Robert E. Lee’s bedroom has been restored to April 20th 1861, the day he resigned from the Union Army and decided instead to fight as General of the Confederate Army in the US civil war. From the front lawn of his home, Arlington House, one can still see Washington DC, the city President Abraham Lincoln had asked him to protect from the South. He and his family were soon forced to leave, and the Union Army appropriated his estate. Union officers debated what to do with the house, occupying it as the makeshift headquarters of the Union's Army of Northeastern Virginia. Many considered Lee a traitor and wanted it demolished so that he may never return to it. But others thought that preserving it would be a more advantageous symbolic gesture in the path towards re-unification. As the question was debated, Francis Lieber, a jurist born in Berlin in 1798, labored away at the Union’s War Department on a code to govern the actions of the Union Army, including what to do with the enemy’s heritage. He was a child of the Enlightenment, familiar with Emmerich de Vattel’s early treatise on The Law of Nations, and he in part modeled his provisions for the protection of heritage on those of his Swiss predecessor. Lieber had a long military career. He enlisted in the Prussian army in 1815, and was wounded in the Battle of Waterloo. Back in Germany, he became involved in the gymnastic-patriotic Turnverein movement of Friedrich Ludwig Jahn. Lieber was frequently a target of government harassment of the movement as an incubator of liberal ideas, and, barred from other universities, he received his doctoral degree at Jena in 1820. In 1826 he left for England, where he taught languages and wrote, and the following year moved to Boston in the U.S. to run a gymnasium. In the U.S. his continued literary activity led to conceiving and editing a new Encyclopedia Americana (1829-33). He became a professor at South Carolina College and later at Columbia University, authoring works of political philosophy including A Manual of Political Ethics (1838) and On Civil Liberty and Self-Government (1853). His most famous and influential text is by far the Instructions for the Government of Armies of the United States in the Field (General Order No. 100 of 1863), which became a foundational text for developing a modern international law of war, was adopted in many other countries, and served as the basis for the Hague Conventions. Lieber died in 1872 in New York City. A year later, Robert E. Lee’s wife, Mary Anna Custis Lee, visited Arlington. She found the gardens surrounding her beloved home had been turned into a cemetery, which is now the famous Arlington National Cemetery, where American soldiers are buried. Union Quartermaster General Montgomery C. Meigs ordered the change of use in 1864, near the end of the civil war, satisfying the Lieber Code’s letter but not its spirit. Lee was thus denied his homecoming, and Arlington House remained a powerful and contested symbol of the tensions between North and South well into the twentieth century.

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