

ESSENTIAL CIVIL WAR CURRICULUM

Union and Confederate Diplomacy During the Civil War

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The Civil War raging in America made no sense to European observers. The two chief powers, Britain and France, had assumed that the sectional conflict centered on slavery and not some vague concept of union; yet both President Jefferson Davis of the Confederacy and Union President Abraham Lincoln had denied that slavery was the issue, leading Europeans to believe that morality played no role in their differences and made their quarrel open to compromise. Why not let the erring southern sisters go? Southern independence was a *fait accompli*, concluded many outside observers; certainly the North could not subdue a people numbering in the millions and inhabiting eleven states. Instead, northerners and southerners had engaged in a vicious struggle that threatened to inflict a lethal blow onto both the United States and the Atlantic economy. Thus did the destruction of the American war attract as well as repel foreign intervention and make Union and Confederate diplomacy a vital part of the outcome.¹

I

The most sensitive issue in foreign affairs during the Civil War, for *both* North and South, was outside intervention. All other international disputes paled in comparison with the threat that either British or French (or both) involvement in the American war posed to the republic, whether divided or united in the war and afterward. So serious did the Lincoln administration regard the threat of intervention that the fiery secretary of state, William H. Seward, warned both Britain and France that recognition of the Confederacy as a nation meant war with the Union. The Anglo-French reaction to the American war rested on realistic considerations rather than moral sentiment over slavery, yet the growing level of atrocity repelled them, fostering intervention as a means for ending the bloodshed and stemming the growing collateral damage that threatened neutrals and the entire Atlantic economy. Humanitarians in both countries felt a moral obligation to stop a horrific war that had led to unparalleled bloodshed. Realists took a hard-line view. The Lord Palmerston ministry in London was concerned about empire, fearing that an imperialist Union government might quash southern aspirations for self determination and then turn its sights on Canada along with the vast markets of Latin America. Emperor Napoleon III in France had his own imperial designs, hoping to use

Mexico as a wedge for reestablishing French influence in the New World and thereby redressing the international balance of power in his favor. All these factors and more combined to put pressure on the British government (followed by the French) to mediate an end to the fighting.

At two points midway in the war, Britain in the fall of 1862 and France the following year, came close to extending recognition to the Confederacy and thereby, not fully realized at the time, threatened North *and* South. Shortly after the outbreak of war in April 1861, the British considered a mediation pointing to recognition of the Confederacy; and from the close of 1862 to the end of the war in April 1865, the French called for an armistice that tied recognition to Confederate approval of their imperial objectives in Mexico. Had either interventionist project succeeded, the Confederacy would doubtless have emerged as a separate nation, leaving it and a greatly weakened Union facing a heightened British presence in Canada and Latin America along with a French colossus rimming much of the former United States's southwestern border.

The first eighteen months of the Civil War were critical to its outcome, not only because of what happened on the battlefields in America but also on what transpired in the policymaking rooms in Europe. The war hung in the balance as Lincoln searched for a general and tried to keep the four Border States (slave states that had not seceded) of Kentucky, Maryland, Delaware, and Missouri in the Union, while Davis commanded an army that succeeded in the East but stumbled in the West, and relied on King Cotton Diplomacy to force European nations to grant recognition. Unfortunately for the South, its bumper crops in the two years previous to the war had allowed the two chief benefactors of that trade, Britain and France, to stock huge surpluses that freed them from economic pressure throughout this pivotal period.²

Lincoln inadvertently played into the Confederacy's hands by announcing his intention in April 1861 to impose a naval blockade, which was by international law an act of war; but instead of keeping foreign nations out of the conflict, the measure drew them closer to an involvement when they carried out their legal obligation to declare neutrality. This action classified North and South as belligerents and dictated equal treatment by the European powers, but it also embroiled those powers in the issues underlying the war. The British dutifully implemented their Foreign Enlistment Act of 1819, which barred subjects from enlisting in the armed forces of either belligerent or engaging in any activity capable of drawing the crown into the American war. But the Lincoln administration feared that the British move elevated the stature of the Confederacy and offered hope of recognition. As a belligerent, the South could float foreign loans; buy arms and other supplies for an army and a navy now legitimized as instruments of belligerents and not bandits; and contract for the construction of vessels in British shipyards, as long as the builders followed the strictures of the Foreign Enlistment Act by not equipping or fitting them for war while in England. Furthermore, the Confederate navy (once built) could search Union vessels and seize contraband, enter foreign ports with prizes, license privateers, and implement blockades. Most important to the outcome

of the war, although not seen at its outset, the doctrine of neutrality permitted other nations to intervene in the American conflict when threatened with collateral damage.³

This was a "war so horrible," moaned Lord John Russell, who as British foreign secretary rigidly adhered to neutrality while never understanding why the North and South had resorted to the final solution. The Union, he insisted, could not be "cobbled together again" and should accept secession: "One Republic to be constituted on the principle of freedom and personal liberty—the other on the principle of slavery and the mutual surrender of fugitives." Isolating a new Confederate nation within vast free areas would lead to a gradual but sure emancipation because of a predictable stream of slaves escaping the plantations. The alternative was a lengthy war that guaranteed damages to all nations touched by the fighting. The United States had imploded into anarchy, threatening to leave the republican experiment in ruins and confirming the skepticism of Old World conservatives who had long opposed political and social reform whether in America or at home. Civilized and non-belligerent nations had the right—even the duty—to convince those people at war to seek a compromise. England, Russell believed, was the leading civilized country in the world and bore a moral responsibility to find a peaceful resolution of the war.⁴

Russell knew that the doctrine of neutrality condoned an intervention aimed at ending the war. Failure to do so, he realized, could allow the conflict to spiral into a more destructive war that necessitated a forceful intervention for both economic and humanitarian reasons. Russell found legal justification for intervention in a broad interpretation of international law that authorized nonbelligerent nations to step into a war that hurt them as well as the major antagonists. The Swiss theorist on international law, Emmerich de Vattel, had argued that a neutral had the obligation to help warring peoples stave off "disaster and ruin," along with the right to intervene when its own welfare was in danger.⁵

The time for decision had seemingly arrived as early as the fall of 1861, just after the Union rout at the First Battle of Bull Run (Manassas) in Virginia. Both North and South had satisfied honor and principle, the former in its valiant but futile effort to preserve the Union, the latter in affirming the finality of secession. But instead of breaking the Union's spirit, the battle reinforced its determination to defeat the South while instilling in England and France an even greater interest in intervention.

Emperor Napoleon III of France likewise wanted to stop the American conflict; but he refused to act unless England took the lead. France and England had recently defeated Russia in the Crimean War, but their postwar concert rested on shaky grounds and he did not want to alienate his most potent rival in Europe. Napoleon's imminent need for cotton was partly responsible for his interest in American affairs, and he agreed with the British that the Union could not subjugate the South. But he also saw the opportunity to fulfill the dream of his uncle, Napoleon I, who had wanted to restore the French Empire in North America that the British had wrested away in the Treaty of Paris ending the French and Indian War in 1763. How satisfying to swing the world balance of

power away from England! The younger Napoleon had a well-deserved reputation as a notorious adventurer who regularly tempted danger by engaging in risky schemes aimed at promoting imperial interests. More than a few French deeply respected the first Napoleon but sneered at his nephew as "Napoleon the Little" because of his stubby, round stature, and they may have laughed at the remark of Lincoln's private secretary, John Hay, who compared the emperor's walk to that of a "gouty crab." But they also knew that Napoleon III often acted without thinking—a dangerous habit that raised British suspicions of his motives for wanting to intervene in the American war. For the moment, however, he would not—could not—act alone.⁶

Napoleon's attempt to restore French influence in North America rested on his "Grand Design for the Americas," which hinged on his intervening (at first with England and Spain) in the ongoing Mexican Civil War on the pretext of collecting debts but in reality to install a puppet government in Mexico run by a monarch of his choice, Austrian Archduke Ferdinand Maximilian Joseph. This joint interventionist effort of October 1861 shocked the Union and should have shaken the Confederacy as well. Not only did this tripartite arrangement violate the Monroe Doctrine, but it set a precedent for Europe's interfering in the *American* Civil War. Indeed, Napoleon's objectives in Mexico were integrally related to his interest in the American war. The monarchical government in Mexico would bring order to that war-torn country, block U.S. expansion into Latin America, lay the basis for a French commercial empire in the New World that stretched from the Gulf of Mexico to the Pacific Ocean, restructure Europe by securing his country's alliance with Austria, and, most important, shift the world balance of power in France's favor. Recognition of the Confederacy would assure its independence and thereby implant a friendly buffer nation between the United States and a Mexico under French control. Between the mouth of the Rio Grande at the Gulf of Mexico and the southern rim of Baja California on the Pacific coast—a span of 2000 miles—was to emerge a new French empire that would challenge the entire American republic, whether Union or Confederate. French intervention in the Civil War would come at a heavy cost to *all* Americans and hence prove as threatening to their republic as did their familial conflict.⁷

Russell recognized the danger of working with Napoleon; but he also knew that if the French emperor often acted foolishly, he was no fool. France was no trusted friend of Britain's despite their victory over Russia in the mid-1850s. Their entente rested on mutual self-interest—which their war with Russia had provided. But that conflict was over and mutual suspicions had returned. Yet Russell was willing to set that concern aside because he knew that a joint intervention in the American war was preferable to a unilateral action: Two nations working together carried more clout, and a withdrawal in the event of failure was far less dishonorable when done in the company of others.

The war, Russell insisted, must stop—perhaps by a mediation based on a separation. If necessary, he would invoke the international law authorizing neutral nations to intervene in a war that endangered neighboring countries. The foreign secretary never grasped the underlying reality of the American Civil War—that each side

considered itself morally and legally correct in guarding the republic, making their differences irreconcilable and therefore providing a powerful impetus to a non-forgiving type of war.

Thus was the republic in danger from the outside as well as within. The vendetta-like fighting itself could tear the nation apart, but so could foreign intervention add to and perhaps even finalize that division. Americans soon grasped one of the greatest truths of a civil war: A family struggle deeply weakens the entire nation, making it vulnerable to outside interests and virtually inviting a foreign intervention that in this instance could hurt *both* North and South.

The Union regarded any form of outside intervention as the initial step toward a diplomatic recognition that fostered southern independence. Any mediation of the dispute; an arbitration based on the formulation of a peace plan; an armistice aimed at buying time for the two sides to consider stopping the war; a declaration of neutrality; even making the interested nation's good offices available for peace talks—every outside approach awarded the Confederacy the status of an entity that legitimized what the Union denounced as an act of treason. The Confederacy, however, welcomed foreign assistance as a means for winning independence and restoring fundamental freedoms. Its northern counterparts had trampled on state rights principles and, as the British crown had violated the colonists' rights in 1776, so had the government in Washington interfered with southern control over many matters, including tariffs, internal improvements, and slavery. Southerners recognized the danger in inviting a European involvement that might not end at the war's conclusion, but they would deal with that problem afterward.

II

The recognition question was such a dangerous issue in Union and Confederate diplomacy that it enveloped most other disputes. The crises over the *Trent*, the *Alabama*, the Laird rams, and a host of seemingly unrelated difficulties greatly intensified international relations, some of them threatening a Union-British war that would encourage recognition of the South.

In early November 1861, the two chief Confederate ministers to Europe, James M. Mason of Virginia and John Slidell of Louisiana, were on board the British mail steamer *Trent* in the Bahama channel above Cuba, when Captain Charles Wilkes of the USS *San Jacinto* ordered his men to fire two warning shots across the British bow, board the vessel, and remove the two southern representatives. It was an outrage and an insult to Her Majesty's honor, cried many British citizens as they warned of war.⁸

Unknown at the time, Wilkes had acted without orders, deciding against taking the ship as a prize—which he could have done had his men searched it and found the Confederate papers that Mason had hidden with the connivance of the British commander. Instead, Wilkes acted with little precedent, justifying the seizure of Mason and Slidell as the "embodiment of dispatches" or contraband. Yet on the basis of national survival, Wilkes might have been on safe ground had he asserted that the two ministers'

mission was to win European recognition of southern independence and thereby facilitate victory in a war aimed at destroying the United States. His action, however, boosted the morale of northerners after their humiliating defeat at Bull Run the previous July, making it difficult for the Lincoln administration to admit error, apologize, and release the two captives in the midst of great public excitement. Union supporters celebrated their double victory: one over the Confederacy, the other over the British for their many wrongs at sea. But this self-proclaimed victory threatened to come at a heavy price in that a Union war with Britain would virtually assure Confederate independence.

Thus shortly after Christmas of 1861, Lincoln authorized Seward to release Mason and Slidell on the basis of Wilkes's acting without orders. Seward attempted to disguise the Union submission by claiming that in making this decision, the Union happily noted that the British had finally recognized freedom of the seas by renouncing impressment and the right of search. He had no basis for these claims, but they met little resistance because both the Union and British governments wanted to avoid war.

Another Union-British crisis began quietly in the early stages of the war, when the Confederacy attempted to sign contracts with British shipbuilding industries to build a navy. By the summer of 1862, James G. Bulloch, a Confederate naval agent and uncle of later President Theodore Roosevelt, sidestepped the British Foreign Enlistment Act prohibiting the construction of warships in British shipyards by not arming them until they were at sea. A howl of protest came from Union minister Charles Francis Adams in London, who argued that the ships under construction were clearly war vessels for use against the Union. Russell finally acted, but not before the *Florida* and the *Alabama* (both sunk by Union warships in late 1864) went to sea and, along with other ships built in England, inflicted great damages on Union shipping. The final instance had come with the Confederacy's contracting the construction of two Laird rams, which were fast-moving ironclad steamers equipped with four guns mounted on revolving turrets along with a seven-foot iron rod on the foreside that protruded below the water line and would pierce and sink the Union's wooden hulled vessels. Russell arranged for the British government to purchase the rams and incorporate them into the Royal Navy. As in the case of the *Trent*, talk of war underlined the serious nature of this controversy, once again raising the specter of a Union-British war that would benefit the Confederacy.⁹

Meanwhile, in the fall of 1862, the Confederacy came close to achieving British recognition because of a unique confluence of events both on and off the battlefield. The Palmerston ministry, including the prime minister, had decided that a mediation based on a separation provided the best means for ending the American war. News had arrived of Confederate general Robert E. Lee's impressive victory in late August, again at Bull Run, and Palmerston concluded that surely the Union would now reconsider the wisdom of resisting southern independence. Both the *Times* and the *Morning Post* appealed to the London government to recognize the Confederacy. The *Morning Herald* expressed the growing national sentiment: "Let us do something, as we are Christian men." Whether "arbitration, intervention, diplomatic action, recognition of the South, remonstrance with

the North, friendly interference or forcible pressure of some sort . . . , let us do something to stop this carnage."¹⁰

Palmerston considered Second Bull Run a potential turning point in the war. "The Federals," he told Russell, "got a very complete smashing, and it seems not altogether unlikely that still greater disasters await them, and that even Washington or Baltimore may fall into the hands of the Confederates. If this should happen, would it not be time for us to consider whether . . . England and France might not address the contending parties and recommend an arrangement upon the basis of separation?" If either or both antagonists turned down mediation, the prime minister wanted to take one step farther. The two European governments should "acknowledge the independence of the South as an established fact." Russell agreed. If mediation failed, "we ought ourselves to recognize the Southern States as an independent State."¹¹

But just as Palmerston prepared to propose a mediation offer to his cabinet in late October, he learned that Lee had launched a raid into Maryland. Confident that the Confederacy would amass more victories along the way, the prime minister delayed his proposal until that expected news provided the Union with greater reason to accept the offer. The "northern Fury has not as yet sufficiently spent itself," he noted, but more battlefield defeats should force the Union into "a more reasonable state of mind." Russell again concurred, recommending that they invite the French to join the interventionist proposal and then, in accordance with the queen's recommendation, broaden the list of participants to include Austria, Prussia, and Russia.¹²

Palmerston never appeared more ready for intervention. If England did not lead the way to peace, warned French minister Henri Mercier in Washington, the war would end only with the Union's "complete exhaustion." More Confederate victories would underline the futility of the Union's continuing the war. "It is evident," Palmerston wrote Russell, "that a great conflict is taking place to the north-west of Washington, and its issue must have a great effect on the state of affairs. If the Federals sustain a great defeat they may be at once ready for mediation, and the Iron should be struck while it is hot."¹³

Had Lee known what was transpiring inside London's highest governing circles, he might have called off the invasion of the North and waited for the mediation proposal. But, of course, he was not aware of this development and took advantage of the momentum gained at Second Bull Run to seize the initiative.

In the meantime, in Washington, another series of events had started in July, just before Lee's victory, which soon wound its way into the British deliberations over intervention.

By the summer of 1862, Lincoln had become so concerned about the lack of Union progress in the war that he shifted to an anti-slavery position. Political necessity at home had prevented him from taking this approach at the outset of the fighting, leading to numerous difficulties with England and France. Making the war about slavery, he had feared, would alienate many of his northern constituents and drive the Border States into

the Confederacy. Furthermore, he and Seward held out the slim hope of rallying support for the Union among southerners who opposed secession. And, finally, Lincoln wanted to use emancipation as a weapon to win the war by encouraging the slaves to abandon the plantations and join the advancing Union Army. "As commander in chief of the army and navy, in time of war," he explained, "I suppose I have a right to take any measure which may best subdue the enemy." He added, "I conceive that I may in an emergency do things on military grounds that cannot be done constitutionally by Congress."¹⁴

Lincoln soon also decided that converting the war into a crusade against slavery might ward off foreign intervention as well as raise the morale of Union troops by giving their struggle a moral base. Seward, however, convinced him to wait until the Union had achieved a victory on the battlefield; otherwise, emancipation would appear to be a desperate attempt to salvage victory from certain defeat by stirring up a slave insurrection aimed at destroying the Confederacy from the inside.¹⁵

The Union victory envisaged by Lincoln did not come until September 17, 1862, when at Antietam Creek near Sharpsburg, Maryland, northern troops under General George B. McClellan eked out a victory over Lee's Confederate forces. Lee had matched his counterpart in tenacity and courage, but unlike McClellan could not replace the manpower and treasure lost in the bloodiest single day's battle in America's history. Lee's only choice was to retreat into Virginia, leaving McClellan's army standing alone on the field. Lincoln claimed his victory, even though he was so distraught with McClellan's refusal to chase Lee into Virginia that he ultimately removed the general from command.

In accordance with Seward's recommendation, Lincoln followed the razor-thin victory at Antietam with the Emancipation Proclamation declaring that as of January 1, 1863, those slaves in areas of the Confederacy still in rebellion were free. Lincoln's proclamation turned the nation in a new direction in the war, meaning that victory would make slavery a certain casualty and thereby allow him to declare that its death assured not only the preservation of the Union but the creation of a better one.¹⁶

But what about the impact of the Emancipation Proclamation on British (and French) attitudes toward the war? The traditional argument is that the battle of Antietam, combined with the Emancipation Proclamation, finally put to rest all thoughts of intervention. A close consideration of this long accepted argument suggests that it needs refinement.¹⁷

London's immediate reaction to the president's proclamation rested on the visceral comments made by its chargé in Washington, William Stuart, who had temporarily replaced British minister Richard B. Lyons and sent his superiors in London a seething critique of Lincoln's purpose. Stuart warned that the president wanted to instigate slave revolts that would destroy the Confederacy from within, not realizing that such rash action would set off a racial conflict that destabilized the entire continent. The measure sought only to "render intervention impossible" and bore no "pretext of humanity." It was "cold, vindictive, and entirely political." If Lincoln and his Republican Party remained in

power, Stuart darkly warned, "we may see reenacted some of the worst excesses of the French Revolution."¹⁸

The Emancipation Proclamation not only failed to deter foreign intervention in the war, but it added momentum to the proposal. The French shared British fears of a racial war and argued that the only way to end the fighting was through a joint intervention. The *Times* of London bitterly attacked Lincoln for considering himself "a sort of moral American Pope" who had encouraged slaves to "murder the families of their masters" while they were on the battlefield. "Where he has no power Mr. LINCOLN will set the negroes free; where he retains power he will consider them as slaves." The *Times* sarcastically asked whether "the reign of the last PRESIDENT [was] to go out amid horrible massacres of white women and children, to be followed by the extermination of the black race in the South? Is LINCOLN yet a name not known to us as it will be known to posterity, and is it ultimately to be classed among that catalog of monsters, the wholesale assassins and butchers of their kind?" *Blackwood's Edinburgh Magazine* denounced the proclamation as "monstrous, reckless, devilish." To win the war, the Union "would league itself with Beelzebub, and seek to make a hell of half a continent."¹⁹

The British (and the French) only initially underestimated the power of the Emancipation Proclamation in bringing an end to slavery. Granted, the decree lacked the moral fiber demanded by the abolitionists and other anti-slavery activists. And it is true that the proclamation temporarily heightened the demand for intervention by appalling many British (and French) with its impetus to slave rebellions. But as Lincoln observed, and as the Duke of Argyll, John Bright, and Richard Cobden concurred in Parliament, the proclamation would inspire Union victory in the war and necessarily lead to the death of slavery. By early October 1862, the *Morning Star* in London declared that the Emancipation Proclamation marked "a gigantic stride in the paths of Christian and civilized progress . . . the great fact of the war—the turning point in the history of the American Commonwealth—an act only second in courage and probable results to the Declaration of Independence." Increasing numbers of workers joined in the praise, condemning slavery as a violation of freedom and hailing the president's recognition of human rights. To workers in London, Lincoln sent a note in early February 1863 declaring the war a test of "whether a government, established on the principles of human freedom, can be maintained against an effort to build one upon the exclusive foundation of human bondage."²⁰

And yet, in the midst of this controversy, Chancellor of the Exchequer William E. Gladstone further confused the situation by delivering a fiery speech in Newcastle in early October that praised the Confederacy and led many British to believe that recognition was imminent. As his large audience cheered, he proclaimed: "We may have our own opinions about slavery, we may be for or against the South; but there is no doubt that Jefferson Davis and other leaders of the South have made an army; they are making, it appears, a Navy; and they have made what is more than either—they have made a

nation." Then came his ringing conclusion: "We may anticipate with certainty the success of the Southern States as far as regards their separation from the North."²¹

Gladstone doubtless told the truth when he insisted that his intention was to clarify the Confederacy's right to independence and thereby encourage his colleagues and leaders of other nations to help end an atrocious war, but his speech crystallized the two opposing views on intervention and forced a formal British decision in a near crisis atmosphere. Indeed, both Palmerston and Russell modified their position by recommending an armistice proposal rather than mediation. A cease-fire, they argued, might provide time for both antagonists to reconsider the wisdom of resuming the war; yet they also realized that an armistice without workable peace terms might lead only to a break in the action that allowed both sides to reload and fight anew. Secretary for War George Cornwall Lewis opposed any form of intervention, insisting that neither North nor South would consider reconciliation. What compromise could there be between Union restoration and Confederate independence?²²

Russell had no answer and temporarily shelved his call for intervention after finding little support in the cabinet.

III

Yet Russell's waning hopes for intervention received new life in late October 1862, when Napoleon proposed a tripartite mediation of France, England, and Russia that rested on an armistice of six months, with the Union blockade lifted and southern ports opened to foreign trade throughout that period. If the Union rejected the proposal, the intervening powers would have a sound basis for recognizing the Confederacy and, in a thinly veiled reference to the use of force, a justification for "more active intervention." Napoleon had introduced a dangerous proposal that virtually assured a wider war, yet Russell so desperately sought an end to the murderous American conflict that he could not dismiss what appeared to be the last chance for peace. As Russell remarked to Sir George Grey from the Home Office, the European powers owed it to civilization to make every effort to resolve the conflict. "If a friend were to cut his throat, you would hardly like to confess, he told me he was going to do it, but I said nothing as I thought he would not take my advice."²³

Why had the French emperor suddenly taken the lead? The answer today seems clear: Lincoln had put the slavery issue on the way to resolution, freeing Napoleon to recognize the Confederacy without fearing a domestic backlash over slavery while securing southern cotton and promoting his expansionist designs in Mexico and beyond. Confederate leaders were aware of the pitfalls in dealing with the emperor. Commissioner Ambrose D. Mann in Belgium warned Secretary of State Judah P. Benjamin of Napoleon's deceitfulness: "I shall be agreeably disappointed if we do not in after years find France a more disagreeable neighbor on our southern border than the United States." Benjamin had long known of Napoleon's interest in Texas; French consular officials both there and in Virginia had not so discreetly inquired about taking back territories that Mexico had lost in its recent war with the United States. Especially

noteworthy was Benjamin's realization that the two French consuls had used the same wording in suggesting that the Confederacy give up Texas.²⁴

Consequently, the British cabinet met for two days in November, vigorously debating the French proposal and the danger of war with the Union. Russell argued for intervention on a humanitarian basis, and Gladstone graphically described the horrible nature of the American war and called on England as a civilized nation to find a solution. Lewis, however, had circulated a 15,000-word memorandum to his colleagues, warning that the interventionist powers had no viable peace terms and that an involvement would promote southern independence and guarantee war with the Union. The South had not yet established its claim to independence, meaning that an intervention by outside nations would be premature and thereby make them allies of a people in revolt against their duly authorized government. Recognition was "the acknowledgment of a fact" of independence, and could not be the means by which a rebellious people won that independence. England must remain neutral.²⁵

In the end, the cabinet voted overwhelmingly against intervention. Lewis's lengthy memo had made clear to his colleagues, including Palmerston, that recognition could come only after the Confederacy had established its claim to independence; for it to take place earlier would be tantamount to allying with the Confederacy in the war and helping to decide its outcome by fighting the Union.²⁶

Russia likewise rejected the proposal, remembering the sympathy Americans had expressed for its efforts in the Crimean War and declaring that it would never support a measure opposed by the Union.²⁷

Napoleon, however, refused to give up on recognition. Supported by French workers who now needed cotton, and no longer restrained from helping the slaveholding Confederacy, the emperor felt free to satisfy his territorial interests in North America. Thus the ultimate irony: The Emancipation Proclamation had finally begun working for the Union by making it clear to the British government that intervention would put the crown on the side of the slaveholding Confederacy; yet at the same time the Emancipation Proclamation worked against the Union by enabling Napoleon to implement his plan to establish a monarchy in Mexico as the first step toward ending republicanism throughout the Americas, expanding French commerce in the Atlantic, and enhancing French power in both North America and Europe.²⁸

Napoleon's Grand Design for the Americas got underway in the fall of 1863 when he implanted Maximilian as monarch in Mexico. Once the French emperor extended recognition to the Confederacy, his new southern ally would help protect the fledgling Mexican regime from Union interference while it underwent an industrial and agricultural transformation financially underwritten by the rich silver mines of Sonora in northern Mexico. American and European immigrants, attracted by generous tax reductions on mining, would populate the area and provide a work force. Meanwhile, Napoleon intended to insulate his new empire from both the Union and the Confederacy by constructing a North American balance of power modeled after the "hyphenated

confederation" in Germany. The American confederation would consist of the North, the South, the West, and Mexico, each with equal power. The plan would thus dissolve the United States, leaving a French-controlled Mexico to incorporate Texas and perhaps the former colony of Louisiana. Thus would Napoleon fulfill his uncle's dream of reestablishing a French empire in the New World.²⁹

Neither the Union nor the Confederacy was surprised by Napoleon's scheme. According to State Department advisor and veteran diplomat Edward Everett, Napoleon wished to resurrect a two-decades-old project—the creation of a state consisting of Texas and all Mexican territories west to the Pacific, including Louisiana and California. Henry Sanford, the Union minister to Belgium, had repeatedly warned Seward of Napoleon's imperial ambitions in the Western Hemisphere and reported widespread discussion in Paris about his intention to modernize the Latin peoples. In fact, Sanford told the secretary of state, that that "perpetual nightmare, the Emperor," lay at the center of nearly every international problem. On the Confederate side, Mann repeated his earlier warnings to Benjamin, insisting that Napoleon's chief objective was "the restoration of Mexico as it was prior to the independence of Texas." Napoleon would pretend to be the Confederacy's friend while he restored Mexico to its status before the war with the United States in the mid-1840s. His control over Mexico was inseparable from his intervention in the American war.³⁰

Napoleon convinced the young and impressionable Maximilian to join him in this world of illusion, which ended in tragedy less than three years after the new monarch's arrival in Mexico City in June 1864. The Lincoln administration had made clear to Napoleon that when the Union won the war, it would remove the French from Mexico. The end of the American war appeared imminent in the fall of that year, when Union forces under General William T. Sherman took Atlanta and then began his "March to the Sea." Like the British, Napoleon did not want war with the Americans—particularly if reunited—and abruptly decided against recognizing the Confederacy. He abandoned his Mexican project and ordered his troops to begin a phased withdrawal that concluded in 1867.³¹

In one final misguided decision, Maximilian opted to remain on the throne. President Benito Juárez's republican troops captured him in mid-May 1867 and, after a court martial found him guilty of treason, executed him by firing squad a month later.³²

Why did the Confederacy not win diplomatic recognition? Primarily because it did not possess anything vital to either England or France that made intervention worth the risk of going to war with the Union. The Palmerston ministry came close to a mediation offer based on recognition, but it had no solution to the war and did not want to alienate the Union; Napoleon came closer with his Machiavellian scheme to establish a puppet emperor in Mexico and restore French power in the New World but, like the British, shied away from fighting a war against either the Union or a reunited American nation. So in one of those rare instances in history, two nations with deeply embedded

acquisitive instincts did not take advantage of a country that lay vulnerable to intervention.

Civil wars have always guaranteed unexpected problems for those nations willing to take the treacherous path of intervention. Even the proclaimed innocence of neutrality carries inherent dangers to both the outside nation and the parties at war. The British came to realize that no matter how sincere their efforts to maintain neutrality and thereby remain clear of the American conflict, any of their actions could alienate one or both of the belligerents. Neutrality was (and is) a two-edged sword: Russell was a staunch interventionist who repeatedly demonstrated a maxim in statecraft—that international law meant what the implementing nation wanted it to mean in any given situation. He pronounced the Union's obvious paper blockade as effective because to challenge its legitimacy was not in Britain's best interests. He also knew from his reading of international law that neutrality provided a means for staying out of the American war as well as barging into it if the fighting endangered neutral nations.

Yet as carefully as Russell studied these baffling transatlantic events, he joined countless other contemporaries in never understanding them. This reality should not be surprising. In all fairness to him and others observing the American conflict from afar, no one should have expected them to grasp the political and emotional underpinnings of such a terrible war. How can outside nations know more about the issues than the peoples locked in mortal combat? How can an intervening nation (or nations) prepare for myriad contingencies and complexities? How can interventionist leaders hope to devise a solution to problems that the American antagonists had found irreconcilable, so visceral that they prevented any hope for compromise and forced them to resort to the final solution?

The Palmerston ministry came face to face with these realities and, realizing its only arbitral card was military force, backed away from war with the Union (as did Napoleon) and wisely decided against intervention.

In truth, however, the Confederacy could never resolve its greatest dilemma: To achieve recognition, it had to win a decisive battle; yet to win that decisive battle, it had to have the foreign military and economic assistance that could come only from recognition. In more ways than one, the South had fought a lost cause.

Notes

¹Howard Jones, *Blue and Gray Diplomacy: A History of Union and Confederate Foreign Relations* (Chapel Hill: University of North Carolina Press, 2010), 2, 28-29; Howard Jones, *Union in Peril: The Crisis over British Intervention in the Civil War* (Chapel Hill: University of North Carolina Press, 1992), 15-16; Duncan A. Campbell, *English Public Opinion and the American Civil War* (Woodbridge, Suffolk, U. K.; Rochester, N. Y.: Royal Historical Society/Boydell Press, 2003), 244.

²*Ibid.*, 13-14, n.10, 327-28.

³Russell to CFA, 28 August 1861, encl. in CFA to Seward, 7 September 1861, U. S. Department of State, *Papers Relating to Foreign Affairs, Accompanying the Annual Message of the President to the Second Session of the Thirty-Seventh Congress, 1861* (Washington, D. C.: U. S. Government Printing Office, 1861), 146 (Hereafter *FRUS 1861*); Jones, *Blue and Gray Diplomacy*, 40-41, 47; Jones, *Union in Peril*, 42. Privateering was acceptable under international law because the United States had not signed the Paris Declaration of 1856 outlawing the practice.

⁴Russell to Lord Cowley (British ambassador to France), 1 November 1862 (first quote), Lord John Russell Papers, Public Record Office (Kew, Eng.), PRO 30/22/105; Russell to Lyons, 10 January 1861 (other quotes), *ibid.*, PRO 30/22/96.

⁵Emmerich de Vattel, *The Law of Nations; or, Principles of the Law of Nature Applies to the Conduct and Affairs of Nations and Sovereigns* (Philadelphia: Abraham Small, 1817), book 2, chap. 1, sec. 114 (quote); book 3, chap. 3, sec. 249, and chap. 7, secs. 269-70.

⁶Quotes in Eli N. Evans, *Judah P. Benjamin: The Jewish Confederate* (New York: Free Press, 1988), 156.

⁷Alfred J. Hanna and Kathryn A. Hanna, *Napoleon III and Mexico: American Triumph over Monarchy* (Chapel Hill: University of North Carolina Press, 1971), xiii-xiv, 4, 19, 60-64, 66-68, 79, 199, 303; Nancy N. Barker, "Monarchy in Mexico: Harebrained Scheme or Well-considered Prospect?" *Journal of Modern History* 48 (March 1976): 51-68 (see 59, 63); Nancy N. Barker, "The French Legation in Mexico: Nexus of Interventionists," *French Historical Studies* 8 (Spring 1974): 409-26 (see 411, 423); Carl H. Bock, *Prelude to Tragedy: The Negotiation and Breakdown of the Tripartite Convention of London, October 31, 1861* (Philadelphia: University of Pennsylvania Press, 1966); Jones, *Blue and Gray Diplomacy*, 164, 309-10.

⁸For the *Trent* affair, see Jones, *Blue and Gray Diplomacy*, chapter 3.

⁹*Ibid.*, 192-201.

¹⁰*Times* of London, 16 September 1862, p.6; *London Morning Post* and *Morning Herald*, both 16 September 1862, quoted in Brian Jenkins, *Britain and the War for the Union*, 2 vols. (Montreal: McGill-Queen's University Press, 1974, 1980), 2:151; *ibid.*, 167.

¹¹Palmerston to Russell, 14 September 1862, Russell Papers, PRO 30/22/14D; Russell to Palmerston, 17 September 1862, GC/RU/728, Lord Palmerston Papers (University of Southampton, Eng.). Lewis agreed that the Union's great defeat had eased British fear of an invasion of Canada that winter of 1862. Lewis to Sir George Grey from

the Home Office, 18 September 1862, First Marquis of Ripon (Earl de Grey, George Frederick Samuel Robinson) Papers, Additional Manuscripts, 43,533, vol. 43, British Library (London, Eng.).

¹²Palmerston to Russell, 22 September 1862, Russell Papers, PRO 30/22/14D.; Russell to Palmerston, 22 September 1862, GC/RU/729, Palmerston Papers (University of Southampton); Jones, *Blue and Gray Diplomacy*, 217.

¹³Mercier's comment in Stuart to Russell, 9 September 1862, Russell Papers, PRO 30/33/36; Palmerston to Russell, 23 September 1862, Russell Papers, PRO 30/22/14D.

¹⁴James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1988), 500; James M. McPherson, *Tried by War: Abraham Lincoln as Commander in Chief* (New York: Penguin Press, 2008), 4-5, 269; Lincoln, "Reply to Emancipation Memorial Presented by Chicago Christians of All Denominations," 13 September 1862, *CWL*, 5: 419; Jones, *Blue and Gray Diplomacy*, 54.

¹⁵Howard Jones, *Abraham Lincoln and a New Birth of Freedom: The Union and Slavery in the Diplomacy of the Civil War* (Lincoln: University of Nebraska Press, 1999), 86-88; Jones, *Union in Peril*, 139-40; Jones, *Blue and Gray Diplomacy*, 161-62, 182-89. See also John P. Diggins, *On Hallowed Ground: Abraham Lincoln and the Foundations of American History* (New Haven: Yale University Press, 2000); Harry V. Jaffa, *A New Birth of Freedom: Abraham Lincoln and the Coming of the Civil War* (Lanham, Md.: Rowman and Littlefield, 2000); Richard Striner, *Father Abraham: Lincoln's Relentless Struggle to End Slavery* (New York: Oxford University Press, 2006).

¹⁶Seward to CFA, 8 September 1862, U. S. Department of State, *Papers Relating to Foreign Affairs Communicated to Congress, December 1, 1862* (Washington, D. C.: U. S. Government Printing Office, 1863), 188 (Hereafter *FRUS 1862*); Seward to CFA, circular, 22 September 1862, *ibid.*, 195; David Donald, ed., *Inside Lincoln's Cabinet: The Civil War Diaries of Salmon P. Chase* (New York: Longmans, Green, 1954), 149-51 (22 September 1862); Lincoln, "Preliminary Emancipation Proclamation," 22 September 1862, *CWL*, 5: 434; Jones, *Lincoln and New Birth of Freedom*, 146; Jenkins, *Britain*, 2: 153; John Hope Franklin, *The Emancipation Proclamation* (Garden City, N. Y.: Doubleday, 1963), 129-40; McPherson, *Battle Cry of Freedom*, 510, 557-58; Stephen B. Oates, "'The Man of Our Redemption': Abraham Lincoln and the Emancipation of the Slaves," *Presidential Studies Quarterly* 9 (Winter 1979): 15-25 (see 17, 19-20); James M. McPherson, *Abraham Lincoln and the Second American Revolution* (New York: Oxford University Press, 1990), 34-35.

¹⁷Jones, *Blue and Gray Diplomacy*, 234-35; Jones, *Lincoln and New Birth of Freedom*, 116-17, 157, 161, 164; Jones, *Union in Peril*, 169, 171-72, 180. For the traditional argument regarding Antietam and the Emancipation Proclamation, see McPherson, *Battle Cry of Freedom*, 545, 556-57; Stephen W. Sears, *Landscape Turned Red: The Battle of Antietam* (New York: Ticknor and Fields, 1983), 334; Frank L. Owsley, *King Cotton Diplomacy: Foreign Relations of the Confederate States of America*. Rev. by Harriet C. Owsley (Chicago: University of Chicago Press, 1959). Reprint with new introduction by Howard Jones (Tuscaloosa: University of Alabama Press, 2009), 347. McPherson notes in a recent study that even though the preliminary

Emancipation Proclamation further undercut the South's hopes for recognition, "at first it seemed to have the contrary effect." See *Crossroads of Freedom: Antietam* (New York: Oxford University Press, 2002), 143.

¹⁸Stuart to Lyons, 23 September 1862, Russell Papers, PRO 30/22/36; Stuart to Russell, 23, 26 September, 7, 10 October 1862, *ibid.*

¹⁹Richard A. Heckman, "British Press Reaction to the Emancipation Proclamation," *Lincoln Herald* 71 (Winter 1969): 150-53; *Times*, 7 October 1862 (p. 8), 21 October 1862 (p. 9); *Spectator*, n.d., quoted in Arnold Whitridge, "British Liberals and the American Civil War," *History Today* 12 (October 1962): 688-95 (see 694); *Bee-Hive*, 11 October 1862, quoted in Kevin J. Logan, "The *Bee-Hive* Newspaper and British Working Class Attitudes toward the American Civil War," *Civil War History* 22 (December 1976): 337-48 (see 341); "The Crisis of the American War," *Blackwood's Edinburgh Magazine* 92 (November 1862): 636-46 (quote on 636).

²⁰*London Morning Star*, 6 October 1862, quoted in Allan Nevins, *War Becomes Revolution*. Vol. 2 of *The War for the Union* (New York: Scribner, 1960), 270; Jones, *Blue and Gray Diplomacy*, 283; Lincoln to Workingmen of Manchester, England, 19 January 1863, *CWL*, 6:64; Lincoln to Workingmen of London, 2 February 1863, *CWL*, 6:88-89. For the best study of British worker sentiment toward the Civil War, see Richard J. M. Blackett, *Divided Hearts: Britain and the American Civil War* (Baton Rouge: Louisiana State University Press, 2001).

²¹H. C. G. Matthew, ed., *The Gladstone Diaries*. 9 vols. (Oxford, Eng.: Clarendon Press, 1978), 6:152 n. 6; *Times*, 8 October 1862 (p.7), 9 October 1862 (pp. 7-8); Jones, *Blue and Gray Diplomacy*, 238-41; Jasper Ridley, *Lord Palmerston* (New York: E. P. Dutton, 1971), 558.

²²George Cornwall Lewis, "Memorandum on the American Question," 17 October 1862, William E. Gladstone Papers, Add. Mss, 44,595, vol. 510 (British Library); John Morley, *The Life of William Ewart Gladstone*, 3 vols. (London: Macmillan, 1903), 2:80; Frank J. Merli, *Great Britain and the Confederate Navy, 1861-1865*. 1970. Reprint with new introduction by Howard Jones (Bloomington: Indiana University Press, 2004), 107-9; Jones, *Blue and Gray Diplomacy*, 242-43.

²³John Slidell (Confederate emissary to France) memo on interview with Napoleon, encl. in Slidell to Benjamin, 28 October 1862, U. S. Department of the Navy, *Official Records of the Union in Confederate Navies in the War of the Rebellion*, 2nd series (Washington, D. C.: U. S. Government Printing Office, 1894-1922), 3: 575 (Hereafter *ORN*); Slidell to Benjamin, 28 October 1862, *ibid.*, 3: 573-74; Lynne M. Case and Warren F. Spencer, *The United States and France: Civil War Diplomacy* (Philadelphia: University of Pennsylvania Press, 1970), 356-57; Owsley, *King Cotton Diplomacy*, 333-36; Russell to Grey, 28 October 1862, in G. P. Gooch, ed., *The Later Correspondence of Lord John Russell, 1840-1878*, 2 vols. (London: Longmans, Green, 1925), 2:332; Jones, *Blue and Gray Diplomacy*, 256-57.

²⁴Ephraim D. Adams, *Great Britain and the American Civil War*, 2 vols. (New York: Longmans, Green, 1925), 2:153, 155; Henry Sanford (Union minister to Belgium)

to Seward, 13 August, 2 September 1862, both cited in Hanna and Hanna, *Napoleon III*, 81; *ibid.*, 118; Mann to Benjamin, 1 September 1862, *ORN*, 2nd series, 3:523; Carland E. Crook, "Benjamin Théron and the French Designs in Texas during the Civil War," *Southwestern Historical Quarterly* 68 (April 1965): 432-54; Jones, *Blue and Gray Diplomacy*, 255.

²⁵Lewis, "Recognition of the Independence of the Southern States of the North American Union," 7 November 1862, Gladstone Papers, Add. Mss, 44,595, vol. 510 (British Library); Jones, *Blue and Gray Diplomacy*, 267-70.

²⁶Lewis to Clarendon, 11 November 1862, Fourth Earl of Clarendon (George William Frederick Villiers) Papers, Bodleian Library, Oxford University (Oxford, Eng.).

²⁷Russian letter in *Journal of St. Petersburg*, 15 November 1862, published in *Times* of London, 17 November 1862, p. 12, and enclosed in CFA to Seward, 15 November 1862, U. S. Department of State, *FRUS 1863* (Washington, D. C.: U. S. Government Printing Office, 1864), 3; Jones, *Blue and Gray Diplomacy*, 274; Norman E. Saul, *Distant Friends: The United States and Russia, 1763-1867* (Lawrence: University Press of Kansas, 1991); Albert A. Woldman, *Lincoln and the Russians* (Cleveland: World, 1952).

²⁸Jones, *Blue and Gray Diplomacy*, 290-91.

²⁹Case and Spencer, *United States and France*, 399-401; Owsley, *King Cotton Diplomacy*, 441, 513-14; David P. Crook, *The North, the South, and the Powers, 1861-1865* (New York: Wiley, 1974), 335-36; Kathryn A. Hanna, "The Roles of the South in the French Intervention in Mexico," *Journal of Southern History* 20 (February 1954): 3-21 (see 9-10); Hanna and Hanna, *Napoleon III*, 90; *ibid.* 60-64; Thomas Schoonover, "Napoleon Is Coming! Maximilian Is Coming? The International History of the Civil War in the Caribbean Basin," in *The Union, the Confederacy, and the Atlantic Rim*, edited by Robert E. May, 101-30 (West Lafayette, Ind.: Purdue University Press, 1995), 106.

³⁰Sanford to Seward, 19 May 1863, cited in Hanna and Hanna, *Napoleon III*, 90; Mann to Benjamin, 19 March 1863, in Richardson, ed., *Messages and Papers of the Confederacy*, 2:419; Jones, *Blue and Gray Diplomacy*, 294-95.

³¹Jones, *Blue and Gray Diplomacy*, 319-20; Owsley, *King Cotton Diplomacy*, 525-26; Hanna and Hanna, *Napoleon III*, 125, 133.

³²Hanna and Hanna, *Napoleon III*, 300.