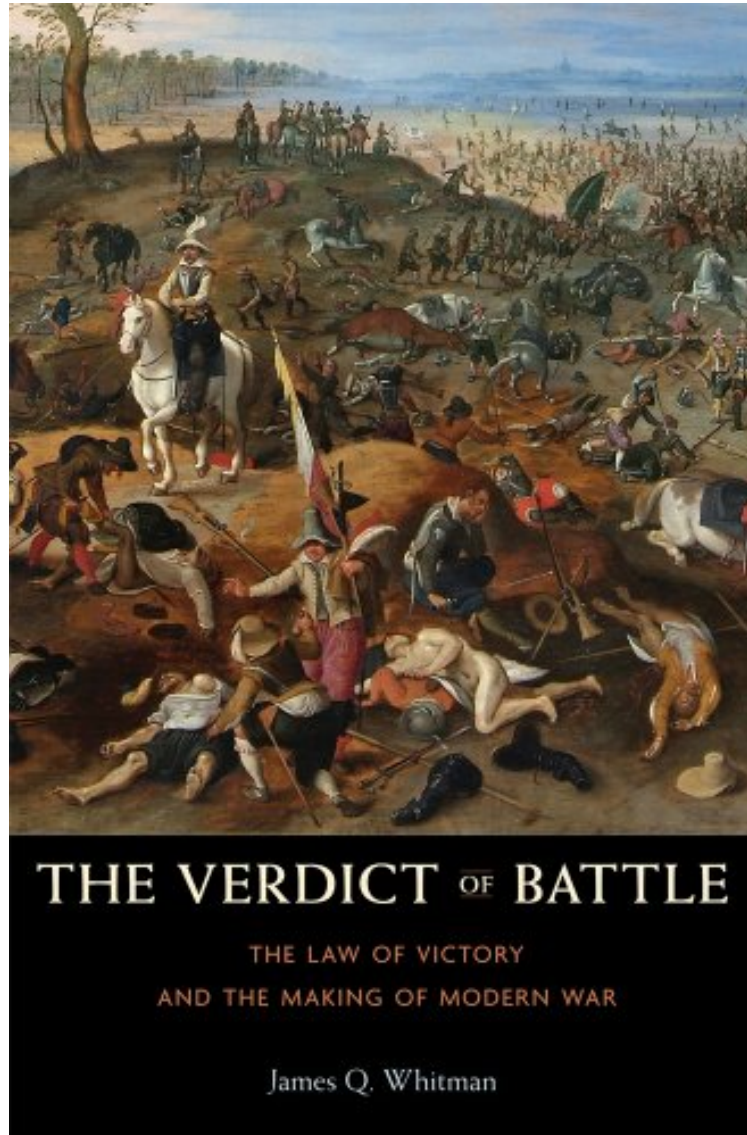


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The Verdict of Battle: The Law of Victory and the Making of Modern War

James Q. Whitman

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James Q. Whitman : The Verdict of Battle: The Law of Victory and the Making of Modern War before purchasing it in order to gauge whether or not it would be worth my time, and all praised The Verdict of Battle: The Law of Victory and the Making of Modern War:

1 of 1 people found the following review helpful. What We Lost in History By Steven Larsen Verdict of Battle describes the evolution of war from the unrestrained aristocratic dueling to the controlled use of battle as a procedure

of civil law, finally collapsing into the unrestrained, ideological warfare of the present day. 18th century battles, Whitman maintains, were fought not to resolve criminal matters, but to settle civil ones. Property rights were the issue. This was perfectly acceptable through most of history, Whitman says, even pointing out that most just war theory was about dividing up the spoils of war, who should get or give up what property, rather than the modern idea of when it was acceptable to go to war. Carl Schmitt and others who believed the rejection of Christian values led to the civility of the 18th century were wrong. In this sense, the 18th century kings were more medieval (Christian) in their view than modern. This civil law procedure, battle, waged by kings with no concrete governing body over them, was still able to decide conflicts. The laws of war derived more from human nature than today and thus were accepted as laws of convention without supra-monarchical bodies enforcing them. This point I don't think is made strongly enough in the book. Wars involved raiding and plundering more so than battle, but it was battle that was decisive. The reason is the same as the reason a "fair fight" on the street corner can decide an issue but not a mugging. Two parties, face to face, agreeing to a straight up fight produces a verdict. It is a contract of chance. In a raid or a "sucker punch", the aggressor hasn't risked anything and is therefore not entitled, it is felt, to the spoils. This was the prevailing attitude at the time and the author shows this with references to numerous prominent thinkers of the time and concrete examples. Whitman points out that this attitude of war fought for property rights and battles deciding the issue are alien to the modern mind. He is largely right, but only because most of us feel compelled to agree publicly with the modern ideological way of thinking that is jammed down our throats. Privately, we may feel differently. What brought about the end of the Age of Battles? Whitman gives at least two reasons. First, the rise of Hegelianism and the belief that the outcomes of battles were world-historic events. This gives a whole different significance to them than simply the verdict of a civil field-court. Second, the faux-romanticism of the 19th century spurred on by the reaction to the French Revolution. The reactionaries glorified the aristocracy, wrongly conflating them with the monarchs. Uncontrolled aristocrats fought unrestrained duels of honor, not civil law battles. So we had a return to justifications for war based on honor, a more medieval idea than an 18th century one. Whitman also touches, somewhat obliquely, on the role of ideological thinking in the decline of battle. Instead of the concrete issues and resolutions of the past, modern ideological thinking glorifies abstract ideas. Lincoln and the Northern cause being a prime example in my mind. There is no recognition of defeat as long as the abstract idea lives. It is a form of insanity that should be traced back to the Puritan Revolution, but Whitman jumps ahead a bit and starts with the Hegelians. It is a short jump from ideological enemy to an evil that must be destroyed by any means. Also, the author does an incomplete job of tracing the evolution of monarchical monopolization of war. The beat down of the aristocracy was largely complete by the late Renaissance. Castiglione's *Book of the Courtier* being one bit of evidence. What still remained however was the Emperor. This is important because it leads to the author's seeming belief that the change from dueling to trial by battle was a sudden one. In fact I think there is evidence that the wars of the Renaissance and especially the Thirty Years War, saw many of the restraints Whitman talks about regarding the 18th century. He seems to swallow whole the standard version of wild warfare in that period. Also, in discussing solutions to the modern problem, a study of the warfare during Holy Roman Empire might be of some use as the Emperor was in fact a weak but real supra-national figure. There are some minor problems I have a swell. Does the author really believe that the bumbling Moltke and his stumbling Prussian army who were handed a gift victory by the profoundly incompetent French were so superior to the Union and Confederate armies? And after a few hundred pages of telling us why our modern wars against evil are worse than the old wars, he has to take the gratuitous cheap shots at Nazis and Germans. Sure, wars against evil are bad, unless the victims are those deemed acceptable targets! I suppose he wouldn't keep his day job in academia without taking such swipes at the politically incorrect targets. Anyway, very minor points that don't effect the larger thesis. Verdict of Battle may confuse those readers who are consumed by modern rationalist thinking and ideology. At the same time, if they have maintained a shred of human nature, they may quickly have some disturbing doubts about their beliefs. This is a well written and accessible book but not a superficial study. Whitman has dug deep into the layers and layers of cultural filters that make up our society to reveal some long forgotten truths. This is a landmark book that deserves your time. 1 of 1 people found the following review helpful. Five Stars By sanju999 Phenomenal history and a brilliant counter-analysis of the roots of Western international law. 1 of 2 people found the following review helpful. Interesting but pretentious, repetitive By Customer It is worth struggling through this, but it is a struggle. Slow moving, repetitive, padded. He spends more time promising to talk about a battle than he actually spends talking about it. Still, an interesting thesis, if you can stay awake to get to it.

Today, war is considered a last resort for resolving disagreements. But a day of staged slaughter on the battlefield was once seen as a legitimate means of settling political disputes. James Whitman argues that pitched battle was essentially a trial with a lawful verdict. And when this contained form of battle ceased to exist, the law of victory gave way to the rule of unbridled force. "The Verdict of Battle" explains why the ritualized violence of the past was more effective than modern warfare in bringing carnage to an end, and why humanitarian laws that cling to a notion of war as evil have led to longer, more barbaric conflicts. Belief that sovereigns could, by rights, wage war for profit made the eighteenth century battle s golden age. A pitched battle was understood as a kind of legal proceeding in which both

sides agreed to be bound by the result. To the victor went the spoils, including the fate of kingdoms. But with the nineteenth-century decline of monarchical legitimacy and the rise of republican sentiment, the public no longer accepted the verdict of pitched battles. Ideology rather than politics became war's just cause. And because modern humanitarian law provided no means for declaring a victor or dispensing spoils at the end of battle, the violence of war dragged on. The most dangerous wars, Whitman asserts in this iconoclastic tour de force, are the lawless wars we wage today to remake the world in the name of higher moral imperatives."