



# The Limits of Sovereignty: Property Confiscation in the Union and the Confederacy during the Civil War

*Daniel W. Hamilton*

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Americans take for granted that government does not have the right to permanently seize private property without just compensation. Yet for much of American history, such a view constituted the weaker side of an ongoing argument about government sovereignty and individual rights. What brought about this drastic shift in legal and political thought?

Daniel W. Hamilton locates that change in the crucible of the Civil War. In the early days of the war, Congress passed the First and Second Confiscation Acts, authorizing the Union to seize private property in the rebellious states of the Confederacy, and the Confederate Congress responded with the broader Sequestration Act. The competing acts fueled a fierce, sustained debate among legislators and lawyers about the principles underlying alternative ideas of private property and state power, a debate which by 1870 was increasingly dominated by today's view of more limited government power.

Through its exploration of this little-studied consequence of the debates over confiscation during the Civil War, *The Limits of Sovereignty* will be essential to an understanding of the place of private property in American law and legal history.

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