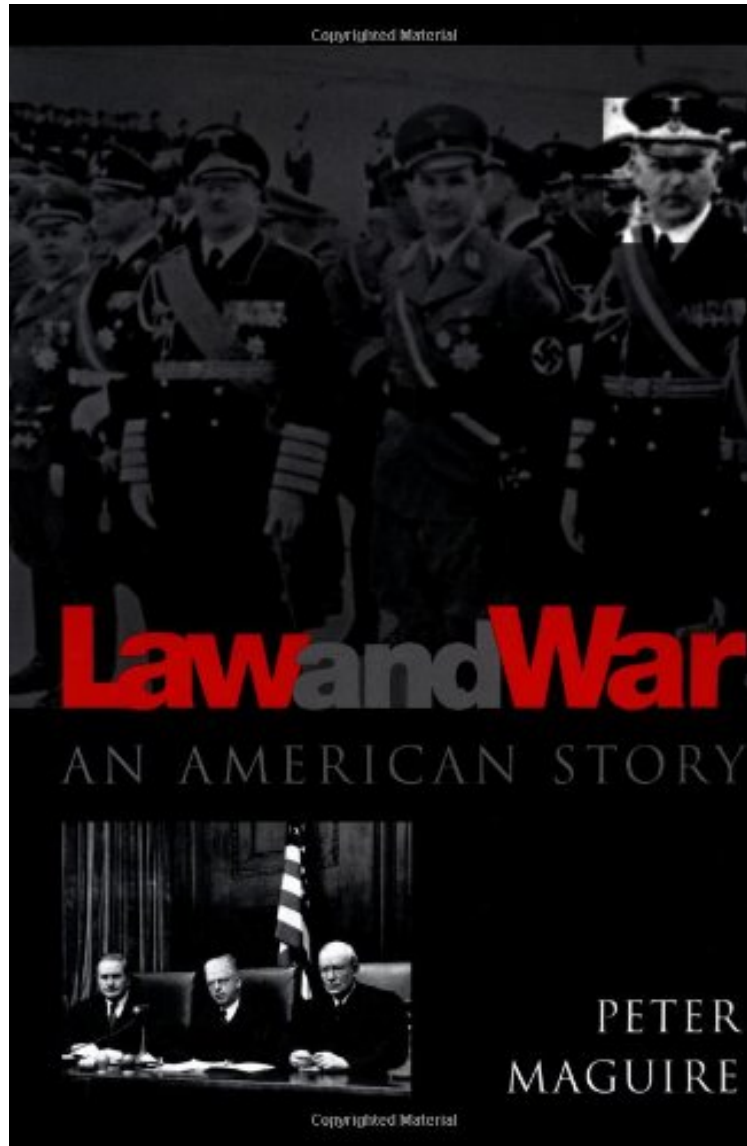


(Free) Law and War

## Law and War

*Peter Maguire*

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#3136447 in Books 2001-04-15 Original language: English PDF # 1 9.25 x 6.25 x 1.50l, 1.60 #File Name: 0231120508480 pages | File size: 44.Mb

**Peter Maguire : Law and War** before purchasing it in order to gage whether or not it would be worth my time, and all praised Law and War:

0 of 0 people found the following review helpful. Shoddy research in at least one section detracts from the overall text. By Conflict Historian I fear that I am going to be the sole dissenting voice in the otherwise glowing reviews of this book. I am taking issue not with his book entire, but specifically with his version of the history of the 1862 military commission trials that followed the US-Dakota War of 1862 and which resulted in the largest simultaneous execution

in U.S. history when 38 Dakota men were hanged at Mankato, MN. Maguire is an eminent scholar and researcher in the field of war crimes trials, and his book is a wide study of the conduct of war crimes trials by the United States; the events of 1862 take up just eleven pages of his overall study. Yet even in so brief an account, his handling of the Dakota War is remarkable for the number of factual errors it contains. In eleven pages Maguire makes eleven major mistakes in his facts, mistakes which suggest that he has a considerable amount of confusion with the history. Maguire claims that General Pope ordered [Col. Henry H. Sibley] to carry out reprisals before any surrender was accepted or any settlement was made. No such order was ever given. Pope's bellicose statements about exterminating and eliminating the Dakota, and his directives to Sibley to destroy everything belonging to them and force them out to the plains were instructions on waging total war, not orders to conduct systematic reprisals prior to allowing the cessation of hostilities. Further along, Maguire claims that Little Crow succeeded in drawing the soldiers into his trap at the battle of Wood Lake / Yellow Medicine. On the contrary, the intended ambush set by the Dakota at Wood Lake in fact failed because a foraging party from the 7th Minnesota Infantry inadvertently forced the Indians to spring the ambush prematurely. Indian and white witnesses alike described the intended Indian trap as a failure. Maguire also confuses some of the principal characters. He identifies the Dakota Man Rdainyanka as Little Crow's son-in-law, when in fact Rdainyanka was the son-in-law of the peace-advocating chief Wabasha. In the same paragraph Maguire quotes Little Crow as saying, "We may regret what has happened, but the matter has gone too far to be remedied. We have got to die. Let us, then, kill as many of the whites as possible, and let the prisoners die with us." Every single primary source, most importantly the Dakota sources themselves, make it clear that it was Rdainyanka, not Little Crow, who made that particular statement. Maguire also confuses the three-man court of inquiry, which was formed on September 27 and operated for only one day, with the five-man military commission which was convened on 28 September and subsequently conducted all of the 392 trials. Maguire gets the sequence of events completely wrong, makes the inaccurate statement that the chairman of the Court of Inquiry was a missionary named Stephen Riggs, and goes on to say that the Court of Inquiry would try as many as forty-two Santee [Dakota] in a single day! On the contrary Riggs was associated with but not a member of the short-lived investigatory body, and was certainly not its chairman (a position which existed only in Maguire's muddled misunderstanding of matters). In Col. Sibley's letter to Gen. Pope on September 27, 1862 he named Colonel Crooks, Lieutenant Colonel Marshall, and Captain Grant as members of the commission of inquiry. Riggs was not mentioned at all. Furthermore, the Court of Inquiry to which Maguire refers here never tried a single case that was the role of the five-man military commission, and Riggs only functioned in the five-man military commission itself as an occasional translator. By naming Riggs as the chairman of the Court of Inquiry, and then going on to state that this body tried as many as forty-two cases a day, Maguire arrives at the completely erroneous conclusion that Reverend Riggs was the senior member of the military tribunal that sentenced 303 Dakota prisoners to death. This is a complete mishmash of the history. Beyond these problems, Maguire clutters his text with half a dozen inaccurate assumptions which seem to stem from a lack of familiarity with the sources. His account of the Dakota War and the military commission trials is valuable, but only for its cautionary value on the dangers of insufficient research. Maguire apparently conducted no primary source research into this history himself, and he bases all of his conclusions on the Dakota War from a reading of secondary sources, which is a perfectly acceptable approach when done carefully. But even that is problematic in this case. Maguire cites Carol Chomsky's excellent legal study of the trials several times, for example, but he distills many of her complex and well-reasoned arguments into a grossly oversimplified misrepresentation of her work. I think Maguire is on much firmer ground when his text moves on to other historical events, but the egregious errors in his brief handling of this one particular event are troubling, for a book that is supposed to be a work of serious scholarship by a recognized authority in the field of legal studies. I would not recommend this book.

12 of 12 people found the following review helpful. Splendid History of A Tarnished Topic  
By Gary Solis  
Peter Maguire has written an outstanding history of America's involvement with the law of war through the 1960s. As the U.S. Military Academy's former law of war course director, I have read many books addressing similar territory. This is the best I know of -- well-written, with an intelligent viewpoint and an informed basis for commentary. Maguire begins in the nation's Indian combats, covers the Civil War, World War I, and concentrates on World War II, covering all with a succinct and insightful commentary that illustrates America's not always sterling record. Virtually every paragraph contains some informative and fascinating element. His analysis is always well-done, always well-researched and, most significantly, always interesting. Anyone with an interest in World War II, or in the law, or simply in good books, will appreciate and enjoy this text.

2 of 3 people found the following review helpful. It Speaks of/to the War Architects of Today  
By M. E. DUNGO  
Peter Macguire has written an excellent book that gets right into the inside of the attitudes and policies of the war-making super power. Although he wrote this before the US invasion of Afghanistan and Iraq, it's creepy to note that Machiavellian monsters are still busy planning wars as if the last hundred years and live news coverage didn't exist. It notes the American attitude to war, victory and body count policies from late 1800s to Nuremberg. From Jingoists to Capitalist-Imperialists - there are exceptions of race and empathic humanity when killing in large numbers. The top brass are usually malignant narcissists with little empathy for human lives anyway and the officer class usually suffer the remorse of the battle field. I mean - really - this stuff should be required foreign policy reading. After reading this, I immediately followed up

with other Nuremberg books just for extension. The Balengiga Massacre is particularly important to me because it was in my ancestral home province. Nice to know I have bad-ass ancestors even if they were massacred down to the toddlers. Very well researched. Great reference.

When does the waging of war become a criminal act? And who is in a position to judge? Ranging from the American Indian wars to the Civil War to World War I, and culminating with the Nuremberg and Tokyo trials following the Second World War, Peter Maguire provides much-needed historical perspective on the crucial and ever more urgent issues of war and justice. His examples illustrate the gradations of political justice and the perpetual redefinition of war crimes across three continents and more than a century of American foreign policy.

[An] intriguing historical analysis. (Harvard Law )A 'must read' book for all those interested in international criminal law, war crimes, and war crime trials. (Choice)Outstanding... impressive... this is a terrific book. (Michael R. Belknap, University of California, San Diego American Historical )Perceptive. (Peter Black, United States Holocaust Memorial Museum Journal of American History)About the AuthorPeter Maguire has taught the law and theory of war at Columbia University and Bard College. He was the historical advisor for the documentary Nuremberg: A Courtroom Drama.