as the source of all answers can create an unwillingness among teachers to challenge it. The individual teacher is the focal point of instruction in the classroom, and the textbook should be viewed as a means to an end, and not the end itself.

Using a textbook to impart moral lessons about warfare is a difficult task. The classroom use of the “just war” doctrine requires more than simply a nuts-and-bolts understanding of the theory and its components. The foundation of “just war” theory is the belief that war should only be considered under the strictest conditions, a concept that protects us from unnecessary risk and loss. It requires a deep empathy for the goal of “just war”—namely, a limitation of war to its most humane manifestation. Perhaps most importantly, then, the theory requires that teachers care for their students in a way that moves beyond hoping they have successful careers or simply obey the law. In *The Challenge to Care*, Noddings (2005) argues that most reform is aimed at curricular issues rather than the concept of caring for our students—“Too many of us think that we can improve education merely by designing a better curriculum, finding and implementing a

better form of instruction, or instituting a better form of classroom management” (p. 173). For the goals of “just war” to be realized, textbooks have to be better; but so do teachers.

It is well enough to state that teachers should be the arbiters of instruction in the classroom; but, in reality, they are often hampered by forces outside the classroom as well as their own deficiencies within it. Diane Ravitch, in *The Death and life of the Great American School System* (2010) argues that schools “are a public good,” where “the goal of education is not to produce higher scores, but to educate children to become responsible people with well-developed minds and good character” (p. 227-228). Presumably, the concept of “good character” means something more than simple rectitude and good behavior. Character should mean, for our society, fostering the ability among our students to live a reasoned, well-considered life. Our students should be able to consider the possible costs and sacrifices inherent in war in a manner that best serves our nation, our culture, and each other. Given the climate of the age of accountability, though, teachers are often forced to focus less on the character of our students and more on their quantitative accomplishments. For a moral understanding of war, teachers must have the confidence to depart from the demands of traditional curriculum, formally represented by the textbook. Teachers must be willing to use the textbook, rather than be used by it.

Part of this will revolve around content knowledge. The ability to successfully articulate the reality of war in the classroom is determined in large part by the teacher’s ability to move beyond the limited narrative capabilities of the standard textbook, and to infuse the subject with the complexity and detail necessary to achieve our ends. In *Critical Lessons*, Noddings (2006) argues that “the gap between content and pedagogy is

often enormous” (p. 283). Teachers need to have the content expertise to challenge the narrative of textbooks and to fill the gaps for their students. This is a depressingly common refrain, and reaching a sufficient degree of content knowledge among new teachers will be no easy task; but given the number of studies that have supported such measures as the basis for any number of possible reforms, it is an imperative issue to address. Noddings, in *The Challenge to Care* (2005), identifies knowledge of subject matter as essential, not only to help students towards greater understanding of the subjects they study, but also to help teachers avoid a common pitfall: “teachers would have to know their subjects so well that they can spot and encourage promising approaches in their students and not be overcome, out of ignorance, by the need to control” (p. 178).

Teachers would be better able to utilize textbooks in a meaningful manner if they had greater understanding of historical content, the historiographical debates over major topics, and the methodology of historians. This being the case, the question of *where* and *how* preservice teachers will learn this content is an important one. Simply saying that “teachers should know more history” does not suffice—Thornton (2005) points out that the standard education a preservice teacher receives (typically a bachelor’s degree in some disciplinary field) does little to address the whole range of historical topics addressed in a standard curriculum (p. 89). The prospect of adding more requirements prior to a student’s graduation from an education program is little removed from the refrain of many textbook critiques when they argue that fixing textbook narratives is largely a case of adding more detail, or more anecdotes, or more data. From a practical standpoint, too, the question of content revolves around responsibility—who will offer

this content to preservice teachers? Will we expect a university department of education to train teachers in historical content? Or will we send them to the department of history? More importantly, we must balance the need for greater content knowledge—certainly a given, if teachers are to be properly equipped to deal with the deficiencies of textbooks—with the reality that teachers are not professional historians, and neither are our students. The expectation that either *should* be would be a disservice.

One possible solution to the deficiency of content knowledge among teachers is a change in the current division between subject matter and method. Thornton (2005) asserts that, since subject matter preparation typically falls outside colleges of education, social science professors are most responsible for the content training of preservice teacher. Given this, there has been little collusion between faculties in education and the liberal arts to determine what sort of content would be most appropriate, given curricular demands in the classroom. Thornton argues for “academic courses to integrate the social sciences around themes that could drive a dynamic social studies curriculum” (p. 92), courses which would provide teachers with the ability to more critically evaluate and arrange textbook resources for classroom use. There is a tendency to assume that knowledge of subject matter is a sort of “silver bullet” for method, that the former will create a proficiency in the latter. The subject matter itself should be crafted for use in a school curriculum, and it should be so created by both the professionals in the content itself and the practitioners in the classroom (Thornton, 2005, p. 96).

Similar to the argument for a reconfiguring of content is a consideration of what we mean by *content*. One of the chief findings of this study is that the problems with textbooks are not necessarily connected to the breadth, depth, or amount of historical

content, but rather the conceptualizations behind that content. If our desire is to train our teachers to be historians, there are too many obstacles, practical and ideological, to accomplish it. But *content knowledge* does not simply mean the ability to marshal great quantities of historical fact, nor the ability to interpret historians' arguments over the meaning of such fact (though such skills would undoubtedly be valuable). Noddings, in *Critical Lessons* (2006) points out that a typical teacher's preservice content education (usually a bachelor's degree in a social science) has helped to create an air of professional equality with graduates of other fields, but did little to prepare young educators for the rigor of the classroom—"we may have traded," Noddings asserts, "competence for status" (p. 283). Worse, we have created an academic culture founded on the "worship of expertise" (Noddings, 1992, p. 178) which, given the restrictions of both higher education and most social studies curricula, does little to help our teachers critically interpret and utilize educational resources.

Knowledge of a single content will not suffice, it seems, to allow teachers to overcome either a crippling reliance on the textbook or the inability to move beyond it. Noddings calls for a "breadth of knowledge that will enable [teachers] to connect the various subjects their students are required to study and also to connect that material to the issues of everyday life" (p. 284). This certainly would require the restructuring of a considerable amount of curricula, but it also requires us to divorce the concept of education as a profession from the disciplines we teach. A social studies teacher is not a historian, a specialist in a given (and often limited) range of topics. Instead, teacher education should focus on the connections between topics, to encourage the sort of broad, effective content knowledge that educators need to use textbooks effectively. A teacher



who is capable of connecting the ethical issues between seemingly disparate historical topics—the Alien and Sedition Acts, for example, with the embargo of Japan prior to World War II—is a teacher who can open students to the possibility of moral critique of U.S. wartime policy. In teacher preparation, we need to foster “a superbly well-trained capacity for inquiry and a Socratic willingness to pursue wisdom” (Noddings, 1992, p. 178). This is no easy task, and certainly not one as measurable as simple subject matter knowledge; but it seems the most promising route to giving teachers the ability to establish command over textbooks, and not the other way around.

In 1895, Oliver Wendell Holmes gave a Memorial Day address in Boston, at the graduation ceremony of Harvard University. In it, Holmes—a veteran of the Civil War—lauded what he referred to as “the faith... which leads a soldier to throw away his life in obedience to a blindly accepted duty, in a cause which he little understands, in a plan of campaign of which he has little notion, under tactics of which he does not see the use” (Holmes & Posner, 1992, p. 89). This faith is admirable and necessary for soldiers to operate; but it demands, then, a concurrent degree of thoughtfulness from this nation’s citizenry, a committed and engaged scrutiny of national policy which may risk the lives of American men and women without question. As of 2008, there were over 1.4 million active service personnel in the U.S. military worldwide, out of a total population of almost 309 million (“Military Personnel Strength Figures,” 2011). When such a small percentage of U.S. citizens bear the costs and risks of war, while the overwhelming majority only peripherally feels war’s impact, it is especially incumbent on teachers to prepare students to thoughtfully engage in the agonizing debates that will eventually face our country.

Textbooks are meant to be resources which aid teachers in instruction; yet they have achieved a distinction as repositories of our moral selves and arbiters of our national story, the mechanism through which we present our conception of our nation. Herman Frye, in *Anatomy of Criticism* (1957), pointed to the reason for the textbook's status in social studies education:

The culture of the past is not only the memory of mankind, but our own buried life...study of it leads to a recognition scene, a discovery in which we see, not our past lives, but the total cultural form of our present life. (p. 346)

When we use a textbook to question our nation's behavior in war—or point out a textbook's deficiency in the presentation of such questions—we challenge both our “buried life” and our “present life.” And such challenges are vitally important; without them, we risk both mindless indoctrination and useless sacrifice. Drew Gilpin Faust, in *This Republic of Suffering* (2008), wrote that “without agendas, without politics, the Dead became what their survivors chose to make them” (p. 269). We should write our textbooks in acknowledgement of the fact that they can never be neutral. Our goal, then, should be to encourage the regular engagement, by our students, in moral critique of our wars and our choices, to make the losses we bear as a nation worthwhile.

John Palmer was the father of James Palmer, the young soldier killed at the Battle of Second Bull Run. Like many family members of the era, he couldn't bear the thought of his child buried on some distant battlefield; and, having the means that so many others did not, John Palmer paid for his son's body to be exhumed and relocated to a military graveyard closer to their home. In the process of removing the body, the bullet that killed James was found in the coffin and given to his father. John Palmer carried the bullet with

him for the rest of his life (Faust, 2008, p. 245). As a nation, we carry the same memories of loss and grief as John Palmer. This grief is meaningful to our national story, and it has moral value—though it is often obscured by trivial approaches, shallowness, and hegemony. Teachers and textbooks are focal points through which we can reach clarity.

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APPENDICES

## Appendix A

### Historical Narrative Analysis Template

This template was used as an evaluative tool for measuring textbook depictions of the Civil War against relevant historiographical accounts of that conflict. This template is based on a method for clustered summary tables derived from Miles, M. B., & Huberman, A. M. (1984). *Qualitative data analysis: A sourcebook of new methods*. Beverly Hills: Sage Publications, p. 157.

<i>Jus Ad Bellum</i> (“Justice Before War”)		
Historical Event/Topic	Summary of Relevant Historiography	Textbook Narrative Sample
Secession and States’-Rights <ul style="list-style-type: none"> <li>• Kentucky and Virginia Resolutions</li> <li>• Nullification Crisis</li> <li>• Wilmot Proviso</li> <li>• Fugitive Slave Act</li> </ul>		
Presidential Election of 1860		
Fort Sumter, April 1861		

<b><i>Jus In Bello</i> (“Justice During War”)</b>		
<b>Historical Event/Topic</b>	<b>Summary of Relevant Historiography</b>	<b>Textbook Narrative Sample</b>
Soldiers in Combat/Battle		
Sherman’s “March to the Sea”		

<b><i>Jus Post Bellum</i> (“Justice After War”)</b>		
<b>Historical Event/Topic</b>	<b>Summary of Relevant Historiography</b>	<b>Textbook Narrative Sample</b>
Lee’s Surrender at Appomattox		
Passage of the 14 <sup>th</sup> Amendment to the U.S. Constitution		
Radical Reconstruction v. Andrew Johnson’s plan		
Compromise of 1877		

**Appendix B**

**“Just War” Categorical Analysis Template**

This template was used as an evaluative tool for measuring textbook depictions of the Civil War against relevant historiographical accounts of that conflict, as well as the three categories of the “just war” doctrine: *jus ad bellum* (“justice before war”), *jus in bello* (“justice in war”), and *jus post bellum* (“justice after war”). This template is based on a method for clustered summary tables derived from Miles, M. B., & Huberman, A. M. (1984). *Qualitative data analysis: A sourcebook of new methods*. Beverly Hills: Sage Publications, p. 157.

<b><i>Jus Ad Bellum</i> (“Justice Before War”)</b>		
“Just War” component	Summary of Relevant Historiography	Textbook Narrative Sample
<b><i>Just cause</i></b> (self-defense from external attack; defense of others from external attack; protection of innocents from brutal, repressive regimes; punishment for a grievous wrongdoing with remains uncorrected)		
<b><i>Right intention</i></b> (a nation must intend to fight only in defense of its just cause, or in light of its justification.		
<b><i>Proper authority/public declaration</i></b> (generally addressed within a state’s constitution or the legitimacy of its governmental system)		
<b><i>Last resort</i></b> (a state may resort to war only if it has exhausted all plausible, peaceful attempts at resolution, e.g., diplomacy, have been exhausted)		
<b><i>Probability of success</i></b> (states must measure the likelihood of victory prior to hostilities, in order to prevent unnecessary and futile bloodshed)		



<b>Proportionality</b> (a state must weigh the <i>universal</i> goods expected to result from war, such as securing the just cause, against the <i>universal</i> evils to result, especially bloodshed)		
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<b><i>Jus In Bello</i> (“Justice During War”)</b>		
“Just War” component	Summary of Relevant Historiography	Textbook Narrative Sample
<b><i>The observance of international laws on the prohibition of certain weapons</i></b> ( e.g., chemical or biological weapons)		
<b><i>Discrimination and non-combatant immunity</i></b> [soldiers may only target those who are “engaged in harm” (Walzer, 2004), which infers the “discrimination” between combatants and civilians, who are morally immune from attack].		
<b><i>Proportionality</i></b> (only the force proportional to the desired outcome is appropriate)		
<b><i>Benevolent quarantine for prisoners of war</i></b> (it is morally wrong to threaten, harm, or use POWs inappropriately, a standard spelled out by various international laws)		
<b><i>No Means Mala in Se</i></b> (“evil in themselves,” the use of weapons, tactics, and methods that unequivocally immoral are prohibited)		
<b><i>No reprisals</i></b> (when a state fails to observe <i>jus in bello</i> , an attacked state may not retaliate with a similar violation)		

<i>Jus Post Bellum</i> (“Justice After War”)		
“Just War” component	Summary of Relevant Historiography	Textbook Narrative Sample
<b><i>Proportionality and publicity</i></b> (a peace agreement should be reasonable and publicly proclaimed, usually without a provision for unconditional surrender on the part of the defeated state)		
<b><i>Rights vindication</i></b> (the violation of a state’s rights, upon cessation of hostilities, should be restored as the basis for a lasting peace)		
<b><i>Discrimination</i></b> (peace treaties and settlements must differentiate reasonably between leaders, combatants, and non-combatants on the defeated side)		
<b><i>Punishment #1</i></b> (“Proportionate punishment” must be assigned to a defeated state and its leaders, when clear violation of another state’s rights have occurred)		
<b><i>Punishment #2</i></b> (“Proportionate punishment” must be assigned to a state’s combatants—both victorious and defeated—for the commission of war crimes)		
<b><i>Compensation</i></b> (A defeated state can be compelled to make proportionate financial restitution which discriminates between those who are liable and non-liable (e.g., civilians))		
<b><i>Rehabilitation</i></b> (a victorious state may enact reforms within the institutions of a defeated country in order to facilitate the development of “minimally just society,” which limits future violation of “just war” principles)		

## ABOUT THE AUTHOR

Mark Percy has been a social studies teacher in Florida public schools since 1993. He has taught American History Honors, Advanced Placement U.S. History, Advanced Placement U.S. Government and Politics, World History, Court Procedures, Legal Systems and Concepts, and Comprehensive Law Studies. He served as the coordinator of the Charlotte County Mock Trial Competition for three years, and he was the coordinator of the Venice High School Renaissance Program. Additionally, Mr. Percy was the co-author of two federal Teaching American History grants, 2007's *Freedom and Democracy* program (which was awarded a federal grant totaling \$2.7 million) and 2010's *The United States in the Global Arena* (application pending). He has served as an educational consultant for several *PBS Frontline* programs, and has worked for Pearson Publishing in developing online teacher pedagogical content. Mr. Percy holds a bachelor's degree in history and a master's degree in secondary education from the University of Florida, and is pursuing a doctoral degree in curriculum and instruction from the University of South Florida. Mr. Percy has presented nationally and regionally at conferences such as NCSS, FCSS, and ISSS. His research interests include the teaching of American history, particularly the moral conceptualizations of war in American history classrooms.