

Themes of the
**AMERICAN
 CIVIL WAR**

The War Between the States

Revised Second Edition



Edited by **SUSAN-MARY GRANT** and **BRIAN HOLDEN REID**

Themes of the American Civil War

“Word is out, this second edition is first rate! Susan-Mary Grant and Brian Holden Reid's *Themes of the American Civil War* is a rattling good collection: full of engaging summaries and brimming with bibliographic insights. The welcome addition of a new chapter on women enhances an already strong lineup. This new, improved batch of enticing introductions to Civil War history deserves a wide audience.”

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“*Themes of the American Civil War* is an important book. It will be indispensable reading for history students, history buffs, professional historians, and anyone who wishes to understand that central crisis in American history.”

— Charles Joyner, author of *Down by the Riverside: A South Carolina Slave Community*

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— Don H. Doyle, author of *Nations Divided: America, Italy, and the Southern Question*

Themes of the American Civil War offers a timely and useful guide to the vast topic of the Civil War for a new generation of students. The volume provides a wide-ranging assessment of the causes, complexities, and consequences of America's most destructive conflict to date. The essays, written by top scholars in the field, have been revised for this new edition, with a new Introduction added to James McPherson's Introduction from the first edition, and a new chapter on women in the war. With a foundation of solid, accessible scholarship reinforced by maps, an inclusive timeline, and a Guide to Further Reading, *Themes of the American Civil War* offers students an entry point into the ongoing conversation about one of the most complex events in American history.

Contributors: John Ashworth, Richard Carwardine, Bruce Collins, Robert Cook, Martin Crawford, Joseph G. Dawson III, Susan-Mary Grant, Andrew Haughton, Bruce Levine, Pat Lucie, James M. McPherson, Donald Ratcliffe, Brian Holden Reid, David Turley.

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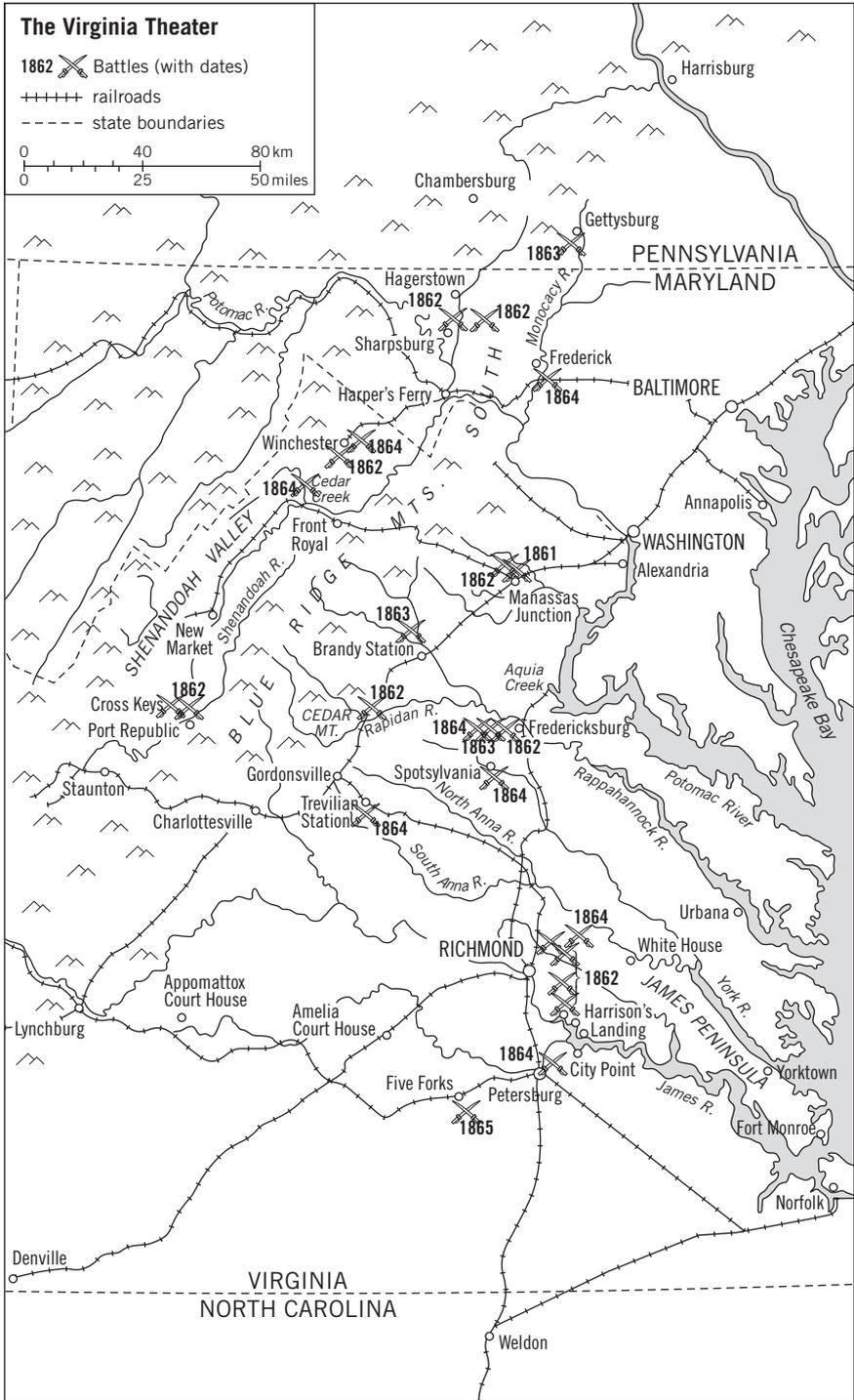
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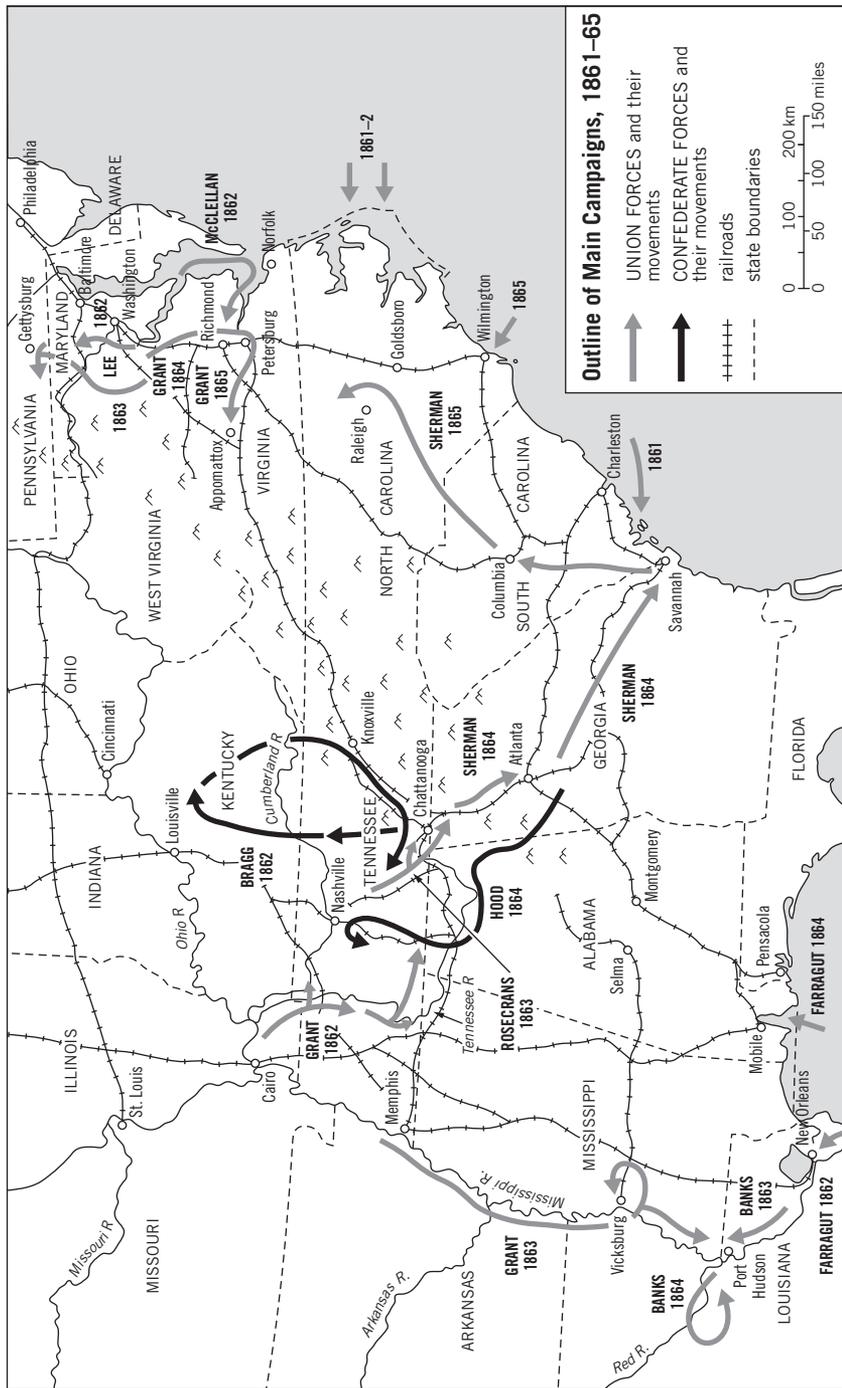
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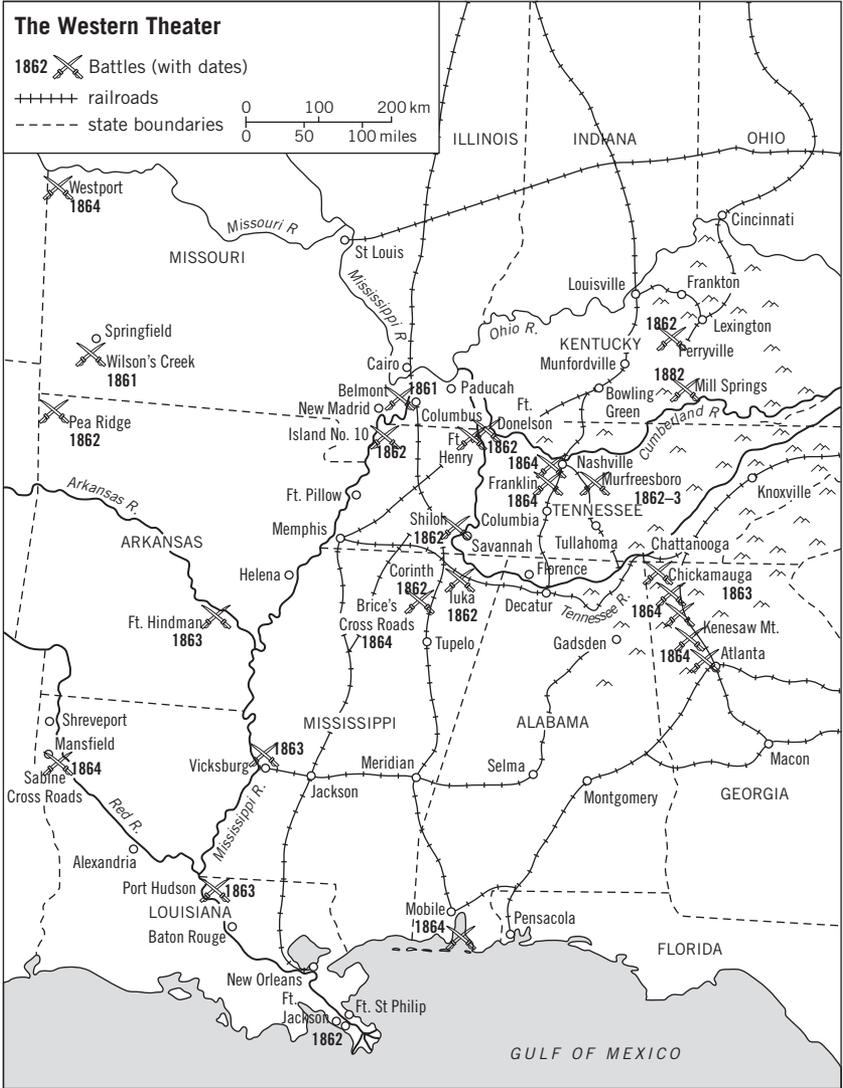
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Map 2 Outline of Main Campaigns, 1861–65



Map 3 The Western Theater

Acknowledgments

An additional chapter that did not appear in the original volume, on women in the Civil War by one of the editors, is an expanded version of a piece that first appeared in S. Jay Kleinberg et al., eds., *The Practice of U.S. Women's History: Narratives, Intersections, and Dialogues* (Rutgers University Press, New Brunswick, NJ, 2007). The author is very grateful to Jay Kleinberg for making her write it in the first place, and to Rutgers University Press for permission to reprint it here. The editors also wish to express their thanks to the anonymous readers for Routledge who stressed, among other things, the necessity of a chapter on women in the Civil War. A single chapter cannot hope to cover all that has been written on this important topic since 2000, but the notes will hopefully provide, and are intended as, a guide to the literature. The editors would also like to thank all the original authors who revisited their chapters to revise them for this volume. It is hard to dust off and to rewrite work that one had “put to bed” almost a decade ago, a fact the editors are fully aware of, and it was gratifying that those involved took the time and care to do so. Last, but certainly by no means least, the editors wish to thank Kimberly Guinta, their editor at Routledge, whose support for this project has been invaluable and whose patience, apparently, inexhaustible.

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Introduction to the Second Edition

SUSAN-MARY GRANT

When this volume of essays—in a rather different form—first appeared in 2000, the editors had conceived of it as an accessible collection of work aimed at both an academic and a broader market, and one that would offer genuinely new assessments on the American Civil War. Originally intended—as the introduction to the original edition makes clear—as a tribute to Peter J. Parish, author of, among other books, *The American Civil War* (1975), the focus on the Civil War was decided upon not just because it reflected his central preoccupation over many years, but because a single volume of this kind could, the editors hoped, serve both as a *vade mecum* for students—an accessible introduction to a vast, and growing, area of study and publication—and a useful tool for both teachers and those interested in the Civil War more generally, or simply wanting to read more about a particular topic. Works on the Civil War are hardly in short supply. ABC-CLIO estimates some 50,000 books on the subject exist so far, or, to put it another way, at least one a day since Robert E. Lee surrendered to Ulysses S. Grant at Appomattox Court House in April 1865. As far as the Civil War is concerned, there is little sign of war weariness among either scholars or the general public, and, with the anniversary of Abraham Lincoln's birth in 2009, and the start of the sesquicentennial of secession and the war approaching in 2010, the rate of output on this topic can only increase.

In the years between this volume's first, and brief, appearance the World Wide Web, too, has expanded, and Civil War enthusiasts—within and beyond the academy—have been quick to take advantage of, and contribute to, the quite startling, at times overwhelming, amount of information available,

from detailed battlefield maps and descriptions of individual contests to a vast array of original source material made available through, among others, the Library of Congress and the Making of America sites. Material which only a decade ago had to be tracked down to a specific and usually distant repository, identified through arcane file cards, microfiche or bound catalogues housed in dark basements is now frequently available, and usually in searchable form, at the click of a mouse. Newspapers, which one either approached with trepidation and, for some, with cotton gloves, or peered at in the gloom of a microfilm reading room are available—for those with institutional subscriptions, at least—from any computer. Civil War historians are doubly fortunate in the breadth and depth of material they can access, most of it out of copyright, most of it probably appearing arcane to many of our contemporaries, for whom the battle of Gettysburg, as Union general Daniel Sickles once observed, is little more than “an historical event, like the battle of Marathon.” Yet these sources, from the *Congressional Globe* through Civil War soldiers’ letters, are invaluable to historians and their students; they open up the field and, in significant ways, their very availability is changing the field. If much material still languishes relatively underused in libraries and historical societies across the United States and beyond, the chances of enabling a student to begin to look for what is not available in easy online access is made that much easier by the sheer wealth of what is. With such an embarrassment of riches on offer, however, a straightforward, introductory guide is more than ever necessary; this volume is intended as just such a guide, although the editors, being Civil War historians, hope that it will provide a starting point, not an end point, for much wider reading on this most destructive and yet simultaneously constructive nineteenth-century American conflict.

Yet there is a difference in context between 2000, when the original version of this collection appeared, and today, a difference in what the Civil War means for the American nation, and how it is approached and understood. When Dan Sickles dismissed the younger generation’s lack of interest in the Civil War from the perspective of 1890, in fact the war was of greater interest than ever, albeit in some ways mainly to its participants, who seized the opportunity offered by *Century Magazine’s* “Battles and Leaders” series, begun in 1884, to refight some old battles, in some cases to reopen old wounds. The sesquicentennial is the remit of another generation entirely, but it is also a generation “touched with fire,” to use Civil War veteran, later Supreme Court Justice, Oliver Wendell Holmes, Jr.’s famous phrase from his Memorial Day address of 1884. In the aftermath of the attacks on America on September 11, 2001, in the memorial ceremony it was to the past that Americans turned for solace and for confirmation; it was the “Battle Hymn of the Republic” that rang out in New York. In a very different, and more positive context, the Civil War, and particularly Abraham Lincoln, has come

to the fore of public consciousness again; not just because 2009 is the bicentennial of Lincoln's birth, but because the United States in that year elected a new President who consciously invoked the spirit of Lincoln, whose favorite reading matter is, we are advised, Doris Kearns Goodwin's study of Lincoln's particular political dexterity, *Team of Rivals: The Political Genius of Abraham Lincoln* (2005), and who took the oath of office (several times, as it turned out) on the Bible Lincoln had used: the first time it had been used since Lincoln himself had been sworn in on it. It was Lincoln's face that was projected on the wide-screens on the Mall on inauguration day, 2009, Lincoln's spirit that was being hailed, consciously so, as a symbol of the "new birth of freedom" that Lincoln himself had predicted for his nation at Gettysburg in 1863. It is hard to think of another nation that retains such strong emotional links to its past, and especially to a past as divisive as the Civil War was. Yet the United States does retain such links, and only in part because so much of the Civil War's legacy—as many of the chapters in this volume highlight—remained "unfinished business" for the remainder of the nineteenth century and much of the twentieth; some would argue, it remains so still.

For all these reasons, the persistence of interest in the Civil War, the increasing availability of the sources we use to explore it, to bring it closer to our consciousness and to contemporary lives, the sometimes contentious online debates about the war's meaning and its legacy and, of course, the sesquicentennial, the editors felt that updating and reissuing this volume would be timely and, they hope, useful. Many of the chapters, but not all, have been revised; some have not, for the simple reason that, in the intervening period since 2000, their authors have produced book-length studies of their subjects. This applies to Richard Carwardine, whose biography *Lincoln* (2003) won the Lincoln Prize in 2004 (and was re-published in 2006 as *Lincoln: A Life of Purpose and Power*). Bruce Levine's chapter on Confederate emancipation, similarly, was a precursor to another prize-winning volume, *Confederate Emancipation: Southern Plans to Free and Arm Slaves during the Civil War* (2005), which received the Peter Seaborg Award for Civil War Scholarship. John Ashworth has, in the period since this volume first appeared, produced the second volume of his magisterial study *Slavery, Capitalism, and Politics in the Antebellum Republic*, Vol. II, *The Coming of the Civil War, 1850–1861* (2007), while Robert Cook pursued several of the themes in his chapter into not one but two books, *Civil War America: Making a Nation, 1848–1877* (2003) and *Troubled Commemoration: The American Civil War Centennial, 1961–1965* (2007). In the face of such a prolific outpouring of scholarship, the editors felt that revision of the original chapters would be nugatory; instead, the editors have included a short Guide to Further Reading to highlight, for students especially, the major developments in the field since this volume first appeared.

This collection endeavors to focus on those areas of the Civil War that students new to the subject are most likely to encounter first: the origins of the war, and the strength of the American Union in 1861; the nature of leadership in the Union and the Confederacy respectively; the actual process of fighting the war, but placed in the context of the society in which the war was fought, and taking full account of the wider issues which the war threw up; the centrality of the subject of slavery and emancipation, both to the Union and, in rather different ways, to the Confederate war effort; and, finally, the longer-term impact of the war on American society, on the American constitution, and on American nationalism. Inevitably, a volume such as this can offer only a gateway into the larger scholarship on the Civil War, and into the debates that form and inform this scholarship. When they first conceived of this volume, the editors deliberately did not attempt to impose any one perspective on the Civil War era, but encouraged each contributor to produce an essay reflecting his or her particular interpretation of the subject. For example, in Chapter 1 Donald Ratcliffe emphasizes the durability of the bonds of Union before 1860, while in Chapter 6 Professor Carwardine argues that in certain respects these bonds were “chronically weak.” Here is an instance of a clash of interpretation among historians, and in the course of their studies undergraduates need to grapple with such complexity, and discover that the cliché “History will say . . .” is meaningless. Similarly, several of the chapters in this volume, particularly those which look at the experiences of African-Americans during the Civil War, cover the same ground, but from different angles; here, too, the editors chose not to intervene in 2000, and have taken the same position in 2009. Alternative conclusions—even those based on the same or similar evidence—are in no sense contradictory, but complementary. Only from the elaboration of debates between historians, and from an understanding of the wide range of interpretations that similar evidence can produce, can a fuller sense of the complexities of the period be achieved. For this reason the editors have sought to avoid imposing any kind of uniform approach to this complex subject. Consequently, this volume reflects, and adds to, the continuing debate on this central era in American history.

Introduction to the First Edition

JAMES M. MCPHERSON

This volume is truly a transatlantic tribute to Peter Parish. The authors of most of the essays are British scholars of United States history; some are Americans who have benefited from a transatlantic perspective. Nothing could be more fitting, for Peter Parish has taught many of the authors and influenced all of them. His own writings have greatly enriched our understanding of the American Civil War, of slavery and emancipation, and of British–American relations in the nineteenth century. His magisterial account of *The American Civil War* remains one of the best studies of that conflict a quarter century after its original publication. That book offered incisive insights about the issues that are further explored by the essays in the present volume: the roots of sectional conflict and secession; the ideological and military mobilisation of North and South; the leadership of Abraham Lincoln and Jefferson Davis; the will to fight; command and strategy; slavery and emancipation as war issues; the role of blacks in both the Confederacy and Union; the economic impact of the war; the Constitution and civil liberties; and the nature of Union and Confederate nationalism.

Most important of all, perhaps, *The American Civil War* placed the conflict in its international setting. Parish's chapter on "The War and the World" is the most lucid and concise treatment of that theme in print. That chapter and the next, "Oceans, Rivers and Diplomatic Channels," narrate the largely futile Confederate efforts for diplomatic recognition and intervention by European powers, and the largely successful countermeasures of Union foreign policy.

But “The War and the World” goes beyond traditional diplomatic history. “The issues at stake” in the Civil War, wrote Parish, “found echoes in Britain and France, Spain and Russia, Canada and Brazil, and many other lands.” These “great issues” included nothing less than “slavery and freedom, democracy and privilege, self-determination and imperial ambition, majority rule and minority rights.” The United States was one of the few republics in the world in 1861, and by far the largest and most important one. Most republics through history had collapsed into tyranny or anarchy, or had been overthrown from without. France and the republics of Latin America provided a pointed contemporary object lesson. Would “the great American experiment” of republican government and democracy also collapse? Those in the Old World, wrote Parish, “who hated and feared the United States as the home of the demon democracy, and therefore as a dangerous example and incitement, welcomed what they took to be the total collapse of its political system” in 1861.¹

That is why Abraham Lincoln insisted that “the central idea pervading this struggle is the necessity . . . of proving that popular government is not an absurdity. We must settle this question now, whether in a free government the minority have the right to break up the government whenever they choose. If we fail it will go far to prove the incapability of the people to govern themselves.” Nor was this merely an American question, Lincoln said in his first message to Congress. It “embraces more than the fate of these United States. It presents to the whole family of man, the question whether a constitutional republic, or a democracy . . . can, or cannot, maintain its territorial integrity.”² If the Union dissolved, the forces of conservatism in Europe would smile in satisfaction that the upstart republic of Yankee braggarts had gotten its comeuppance at last. Thus, as Parish noted, “the president of the United States never doubted . . . that the conflict mattered for the whole world.”³

Given the centrality in Parish’s book of the theme that “America’s trial by battle was a test of what liberty, democracy, and power meant at different levels and in many different places,” this introduction to *The American Civil War: Explorations and Reconsiderations* explores that theme. The framework for this exploration is Lincoln’s belief in the Union as “the last best hope of earth” that “government of the people, by the people, for the people, shall not perish from the earth.”⁴

The American sense of mission blossomed with the earliest settlements in New England. “We shall be as a City upon a hill,” said John Winthrop to his fellow Puritans as their ship approached Massachusetts Bay in 1630. “The eyes of all people are upon us.” Four score years before Lincoln became president, George Washington declared that the impact of the American Revolution would not be confined “to the present age alone, for with our fate will the destiny of unborn Millions be involved.”⁵

During the Civil War itself, ideologically motivated Union soldiers echoed Lincoln's statements that the fate of democratic government depended on Union victory. "I do feel that the liberty of the world is placed in our hands to defend," wrote a Massachusetts private to his wife in 1862. "If we are overcome then farewell to freedom." On the second anniversary of his enlistment, an Ohio private wrote in 1863 that he had not expected the war to last so long, but no matter how much longer it took, it must be carried on "for the great principles of liberty and self government at stake, for should we fail, the onward march of Liberty in the Old World will be retarded at least a century, and Monarchs, Kings, and Aristocrats will be more powerful against their subjects than ever."⁶ Some former subjects of those kings who had emigrated to America expressed similar convictions. In 1864, a forty year-old Ohio corporal who had immigrated from England as a young man wrote to his wife explaining why he had decided to reenlist for a second three-year hitch in the Union army. "If I do get hurt I want you to remember that it will be not only for my Country and my Children but for Liberty all over the World that I risked my life, for if Liberty should be crushed here, what hope would there be for the cause of Human Progress anywhere else?"⁷ Five months later he was dead before Atlanta.

Americans had never been reticent about proclaiming their God-given mission to carry the torch of liberty and democracy for all the world. But did peoples of other lands acknowledge that mission? Some certainly did. During the first century of its history as a nation, the United States was a model for European and Latin American liberals and radicals who sought to reform or overthrow the *ancien régimes* in their own countries. During the debate that produced the British Reform Act of 1832, the London Working Men's Association pronounced "the Republic of America" to be a "beacon of freedom" for all mankind. In the 1840s, English Chartists praised "the bright luminary of the western hemisphere who radiance will . . . light the whole world to freedom." In the preface to the twelfth edition of *Democracy in America*, written during the 1848 uprisings in Europe, Alexis de Tocqueville urged leaders of France's newly created Second Republic to study American institutions as a guide to "the approaching irresistible and universal spread of democracy throughout the world."⁸

A British radical newspaper may have overstated the case when it declared in 1856 that the American democratic example was "a constant terror, and an everlasting menace" to "the oppressors of Europe, especially those of England . . . who maintain that without kings and aristocrats, civilised communities cannot exist."⁹ Nevertheless, a good many members of the British Establishment expressed delight, at least in private, at the "immortal smash" of the dis-United States in 1861, which demonstrated "the failure of republican institutions in time of pressure." When Sir John Ramsden, a Tory member of the House of Commons, expressed satisfaction that "the

great republican bubble had burst,” cheers broke forth from the back benches.¹⁰ The Earl of Shrewsbury looked upon this “trial of Democracy and its failure” and proclaimed that “the dissolution of the Union is inevitable, and . . . men before me will live to see an aristocracy established in America.” The *Times* of London, whose unconcealed anti-Americanism led it to sympathise with the Confederacy, considered the downfall of “the American colossus” a good “riddance of a nightmare . . . Excepting a few gentlemen of republican tendencies, we all expect, we nearly all wish, success to the Confederate cause.”¹¹

Peter Parish has wisely counselled us against overgeneralising the class basis of British attitudes toward the American Civil War. Not all members of the aristocracy and gentry sympathised with the Confederacy; not all workers and middle-class liberals supported the Union. For the latter, the slavery issue was a particular sticking point. Because of constitutional restraints, and because of his need to keep the support of Democrats and border-state Unionists for the war effort, Lincoln made abundantly clear in 1861 that the Northern war aim was Union, not emancipation. Since “the North does not proclaim abolition and never pretended to fight for anti-slavery,” asked an English journalist in September 1861, how “can we be fairly called upon to sympathise so warmly with the Federal cause?”¹²

A good question, and one that Lincoln had wrestled with for a long time. As far back as 1854, in his famous Peoria speech, he acknowledged that “the monstrous injustice of slavery deprives our republican example of its just influence in the world—enables the enemies of free institutions, with plausibility, to taunt us as hypocrites.” In September 1862 Lincoln agreed with a delegation of antislavery clergymen that “emancipation would help us in Europe, and convince them that we are incited by something more than ambition.”¹³ When he said this, the military and political equation had shifted to a point that now favoured emancipation, and a proclamation to that effect rested in a White House drawer, awaiting a military victory to give it force.

The battle of Antietam gave Lincoln his opportunity. But the preliminary Emancipation Proclamation he issued on 22 September 1862, to go into effect one hundred days later in all states still in rebellion, did not immediately sway British opinion. Many regarded it as a Yankee trick to encourage a slave insurrection, undertaken not from moral conviction but as a desperate measure to destroy the Confederacy from within because Union armies could not defeat it from without. Foreign Secretary Lord John Russell branded the Proclamation a vile encouragement to “acts of plunder, of incendiarism, and of revenge.” Because the Proclamation was grounded on the executive’s power, as commander in chief, to seize enemy property being used to wage war against the United States, it applied only to slaves in *Confederate* states, not in the loyal slave states. Choosing not to understand

why, under the Constitution, Lincoln had to make this distinction, the London *Spectator* gibed that “the principle asserted is not that a human being cannot own another, but that he cannot own him unless he is loyal to the United States.”¹⁴

But when the first day of 1863 arrived and Lincoln, contrary to the predictions of European cynics, actually issued the Proclamation, justifying it not only as a military necessity but also as an “act of justice,” and enjoining slaves to refrain from violence, a powerful pro-Union tidal wave swept liberal and radical circles in Britain. Young Henry Adams, secretary to his father Charles Francis Adams, the American minister to Britain, reported that “the Emancipation Proclamation has done more for us here than all our former victories and all our diplomacy. It has created an almost convulsive reaction in our favor.” Huge mass meetings took place in England and Scotland where real workingmen, as well as those who professed to speak for them, roared their approval of pro-Union resolutions. One of Britain’s staunchest supporters of the Northern cause, Richard Cobden, wrote that the largest of these meetings, at Exeter Hall in London, “has had a powerful effect on our newspapers and politicians. It has closed the mouths of those who have been advocating the side of the South. Recognition of the South, by England, whilst it bases itself on Negro slavery, is an impossibility.”¹⁵

Cobden was not entirely correct. Not all mouths remained closed. Many Britons could never quite bring themselves to admire the United States or to favour Union victory—which was not necessarily the same thing as supporting the South. Nevertheless, when that Northern victory finally came at Appomattox, a Tory MP remarked sourly to an American acquaintance that he considered Union success a misfortune. “I had indulged the hope that your country might break up into two or perhaps more fragments,” he said. “I regard the United States as a menace to the whole civilised world.” Another Tory spelled out the menace as “the beginning of an Americanising process in England. The new Democratic ideas are gradually to find embodiment.”¹⁶

The British public paid more attention to the American Civil War than did the people of any other European country. We know less about conservative attitudes toward the Civil War in other countries. What we do know, however, is that royalists in the early years of the war expressed satisfaction with the apparent failure of democracy. In 1862, the Spanish journal *Pensamiento Español* found it not surprising that Americans were butchering each other, for that nation “was populated by the dregs of all the nations of the world . . . Such is the real history of the one and only state in the world which has succeeded in constituting itself according to the flaming theories of democracy. The example is too horrible to stir any desire for emulation.” In France the policy of Napoleon III leaned toward the Confederacy. The French republican Edgar Quinet exaggerated only slightly

when he wrote from exile in Switzerland in 1862 that Napoleon's purpose was "to weaken or destroy Democracy in the United States . . . because in order for Napoleonic ideas to succeed, it is absolutely indispensable that this vast republic disappear from the face of the earth."¹⁷

Whether or not Napoleon thought he could destroy republicanism in the United States, he did try to do so in Mexico. That country experienced its own civil war in the 1860s between a reactionary alliance of the church with large landowners and followers of the republican Benito Juárez. Under the pretext of collecting debts owed to the French citizens, Napoleon sent an army of 35,000 men to Mexico to overthrow Juárez. Napoleon collaborated with his fellow emperor Franz Joseph of Austria to establish Franz Joseph's younger brother Ferdinand Maximilian as emperor of Mexico, thereby reclaiming at least part of the vast Spanish domain once ruled by the Hapsburgs. King Leopold of Belgium, Maximilian's father-in-law, had an additional purpose in mind. Describing the Lincoln administration as characterized by "the most rank Radicalism," Leopold feared that if the North won the war, "America, in collaboration with Europe's revolutionaries, might undermine the very basis of the traditional social order of Europe." Therefore he backed the installation of Maximilian on the throne of Mexico in 1864 "to raise a barrier against the United States and provide a support for the monarchical-aristocratic principle in the Southern states."¹⁸

In contrast to these emperors in central and western Europe, Czar Alexander, the most absolutist of all, proved to be the Union's steadfast friend. This strange-bedfellow relationship was one of pragmatic self-interest: the Russian interest in a strong United States as a counterweight to Britain, and American dependence on Russia as a counterweight to British and French flirtation with recognition of the Confederacy in 1862. The following year the Russian fleet visited American ports, staying for months, ostensibly as a goodwill gesture but in reality to escape being bottled up in their home ports by the Royal Navy during a period of tension over Russian suppression of an uprising in Poland.

Although Russian policy supported the Union, the Czar's minister to the United States, Edouard de Stoeckl, privately believed the Northern cause hopeless. Stoeckl considered himself an aristocrat and like to be addressed as "Baron" though he had no title of nobility. He disliked democracy and regarded the Civil War as proof of its failure. In his dispatches to the Russian foreign minister, Prince Alexander Gorchakov, Stoeckl wrote with apparent satisfaction that "the republican form of government, so much talked about by the Europeans and so much praised by the Americans, is breaking down. What can be expected from a country where men of humble origin are elevated to the highest positions?" He meant Lincoln, whom Stoeckl held in low regard. "This is democracy in practice, the democracy that European theorists rave about," he continued. "If they could only see it

at work they would cease their agitation and thank God for the government which they are enjoying.”¹⁹

Those theorists that Stoeckl sneered at—European liberals and radicals—experienced many moments of doubt and discouragement during the war, moments when it seemed that Union defeat “may well bring about the failure of a society” they had, in the words of a French republican, held up as “defenders of right and humanity.” When the Union finally triumphed, they breathed a sigh of relief, even of exultation. The Italian republican Giuseppe Mazzini blessed the Northern people, who “have done more for us in four years than fifty years of teaching, preaching and writing from all your European brothers have been able to do.” None other than Karl Marx, who had followed the American war with great attention, declared that “as in the eighteenth century the American war of Independence sounded the tocsin for the European middle class, so in the nineteenth century, the American Civil War sounded it for the working class.”²⁰

Even “Baron” Edouard de Stoeckl experienced a conversion of sorts. Democracy was still not to his taste, but he ate humble pie and paid a handsome tribute to the nation whose victory he had doubted until the fall of Richmond. By “an irresistible strength of the nation at large,” he wrote to Prince Gorchakov, “this exceptional people has given the lie to all predictions and calculations,” including his own. “They have passed through one of the greatest revolutions of a century . . . and they have come out of it with their resources unexhausted, their energy renewed . . . and the prestige of their power greater than ever.”²¹

This triumph encouraged reformers in Britain who wanted to expand voting rights there. For almost four years, said Edward Beesly, a liberal professor of political economy at University College London, they had endured the taunts of Tories who gloated about the “immortal smash” of American democracy. “They insisted on our watching what they called its breakdown. They told us that it was for ever discredited in England. Well, we accepted the challenge. We staked our hopes boldly on the result . . . Under a strain such as no aristocracy, no monarchy, no empire could have supported, Republican institutions have stood firm. It is we, now, who call upon the privileged classes to mark the result . . . A vast impetus has been given to Republican sentiments in England.”²²

Queen Victoria was in no danger of being toppled from her throne because of the outcome of the American Civil War. But a two-year debate in Parliament, in which the American example figured prominently, led to enactment of the Reform Bill of 1867, which nearly doubled the eligible electorate and enfranchised a large part of the British working class for the first time. This expansion of the suffrage would undoubtedly have come sooner or later in any case, but perhaps later rather than sooner if the North had lost the war, thereby confirming Tory opinions of democracy.

If progress toward democracy in Britain was, perhaps, an indirect consequence of the American Civil War, the triumph of Benito Juárez and republicanism in Mexico was in considerable part a direct result. The United States sent 50,000 veteran soldiers to Texas after Appomattox. None too subtly, Secretary of State Seward pressed the French to pull their troops out of Mexico. Napoleon did so in 1866, whereupon the republican forces under Juárez regained control of the country, captured Maximilian, and executed him in 1867. Three years later Napoleon himself lost the throne, and event attributed by the historian of his republican opposition in part to the example of triumphant republicanism in the United States five years earlier.²³

This is pushing things too far; France's third republic was born of French defeat in the Franco-Prussian War, not Union victory in the American Civil War. But perhaps it was more than coincidence that within five years of that Union victory, the forces of change had expanded the suffrage in Britain and toppled emperors in Mexico and France. It was also more than coincidence that after the abolition of slavery in the United States, the abolitionist forces in the two remaining slave societies in the Western Hemisphere, Brazil and Cuba, stepped up their campaigns for emancipation, which culminated in success two decades later. In 1871, referring to Brazil's commitment to the first steps toward abolition, an emancipationist in that country rejoiced "to see Brazil receive so quickly the moral of the Civil War in the United States."²⁴

Lincoln would have been pleased if he had lived to witness the impact abroad of Union victory. Although he was not a vindictive man—quite the contrary—he would have enjoyed quiet pleasure in knowing that the outcome, in the words of Peter Parish, came as "a considerable surprise to those who had seen in secession final proof of the fatal weakness of American federalism and democracy." Lincoln, noted Parish, "showed a truly remarkable understanding of the cosmic significance" of the Civil War. But even he might not have anticipated Parish's conclusion that "if the war had ended in the achievement of Southern independence, and a permanent division of the once United States, the balance of world power and the shape of world politics in the twentieth century would obviously have been completely different."²⁵ Perhaps we would today all be speaking German.

Notes

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PART **I**

One and Inseparable

The State of the Union, 1776–1860

DONALD RATCLIFFE

Historians of the American Civil War are often tempted to exaggerate the weakness of the Union before 1860. If the ties holding the various states together were fragile, it is easier to explain why the Union broke apart in the secession winter of 1860–61. Accordingly, historians often argue that state loyalties had always been stronger than national loyalties, that long-established differences between the states made a powerful central authority inappropriate and impossible, and that therefore the federal government had always been weak and inactive in the antebellum years. The story can then emphasize how the success of federal forces in the Civil War finally established the principle that the Union was sacrosanct and perpetual, while the undoubted expansion of federal power during the conflict created central institutions such as the Union had never previously possessed. Thus an American nation, based on a true American nationalism, developed only after 1860, largely as a consequence of four years of bloody internecine strife between North and South. In this respect, at least, many modern Civil War historians would agree with the epic film maker D. W. Griffith: for them too, the events of the 1860s marked “The Birth of a Nation.”¹

This view is, however, fundamentally misleading. In the first place, it underestimates the strength of the Union between the 1770s and the 1820s. Powerful nationalizing forces in the late eighteenth century created the United States as a coherent—if highly variegated and decentralized—republic that was bound together by a widely felt sense of shared political identity. In this respect America was typical of the many European and European-settled nations that developed an exclusive self-awareness between

1765 and 1815 in response to either increasingly restrictive colonial rule or foreign conquest. Second, the system of federal government adopted in the United States in 1787–88 incorporated a central government with more real power than historians of the mid-nineteenth century often concede. Those powers were deliberately used in the decades following 1789, enabling the federal government to make a decisive contribution to the survival, development, and further integration of the United States. Thus a proper appreciation of the true strength of the antebellum Union, and the forces underlying it, requires careful consideration of the period before the Missouri crisis.

Even after that sudden revelation of deep sectional differences over slavery in 1819–20, the internal political dynamic of the Union served to mitigate the sense of state and regional distinctiveness. American political conflicts after 1828 operated within a national party system that had the effect of easing, and at times directly counteracting, sectional differences. Thus tendencies towards the creation of regional nationalisms were repeatedly overwhelmed by internal partisan divisions that led minorities to look for allies in other states and regions. The dominance of national parties devoted to maintaining a nationwide partisan consensus made possible the successful engineering of sectional compromises, which after 1828 increasingly meant reducing the scale of action of the federal government. In effect, the South's growing concern for its own peculiar minority interests severely limited the exercise of federal power in the immediate antebellum decades, which explains why historians have sometimes exaggerated the inherent weakness of the Union before the Civil War. The strengthening of national power in the 1860s reflected, in part, the restoration of the political situation that had existed before the South began to impose its deadening hand on the Union in the thirty years before the war.

Foundations of the Union

The American Union, and the spirit of American nationality that underlay it, was the creation of the eighteenth century. Originally, of course, each of the Thirteen Colonies was a separate foundation, and developed its own character, peculiarities, and special interests; each colony had a direct relationship with the Crown and, officially, none with its neighbors. Yet colonial historians have detected a slowly growing sense of common American identity in the decades before 1740, though only afterwards did the various colonies begin to share common experiences. Elites, religious and political, cooperated on a continental basis, and often came together in dealing with their associates in Britain. Practical realities like intercolonial trade and the postal service were reinforced by religious excitements such as the Great Awakening and, above all, by the pressures of war against the French and

Indians.² Yet these developments did not mean that the colonies were growing away from Britain; on the contrary, if anything, they shared in the growing sense of Britishness that Linda Colley has discerned in Britain in the eighteenth century, and they took pride in their place in the triumphant British Empire. The menace of Indians and the presence of African slaves encouraged even non-British settlers to identify with their English-speaking neighbors, and racial and cultural affinity provided a common bond for all white Protestant colonists.³

This shared political outlook was fully revealed after 1763 as the colonies came into conflict with the British government. Though each colony had its own grievances, the underlying rationale was the same and the common ideology gained clear expression in the resistance to the Stamp Act of 1765: Americans in all the colonies that possessed provincial legislatures found themselves struggling to preserve what they saw as basic protections of their rights and liberties as British citizens. The continuing argument quickly transposed this sense of a common British citizenship into an exclusive American self-identification, as the colonists concluded by 1774 that the failure of people in Britain to prevent the repeated threats to colonial liberties meant that the people there were corrupt and no longer capable of defending liberty. Thus the degeneration of the home country made America “God’s last best hope” for the preservation of civil freedoms. In these circumstances, colonial newspapers, notably in the South, increasingly used the word “American” as the common descriptor of the colonies and by 1773 were expressing a clear sense of continental identity. Even before fighting began, recent historians have detected the existence of “a distinct American political community.”⁴

The very character of the Revolution assisted the social construction of this national feeling. The transfer of power to the former colonies was justified on the principle of the sovereignty of the people, but that principle was necessarily based on the assumption—clearly expressed in the Declaration of Independence of 1776—that Americans constituted a single, coherent “people.” Aware of the need for outward expressions of this identity, Americans everywhere adapted traditional British street celebrations into rituals that legitimized the new order; the toasts—initially always thirteen in number—offered at public festivals expressed national rather than provincial pride. Most important, the reports of the scattered events of the Revolution and of local celebrations then circulated through the press, giving them a national import and helping to create what Benedict Anderson has called an “imagined political community.” Indeed, we might argue that the sense of American nationality gained deep roots so quickly because the binding thread of a common “print-language,” so essential for creating an awareness of sharing a communal identity, was not restricted to an upper class, since literacy was already widespread and newspapers were extraordinarily

numerous. Hence the evidence of recent cultural historians increasingly suggests, in David Waldstreicher's words, that "Americans practiced nationalism before they had a fully developed national state."⁵

In practice, a Union government was established even before the separate states had a legal existence. Faced by British military and naval power, the colonies had no choice (as Franklin said) but to hang together. The Continental Congress, called in 1774, swiftly began to act in the collective interest of the colonies, authorizing a Continental Association to embargo trade with Britain, raising a Continental army, issuing a Continental currency, and negotiating with foreign powers, long before its constitutional powers were defined. The Association of October, 1774, in particular was an act of revolutionary nationalism, with Congress bypassing provincial governments and directly ordering the creation of extralegal local authorities, which was accepted with "an amazing agreement through the continent." As the crisis deepened in 1776 the Virginia House of Burgesses recognized that it was inappropriate for a single colony to declare its independence and so pressed its representatives in Philadelphia to persuade Congress to take the critical step on behalf of the whole American people. It may have been difficult—in John Adams's famous phrase—to make thirteen clocks strike as one, but the United States took its stand as an integral political entity on the world scene long before any state asserted its sovereignty. When foreign powers recognized Congress as the legitimate and authoritative exponent of the Union's will, in both the French alliance of 1778 and the peace treaty of 1783, they in effect recognized the priority of the sovereignty of the United States.⁶

Popular commitment to the new republic gained deep emotional roots as a result of the War for Independence. Just as the French and Indian wars had a unifying effect on sentiment before 1763, so Americans sanctified their cause by the spilling of blood together in resisting the British effort to conquer them. Some historians have argued that the fighting between 1775 and 1781 had probably a greater impact on proportionately more of the American population than the Civil War fourscore and ten years later, as ordinary people all over the country bullied neighbors, fought skirmishes, had property impounded, and suffered harassment, injury, and tragic loss. In the South, the last eighteen months of the struggle degenerated into a guerrilla, even terrorist, war between Patriot and Loyalist neighbors. The memory of the war subsequently became the touchstone of national feeling, just as the Civil War did for the late nineteenth century. Strikingly, the Congress agreed in the early 1780s that, since the war had been a common effort, those states such as South Carolina that had paid out proportionately more than average for the war effort should be recompensed by the states that had paid less. A congressional settlement commission promptly began to audit state accounts in order to apportion the cost of the war among the states on a *per capita* basis, though this commitment to back patriotic

sentiment with hard cash remained unfulfilled in the 1780s because of postwar financial difficulties and Congress's lack of authority.⁷

The weakness of Congress after the war reflects the reality that the new republic was made up of thirteen very different and widely separated states, each proudly asserting the provincial autonomy that it believed Britain had threatened. Moreover, the ideology of the Revolution emphasized the principle of self-determination and insisted that the states came together in voluntary association. As a consequence, the Articles of Confederation (drafted in 1776–77 but not ratified until 1781) expressed the conviction of the states that Congress must not become an overly powerful central government that might threaten the plural and decentralized nature of the Union. But, faced after 1783 by the republic's ineffectiveness in dealing with hostile foreign powers and imperial neighbors, and experiencing the disruptive social and political consequences of the postwar financial and economic crisis, politically aware Americans faced up to the need for constitutional revision remarkably quickly. The new Constitution of 1787 was produced by a nationally conscious political elite that welded together an overwhelming coalition of merchants and urban artisans, young men and old patriots, slaveholders and capitalists, major ports and financially overstrained states, exposed frontier areas and metropolitan interests. The eleven state conventions that approved the Constitution before 1789 did so, overall, by a two-to-one margin among their members.⁸

This decision has often been seen—like the initial Act of Union in 1776—as a forced response to the critical situation in which the newly independent states found themselves. Thus, it is argued, continental institutions were necessarily created before a true sense of nationhood existed. Since, according to John Murrin, “American national identity was . . . an unexpected, impromptu, artificial, and therefore extremely fragile creation of the Revolution,” the Founding Fathers were apparently doomed to erect over their heads a national roof that was not supported by the walls of popular nationalism.⁹ Of course, American national identity was ill defined and the process of defining its meanings would take many decades, lasting long beyond the Civil War, but many indications confirmed that a basic sense of American political community did already exist. For example, when Alexander Hamilton, James Madison, and John Jay wrote a series of newspapers articles in 1788 to help secure the ratification of the Constitution in New York—the famous *Federalist Papers*—they necessarily emphasized the pragmatic utility of the Union and the merits of the new constitutional scheme, but their argument constantly assumed, and without any disagreement from their opponents, that a single “American people” existed that rightly belonged together in some sort of political relationship.¹⁰

Indeed, the decision to create a “more perfect Union” in 1787–88 cannot be satisfactorily explained without the prior existence of some sense of

nationality. After all, those who opposed ratification of the Constitution—the “Antifederalists”—controlled at least six of the ratifying conventions when they first met, but proved unwilling to vote the new scheme down. In the New Hampshire convention, a number of Antifederalists who had been instructed to vote against the Constitution voted for an adjournment instead; and the four-month interim was then successfully used to persuade their constituents that their fears of the proposed system were groundless. The truth was that the Antifederalists were not hostile to the Union: they wanted to preserve the existing “Articles of Confederation and *Perpetual Union*” (my italics), but with a few necessary amendments that experience had already shown could not pass the amendment process laid down in the Articles, which required the agreement of all the states. Lacking a viable alternative of their own, enough Antifederalists were persuaded by the merits of the proposed scheme—and encouraged by the promise of a Bill of Rights—to produce the necessary majorities; and by the time of the first federal elections in the fall of 1788 even the most recalcitrant of their fellows had accepted the new framework and promptly worked within it. Their ideas persisted, but in future the former Antifederalists of 1787–88 would argue over the meaning of the Constitution, not its legitimacy.¹¹

The coming together of the states in 1787–88 may, within limits, be thought of as comparable to an international diplomatic negotiation. Certainly the Founders feared that internecine wars would follow a breakup of the Union, but they also had the advantage of the ideological, cultural, emotional, and practical bonds that meant they negotiated as something more than potential partners. Certainly the Constitution provided a significant model of how relationships between international powers might be civilized in future through the creation of international law, but it also created so much more than a “peace pact,” so much more than “a league of states.” It transformed the Thirteen Colonies, with their varying constitutions and imperial relationships, from a “composite polity” typical of early modern Europe into a qualitatively different condition in which they stood on a common legal and constitutional footing with each other. Though federated, the United States was now a single political entity of the kind envisaged for the empire by British statesmen before 1776, even if the Constitution also recognized the (now limited) internal autonomy of the states. As Max Edling has argued, the Founding Fathers had deliberately created a “fiscal-military state,” itself composed of established states suspicious of exactly such centralized power.¹²

On any interpretation, the system of government established in 1787–88 was no mere token of national unity, but gave a remarkable range of power to the central authority. If the states retained sovereignty in important areas, the new federal government gained absolute control in many others. Just compare the powers undoubtedly conceded to the American Union in

1787–88 with those that some European countries nowadays are reluctant to concede to the European Union. The American people in their various states not only agreed to create a single market, with no internal barriers to the free movement of people and goods, but also established a central government worthy of the name—controlling a single defense policy, a single foreign policy, a single immigration policy, and even a single currency. Laws exercising these powers were to be determined by unqualified majority voting, and their application could not be limited by opt-out clauses for any particularist state. Indeed, the Constitution required the people of a state to accept the operation, within their state, of an outside jurisdiction, possibly controlled by a rival interest; and that meant accepting not just externally appointed executive officers but an external system of justice operating at the local level. Given the lack of a comparable sense of European nationality, can one imagine any country in present-day Europe submitting to the collection of direct taxes by officeholders appointed by outsiders? In practice, of course, the U.S. government would usually appoint residents of the state concerned as federal officers, but there was no guarantee that this would always happen, as many southerners appreciated in 1860–61.¹³ But the sense of American community among the politically active—and that was a lot of people—was strong enough in 1787 for the majority of their representatives to be persuaded that such a sacrifice could be made with safety.

Challenges Defeated, 1789–1815

The new system had to confront great perils and challenges that underlined the weaknesses of the Union. Separatist movements, especially on the ill defined margins of the country, toyed with ideas of secession and even of joining the Spanish or British empires. External menaces became ever more serious with the outbreak of war between France and Britain in 1793, and serious internal disagreements broke out over American foreign policy. Major political parties appeared that fought bitterly, each unwilling to trust the other's loyalty to the federal republic. In the 1790s the ruling Federalists under President Washington believed that their Democratic Republican opponents threatened the Union with their powerful regional support in the Southern states. When the Democratic Republicans came to power under Thomas Jefferson after 1800, they in turn feared that the Federalists were plotting the secession of New England. Yet the failure of all these challenges demonstrated that the United States also possessed some inherent bonds of adhesive strength, not least a widespread feeling that Americans ought to stick together.¹⁴

Certainly the separatist movements were never quite as serious as they seemed. In the 1780s malcontent frontier areas sought autonomy from their parent state rather than from the Union, and flirted with Britain and Spain

mainly because they feared that Congress would not satisfy their aspirations. Conspiracies in Vermont, Tennessee, and Kentucky largely ceased once these states had been admitted to the Union in 1791 and 1792, and Western separatism disappeared entirely once the Northwestern Indians had been defeated in 1794 and the Mississippi fully opened to Americans in 1795. The Whiskey rebels of 1794 in western Pennsylvania—like the Shays rebels of 1786 in Massachusetts—wanted the repeal of unpopular taxes and a more responsive government, not separation from the United States, whatever seaboard interests may have feared. The Burr conspiracy of 1806–07—which supposedly threatened the secession of the West—lacked popular support there, and locally elected authorities were taking necessary steps to suppress it even before President Jefferson issued his admonitory proclamation.¹⁵

Similarly, the party contest that appeared in the 1790s acted to restrain sectional ill will as much as to express it. In practice, the hostility between the South and New England was mitigated by the divisions within the Middle Atlantic states which gave the South the opportunity to find allies in the North. When, in the war crisis with France in 1798–99, the Federalists passed measures that the Democratic Republicans thought unconstitutional, the legislatures of Kentucky and Virginia adopted condemnatory resolutions secretly drafted by Jefferson and Madison. Jefferson initially included in his draft the claim that a state government could nullify the operation of unconstitutional laws within its limits and so obstruct the operation of federal government, but he was persuaded to drop this assertion partly because it would lose the Democratic Republicans support in Pennsylvania and New York. Thus the hope of national victory through coalition with allies in distant states prevented the Virginia leaders from retreating into merely regional resistance to the federal government. Furthermore, having won power after 1800, Southern Republicans grew confident in their place in the Union and became far more sympathetic to the use of federal power to achieve national ends.¹⁶

By contrast, in New England the defeated Federalists developed a strong sense of regional distinctiveness after 1800, and in 1804 and 1808 some of the party's leaders floated plans for a separate New England confederacy. However, their doubts about the future of the Union arose mainly from fears about the damaging consequences of westward expansion and, for the most part, they remained loyal to the Union of the original Thirteen. The hardships of the War of 1812 roused some popular disunionism in the region, but the notorious Hartford Convention of December, 1814, was always under moderate control and, as one participant later said, "the vast majority of the members of the Convention were totally opposed to any measures tending to dissolve or impair the union of these states."¹⁷

In any case the Federalist leadership appreciated that the example of Democratic Republican electoral success in 1800 showed the importance

of maintaining support outside New England. They may have lapsed into sulky obstructionism after 1801, but they survived as a national party and underwent a significant popular revival in two-thirds of the states after 1807. In the process they developed interstate connections that reached out to minorities in such unlikely places as South Carolina and Virginia, and in 1808 and 1812 held interstate meetings that have been seen as embryonic national nominating conventions. Because the New England Federalist leaders now had good reason to hope for success nationally, they deliberately diverted and stifled secessionist talk at home. In any case, the Democratic Republican party had begun to win considerable support New England since 1801, and this large persisting body of local voters loyal to the federal administration ensured that no attempt could seriously be made to lead the region into secession even during the War of 1812.¹⁸

Thus the Union actually benefited from the development of two-party conflict. Though men grieved that party passion threatened the future of the Union, in practice each side accepted the principles and rules laid down in the Constitution. Democratic Republican success in 1800–01 legitimized opposition and demonstrated that governments could be changed peacefully. Moreover, the new constitutional system had created a centre of executive power and patronage that was both worth winning and visible to ordinary people. Politics for a generation would be focused on winning control of that center, with both competing parties taking their names and identities from national issues. Federal elections became the most important focus of popular political involvement: though between 1804 and 1820 relatively few men voted in presidential elections because the result was a foregone conclusion, the largest turnouts seem to have come in congressional rather than in state elections. Moreover, between 1807 and 1814, even state politics operated according to national party lines in two-thirds of the states, despite severe factional differences within some state Republican parties. The intense rivalry between the parties down to 1815 concentrated awareness of the Union, with federal elections serving in every state as a reinforcing ritual of national consciousness.¹⁹

Current social and economic developments also helped the Union to survive these difficult years. For forty years immigration from Europe had been at an all-time low and during that period the use of the English language extended considerably among the relatively few non-British Europeans in the United States, furthering their cultural and political assimilation. Over the same period the Second Great Awakening gave many thousands of Americans a new religious awareness and drew them into local churches, mainly Methodist, that were associated together in national organizations; not only did these religious affiliations create formal organizational ties crossing state and regional lines, but evangelism provided “a common world of experience” that most Americans shared.²⁰ Equally, the economic

boom stimulated by high European wartime demand between 1795 and 1807 furthered the economic integration of the seaboard areas. Northern shipping interests increasingly depended on the carrying trade in Southern produce; northerners in the seaports began to provide financial, insurance, and marketing services for—and lend money to—customers in the South and West; and parts of New England became dependent on food supplies from the middle and western states. After 1807 embargo, non-intercourse, and war encouraged the growth of manufacturing, notably in southern New England, and its prosperity depended on free access to markets in the middle states. And as the national debt began to increase after 1807 the number of people who had a vested interest in the federal government expanded, just as Alexander Hamilton had foreseen when he restructured the debt on a sound footing in 1790.²¹

Behind the Union sentiment that so persisted between 1775 and 1815 lay the sense of outside menace. The fear of competing and intruding neighbors, ruled by hostile European empires, provided a major motivation behind the strengthening of federal government in 1787–88, and the outbreak in 1793 of a world war involving those empires created a situation menacing to American security that lasted until 1815. Only after that date did the threat of outside enemies pass away and Americans begin to enjoy “an excess of isolation” that perhaps served to weaken the bonds of Union.²² If we add to the foreign threat before 1815 a common language, a broad-based print culture, a sense of racial unity and religious consonance, one and a half centuries of colonial history, and the heroic national past of the Revolution, then the historic roots of American nationalism seem much more akin to those of European nations than is sometimes acknowledged.²³

Using Federal Power, 1789–1848

Success in surmounting the challenges to the republic’s survival also owed much to the efforts of those who commanded the federal government after 1789. Throughout the 1790s the Federalists used its new-found powers to create national institutions and establish central authority. Alexander Hamilton, as Secretary of the Treasury, deliberately endeavored to exercise every power he thought could be deduced from the new Constitution—establishing not just direct taxes and excises, but a semi-independent quasi-central bank. He demonstrated that the federal government was able to exploit its new command of tariff revenues in a way individual states had not been: in 1790 he solved the financial problems not only of the old Confederation but also of various states, by assuming their debts within the new national debt and fulfilling the old Congress’s promise to compensate those states that had borne the main burden in the War of Independence. Then in 1794 President Washington led an army of 12,950 nationalized

militiamen—about the size of his old Continental Army—to suppress the whiskey tax disorder in western Pennsylvania. The policy of asserting federal supremacy finally came to a head in 1798–99 in response to the war crisis with France: besides taking powers to control immigrants and restrain the expression of political opinion through the Alien and Sedition Acts, the Federalists also imposed a federal graduated property tax, levied on land, houses, and slaves, and collected directly by federally appointed assessors and collectors. The tax roused remarkably little serious resistance, with opponents objecting to the tax as inequitable rather than illegitimate.²⁴

The Democratic Republicans opposed the nationalist thrust of Federalist policy, insisting that the Union was intended to be a decentralized confederation based on the principles of states' rights. When they took power in 1801 they changed the tax policy and repealed the legislation of 1798–99, but they also asserted federal power whenever necessity required. The basic institutions—the bank (until its charter expired in 1811), the national debt, the army and navy—were all preserved, if in more modest form. Though a strict constructionist, President Jefferson proved perfectly willing, in national emergencies, to exercise powers beyond the strict letter of the Constitution—as over the Louisiana Purchase, the naval campaign against the Barbary corsairs, and the Burr conspiracy. The embargo of 1808–09 required more extensive measures of enforcement than even the whiskey excise had in the previous decade; and Jefferson became the only president in American history to use federal troops for routine law enforcement in peacetime, in areas where there was no insurrection or domestic violence or breakdown in normal civil procedures.²⁵

In effect, the diplomatic, maritime, and economic difficulties that the United States faced during the Napoleonic Wars in Europe were converting many Democratic Republicans to a more nationalist outlook. The war hawks who appeared in Congress after 1810 demanded stronger federal military and naval preparations, militant defiance of European superpowers, and measures to promote greater economic independence. Involvement in the second war against Britain, 1812–15, forced the parsimonious majority in Congress to adopt some energetic policies, and war expenditure had to be met by direct federal taxes imposed between 1813 and 1817. Despite its apparently glorious end at the battle of New Orleans, most Democratic Republicans recognized that the war had almost proved disastrous because of the republic's inadequate infrastructure; in effect, the conflict had starkly demonstrated how continuing economic underdevelopment created major obstacles to national survival and integration. Thus the difficulty of defending the country against Britain while remaining dependent on Britain for manufactured goods prompted a shift in favor of tariff protection for American industry; the obstacles to transporting men and supplies around the country encouraged support for federal sponsorship of roads and canals;

and the lack of an effective means of transferring funds and credits during the latter stages of the war demonstrated the value of the earlier national bank. As a consequence, in 1815 President Madison advocated strong federal policies to remove these persisting obstacles to greater national strength, and Congress in 1816 duly adopted the first openly protectionist tariff and chartered a second national bank.

In this postwar afterglow, American patriotism seemed rampant: delighted that the republic had survived the trials of separatism and invasion, nationalist spokesmen became more fulsome, more optimistic, more rhetorically extravagant, though still concerned to define the true character of the republic and uncertain of its moral integrity in the face of rapid material development.²⁶ The exercise of power on an interstate scale now seemed appropriate not just to Congress but also to voluntary associations such as the American Colonization Society and the many evangelical organizations that began to operate on a national basis. The Federalists, embarrassed by their record of obstruction during the war, ceased to function as an opposition party, applauding the adoption by the Democratic Republicans of policies once considered Federalist. During this Era of Good Feelings, the creed of “national republicanism” became part of a virtually nationwide consensus and resulted in the formulation of the “American System,” a program that advocated advancing economic independence by means of enhanced tariff protection and promoting internal integration through a grand scheme of federally financed internal improvements. The word “nation” increasingly seemed appropriate to describe the United States in the decade after 1815.²⁷ However, as the governments of James Monroe and John Quincy Adams endeavored to press the American System ever further in the 1820s, so resistance swelled. The South, initially part of the nationalist consensus in 1816, shifted its position after 1818: a severe credit crunch and economic depression persuaded many southerners to blame federal economic policy for their financial embarrassment, while the Missouri crisis taught them to fear federal interference in their relations with the South’s racial minorities. Some southerners—notably in South Carolina and Georgia—even began to calculate the value of the Union. They were joined by states’ rights advocates and old Jeffersonians—in both North and South—who wished to return to the old landmarks of Democratic Republicanism, and reduce the powers that the Union had recently taken unto itself. With the assistance of malcontents of many kinds, this strict-constructionist coalition won power under Andrew Jackson in 1828 and proceeded to cut back the power of the central government.²⁸

As a consequence, by the mid-1830s the acute French political observer and analyst Alexis de Tocqueville could report that under Jackson the federal government was “losing strength, retiring gradually from public affairs, and narrowing its circle of action.”²⁹ The 1828 Tariff of Abominations—the

highest tariff of the antebellum years—was cut back considerably in 1832 and 1833. Jackson’s Maysville veto of 1830 ended schemes for a great federal program of internal improvements. His bank veto of 1832 and subsequent war on the national bank destroyed that possible instrument of central management. Opposition to this decentralizing program gained expression through the Whig Party of the 1830s and 1840s, which continued to argue that the federal government represented a potentially effective instrument for promoting the general welfare and strengthening the Union. The Whigs won the political argument in the severely depressed conditions of 1840, when they promised a new burst of federal activity comparable with the 1790s and the 1820s, but the early death of President William Henry Harrison in 1841 brought to power a proponent of states’ rights, Vice-president John Tyler, who prevented them from reversing the cutbacks of the 1830s. After 1845 the Democratic President James K. Polk consciously renewed the Jacksonian policy of limiting federal power in domestic affairs, and never again would the Whigs secure the full control of Congress that they needed in order to implement positive national policies.

The process of retraction by the federal government during the 1830s shifted responsibility for economic development on to the state governments, and revealed that the Jacksonian Democrats believed that the Union could be kept together best by a process of devolution. As Jackson himself conceived, a self-denying federal government that limited itself to a “few and simple, yet important, objects” would be most likely to hold together a Union made up of increasingly dissimilar parts. Thus states’ rights policies were quite compatible with devotion to the Union, as Jackson demonstrated by his stout defense of federal authority when South Carolina obstructed the collection of tariff duties within its limits in the Nullification crisis of 1832–33. In the process Jackson redefined the nature of the Union. Whereas the Federalist tradition saw the Union as a corporate entity expressing the oneness of the American people—which presumably would always exist—the dominant Democratic Republican ideology traditionally emphasized the voluntary nature of the Union, which tacitly implied that states could choose to leave if they wished. Since 1815, however, the growth of “national republicanism” had seen many Democratic Republicans supporting active federal policies that presumed a continuing future for the common interest of the Union. President Jackson offered a resolution of this ambiguity when, in the face of South Carolina’s challenge to federal authority, he made it clear that the reduction of central government was not meant to cast doubt on the Union’s perpetuity. In his Nullification Proclamation of December 1832 he asserted its permanence in a way no previous President had felt necessary, and so established the principle of states’ rights Unionism that would enable many Northern Democrats to support the Union in the Civil War.³⁰

The Centrality of Federal Power

State governments exercised considerable power, especially in the last decades before the Civil War, and had direct influence on the everyday lives of their citizens. They managed day-to-day economic life, regulated manners, and maintained law and order, in ways prohibited to the federal government. Yet that government, far from being insignificant or inactive, always determined the main directions of national development, even after the cutbacks that began in the 1830s. The federal government may have been, in John Murrin's oft-quoted phrase, "a midget institution in a giant land," but it helped to ensure that the midget citizenry in the seaboard states would by 1848 win command of an ocean-to-ocean empire.³¹

The primary responsibility of the federal government remained national defense. Longstanding hostility to a standing army ensured that, except in moments of unusual crisis, the United States would have only a small regular establishment, and that stationed mainly on the frontiers. However, Jefferson, as an ostensibly antimilitary President, recognized the potential influence of the regular establishment in national life, and founded West Point to imbue the future officer corps with Democratic Republican values. Even a small military establishment generated a demand for supplies and cultivated valued skills: U.S. engineers, for example, prepared the way for grand internal improvement schemes—especially during the operation of the General Survey Act between 1824 and 1838—and federal armories made an important contribution before the Civil War in developing techniques of mass production.³² The wars of 1775–83, 1812–15, and 1846–48 generated important political forces, especially in developing an *esprit de corps* among officers that transcended state loyalties. Thus former officers played an important role in the 1780s in bringing about the Constitution, while veterans and their widows subsequently besieged the federal government with claims for compensation and pensions. These were normally granted by private legislation, though after 1816 general legislation provided pensions for Revolutionary veterans. The Mexican War of 1846–48 would raise divisive political issues, yet it too generated a national pride in combined military triumph, much as the War of 1812 had, as the nomination of military leaders for the presidency in 1848 and 1852 demonstrated. Inevitably U.S. Army officers from the South faced an agonizing choice in 1861 when they found themselves having to break with comrades they had previously served alongside.

Before the Civil War, the federal government employed more people in delivering the mails than in any other civilian activity. Yet this statistic was a mark not of its inconsequence as a government, but of the centrality of the Post Office in national life. Since the days of Benjamin Franklin the mail system had provided an important bond for literate people in the coastal

areas. Then the Post Office Act of 1792 started a communications revolution that brought all parts of the country into regular touch with each other. The Post Office developed systematic contacts across the republic, organizing collection, conveyance, and delivery, and its subsidies created the nation's stagecoach system, at least until Congress withdrew the subsidies in 1845. Indeed, public transport would scarcely have existed in many parts of the South and West had it not been for the "mail stages." Most important, after 1792 newspapers were carried free of charge and so the Post Office generated—and subsidized—a system of news interchange that made possible the extension of print culture throughout the republic. Down to the 1850s the mails carried more newspapers than letters, and reading a newspaper became a great collective ritual that confirmed the participation of the citizenry in the republic's affairs.³³

The federal government also retained control over some key elements of the economy. Though it did not exploit its power over interstate commerce as it would after the Civil War, it retained undisputed command over external commerce at a time when the United States remained essentially an exporter of agricultural surplus and an importer of manufactured goods. No one, not even in South Carolina, questioned the federal government's exclusive right to impose tariffs on imports, though many came to doubt whether it could use that power to foster economic growth. In practice from 1816 to 1857 the tariff always retained a protective element: the compromise tariff of 1833 guaranteed a reasonable (if decreasing) level of protection until 1842, when it was replaced by a frankly protectionist Whig tariff; and even the free-trade Walker Tariff of 1846 imposed higher rates on imports that might compete with American manufacturers. The antebellum norm was to impose tariffs primarily for revenue purposes but with some "moderated protection" for key industries.³⁴

Thanks to its command of import duties, the federal government could generate revenue to a degree the states could not rival. Federal assumption of state debts solved their financial problems in 1790, and thereafter until the War of 1812 the states raised relatively little revenue through taxation. A large part of their expenditure—including the cost of maintaining and using the militia—was paid for them by the federal government, at least down to the 1820s. In the next decade, the paying off of the national debt in 1833 raised the possibility of further federal largesse. Since large-scale internal improvement schemes were now out of the question, Congress distributed the federal surplus among the states in 1836–38 for them to use as they saw fit, with the support of those states' rights men who feared a central government with too much money. The Panic of 1837 demonstrated that many states did not have the resources to finance the loans they had taken out since 1830 to finance public works, and in 1840 the Whigs proposed a new assumption of state debts to restore American credit. This

and other Whig proposals were blocked by states' rights supporters, and after 1838 the federal government only rarely used its financial superiority to assist the finances of the states.³⁵

Equally significant was the federal government's control over the currency. In 1787 the Founding Fathers carefully prohibited the state governments from issuing paper money and gave the federal government the exclusive right to issue gold and silver coin, which alone, they believed, constituted real money. However, the supply of gold and silver was limited, and, after the turn of the century, state-chartered commercial banks increasingly met demand by issuing paper money. The two Banks of the United States (1791–1811 and 1816–36) were not designed to act as central banks but both began to develop techniques that compelled the local banks to restrict their note issues to an appropriate proportion of their specie base. Around 1830 some Southern and Western parts of the country were almost totally dependent on the services of the national bank, while state banks themselves on balance appreciated the stability that the national bank brought to paper issues. Most state bankers therefore disapproved of Jackson's veto in 1832 of the Bill rechartering the national bank. Destroying the monster bank did not, however, end federal monetary control, since the Treasury had in any case been the main agent of quasi-central-banking supervision, and the federal Independent Treasury system functioned reasonably well from 1846 to the Civil War.³⁶

Federal authority in these areas was sustained by the ever-evolving U.S. Supreme Court. Uncertain of its role in the 1790s, the Court established its legal preeminence under John Marshall (Chief Justice 1801–35). It asserted its right to invalidate congressional laws in 1803 (*Marbury v. Madison*), and state laws in 1810 (*Fletcher v. Peck*). After 1815 a series of decisions asserted the supremacy of the federal law and institutions: in *McCulloch v. Maryland* (1819) the Court not only sustained the national bank against state hostility, but made the most extensive assertion of federal superiority. This "aggressive nationalism" prompted a backlash that threatened the Court's authority in Jackson's first term, until the Nullification crisis persuaded the President that only the Supreme Court, though itself an agent of federal authority, could determine the boundaries between state and federal authority. Appointing five justices, Jackson created a Court under Roger Brooke Taney (Chief Justice from 1836 until 1864) that was more favorable to states' rights, but in practice it continued to act as arbiter of disputes between the states and federal authority. In particular, the Taney Court continued the work of building a body of nationwide commercial law that helped transform the nation's extensive settled territory into the national market it had become by 1850.³⁷

The essential precursor was the conquest of the continent, for which the federal government bore primary responsibility. It had not only to preserve

national security and resist the claims of neighboring European empires, but also to control the aboriginal population and persuade them to sell their land to the federal government, which then supervised the process of settlement. The military threat of Indians east of the Appalachians had been defeated during the Revolution, but the Indians of the Mississippi Valley remained a formidable obstacle. Federal troops were essential in defeating the Indians of the Old Northwest in 1794–95, and in smashing their attempted military revival before and during the War of 1812. Only the federal government could mobilize enough power to persuade Indians to move west, as Georgia recognized in 1802. During Jefferson's presidency alone the Indians relinquished legal title to what later became southern Indiana, Illinois, Missouri, and northern Arkansas, while between 1815 and 1820 General Jackson acquired by treaty from the Indians a fifth of Georgia, half of Mississippi, and most of Alabama. When the remaining Five Civilized tribes refused to remove across the Mississippi in the 1820s, southerners threatened to take matters into their own hands in defiance of federal authority, but they preferred to elect the leading Southern Indian fighter to the White House, where he could do the job so much more efficiently for them. Under President Jackson the federal government spent \$60 million on buying 100 million acres east of the Mississippi, and thereby, among other things, opened up the future Black Belt of Alabama and Mississippi to cotton and slaves. This process, largely accomplished by 1840, provided a powerful reason for Southern loyalty through the sectional tensions of the 1830s.³⁸

If relations with the Indians remained a federal responsibility, so did the provision of government in the newly opened Western territories. Under the Northwest Ordinance of 1787, each Western territory remained directly under central control, with a governor and three judges-cum-legislators appointed by and directly responsible to the federal government. On attaining a population of 5,000 free adult males the territory could elect a legislature to make laws, but subject to the same externally appointed governor. This was a system reminiscent of British control of the American colonies, except that the territorial governors were paid from the metropolis and not by the colonists. On attaining 60,000 inhabitants the territory could apply for statehood on the same terms as the original states. Thus Congress not only retained direct command of the colonies on behalf of the whole Union, but could create new states—and so all states in future would either be created by Congress or be the equals of its creations.³⁹

Moreover, the federal government not only commanded governmental jurisdiction but possessed the title of most land in the West outside Kentucky and Tennessee. As anticipated in the late 1770s, the Union gained huge strength when, between 1781 and 1802, it acquired the claims to Western land possessed by seven of the states. Not only did this transfer remove a potential source of future conflict, it gave the federal government a vast

inheritance, held in common on behalf of all the states. Initially seen as primarily a source of revenue for the whole republic, the Western lands provided a powerful bond for the Union, and before 1830 statesmen like John Quincy Adams and Henry Clay saw the public domain as a patrimony to be used for improving and developing the quality of national life. From at least 1803 the federal government gave to new Western states both a small proportion of land sale revenue and tracts of land, which were then sold or rented, to assist education and internal improvement. The Eastern states never directly benefited from this treasure trove to the extent that some had hoped, though the proceeds of land sales were distributed among all the states according to population briefly in 1842 and the Polk administration paid for the Mexican War partly by issuing federal land warrants. In practice the primary purpose of federal land policy, since at least 1800, had been to promote settlement as much as to raise revenue. Thus by its generous policies the federal government carried through perhaps the greatest act of privatization in history, distributing millions of acres to thousands of private individuals, even before the Homestead Act of 1861.⁴⁰

Though this policy reduced the government's own resources, it also ensured that large numbers of people in the public-land states remained beholden to the federal government even after statehood had been attained. Government officers determined the process of survey and sale, and local development in new areas focused around the business of the land office. Moreover, the system of selling federal land on credit between 1800 and 1820 meant that about half the farmers northwest of the Ohio River fell into debt to the federal government, which in 1821 granted them substantial relief to ensure they did not lose their lands following the Panic of 1819. The federal government remained a major landowner in the new states, much to the annoyance of Illinois and Missouri, which demanded that public land within their limits be ceded to them. In 1832 President Jackson advocated cession, but the vested interests of the seaboard states prevented the dispersal of the public domain, despite the adoption of a permanent preemption law in 1841. The same Act granted all new states half a million acres each to help finance state internal improvements, and in 1854 Congress agreed to progressively cheapen unsold lands, but federal control of the public domain remained an awkward limitation on the autonomy of new states. As late as 1852, Southeastern and Northeastern congressmen voted together to preserve the public lands as a resource for the whole Union rather than give them away to homesteaders.⁴¹

The growth of the West ensured that internal improvements would be a central sphere of federal activity. After 1789 the federal government sought to develop interstate communications, and even President Jefferson recognized that the states needed federal help to develop roads and canals which were essential to their development but beyond their means, though

he wanted an explicit constitutional amendment to give the federal government this power. After 1819 federal and state governments, including states' rights Virginia, cooperated in joint-stock companies that undertook to build major roads and canals—and even the first long-distance railroad anywhere, the Baltimore & Ohio. These schemes of the 1820s proceeded on the assumption that the necessary power could be deduced by a broad construction of the Constitution, but the Maysville Veto of 1830 laid down clear criteria limiting federal authority. While that decision stopped great national schemes of internal improvement, and subsequently federal spending on *new* projects fell considerably, some expensive projects were maintained, notably those already under way as well as river and harbor improvements. In particular, Congress continued to build the National (or Cumberland) Road across Ohio, Indiana, and Illinois, but gradually ceded the road to the various states through which it ran and voted its last appropriation in 1838. Despite an undoubted reduction of federal expenditure on internal improvements thereafter, Congress still made generous land grants to the states for such projects, since even states' rights advocates accepted that the federal government was not restricted by the Constitution in the exercise of its rights as a landowner. Moreover, newly opening areas persistently requested financial assistance from Congress—and sometimes received it, at least until the Panic of 1857 embarrassed federal finances.⁴²

The operations of the federal government in critical areas of the nation's life ensured that it would attract all those who sought public office and distinction. The most prestigious offices, both elective and appointive, were federal rather than state, including those that operated within the states. Federal judges had a prestige and security that made them renowned among lawyers. Customs collectors in the major ports handled money in undreamed-of amounts. Land offices brought business to a town, and those in charge enjoyed great political influence and considerable local patronage, especially as surveyors enjoyed unusual opportunities for locating the best land for themselves and their friends. Even postmasters gained great advantages, since (until 1847 or even 1855) recipients always paid the postage and so had to collect their letters from the local post office, which, outside the great commercial centers, were usually set up in the postmaster's private business premises.⁴³ All who wished to gain eminence, to establish a career of distinction, to gain respect as a leading man, looked to federal even more than state office as the route to advancement—and so ensured that national politics would remain central to public life.

Patterns of Political Conflict, 1816–1852

The extent of federal power and influence inevitably aroused contest and opposition that might prove fatal to the continuance of the Union. Such conflicts at times expressed regional tensions which, as President Washington had feared, could threaten the territorial integrity and unity of the republic. Yet, ironically, the party system that dominated American politics between 1827 and 1853 operated, like that of 1796–1816, to reduce sectional antagonisms and further national integration. Like the major churches, the parties created among a mass electorate loyalties and commitments that transcended state boundaries and provincial loyalties.

When party hostilities between Federalist and Democratic Republican faded after 1815 amid the postwar glow of nationalist consensus, the weakening of the national partisan allegiances that had undercut particularism in the previous twenty years made the onset of heightened sectional feeling in 1819–20 difficult to overcome. Certainly Martin Van Buren believed that the alarming crisis over the admission of Missouri arose because of the weakening of national party differences in the preceding years. As a consequence he determined to revive the old party of Jefferson, putting together a coalition of “the planters of the South and the plain republicans of the North” that would mitigate the strong sectional antagonisms deriving from the crisis of the early 1820s. He was able to do so largely because, as in the 1790s, the ethnic and social divisions within the Middle states produced political allies and gave hope to the Southern minority. Thus in his first administration (1829–33) Andrew Jackson was able to lead a national coalition that brought Northern support for measures which were essentially designed to appease the South, and so ensured that South Carolina’s challenge to the Union over the protective tariff in 1832–33 would receive little support in the rest of the South.⁴⁴

Between 1827 and 1833 Jackson’s Democrats and their National Republican opponents embraced strong regional feelings at their core, and it is questionable how far such a sectionally based system of national partisanship could have encouraged effective compromises of sectional issues. After 1833, however, the pattern of party conflict changed significantly. As in the early 1800s, the Southern-centered party extended its support into New England, exploiting old political allegiances and new industrial grievances. More significantly, the South—for the first time in its history—divided within itself in federal politics. An opposition party appeared that by 1836 had created powerful bases in Georgia, Louisiana, North Carolina, and Tennessee, and by 1839 had joined hands with the anti-Jacksonians in the North to form the new Whig Party. As a consequence through the 1840s this so-called “second party system” contradicted sectionalism: Southern politicians and voters preferred to cooperate with their party colleagues

in other sections and struggled against party opponents in their own states and regions. Even state politics reflected national party divisions, and voting in Congress demonstrated that, on all issues except those relating to slavery, national issues found supporters and opponents in all sections of the Union.⁴⁵

Party politics ceased to reflect sectional tensions by the late 1830s because sectional differences were being overwhelmed by the common experience of economic change. Many groups in both North and South were benefiting from the growing commercialization of American life that the Whig Party wished to sponsor further. Not just Northern businessmen but Southern planters recognized the role that banks were playing in making possible the extension of commercial agriculture and the servicing of internal and transatlantic trade. Farmers who saw canals and roads under construction that could take their produce to distant markets, allowing them to concentrate on growing cash crops and relieving their families of the manifold labors and deprivations of self-sufficiency, favored the use of taxpayers' money to make such improvements possible. Others, in both North and South, perceived the consequences of this so-called "market revolution" as unacceptable, and preferred the cautious and restraining approach of the Democratic Party. Artisans who found their economic autonomy undermined and their skills devalued objected to the growth and competition of larger-scale industrial activity. Laborers who were paid in rapidly depreciating bank notes complained of cheating capitalists. Farmers who suffered from the competition of newly opening areas or who were distant from the benefits of the extending market system became strongly aware of the harmful social and moral effects of other people's material progress. And the residual conservatism of isolated small farmers was as powerful in Northern hills and Western prairies as in the piney woods of the South.⁴⁶

Underlying the party division therefore lay the simple fact that economic change gave the various regions common experiences and made them more interdependent. The Northwest became a food exporter and supplied the cities of the East as well as those parts of the South that were not self-sufficient in food. The extension of cotton cultivation may have extended the peculiar world of the slave plantation across the Deep South, but it also created commercial needs that were serviced by northerners. As a result, leading Northern businessmen endeavored to prevent political conflict over slavery, recognizing the extent to which their business interests were involved in the provision of financial and marketing services to the cotton South. In return, the larger planters appreciated that the extension of cotton manufacturing in New England would extend the market for their ever-expanding staple production, and Southern Whigs in Congress accordingly opposed the reduction of tariff protection for manufacturers in 1846. Equally, Northern Whigs appreciated the interest many southerners, especially in Appalachian

areas, had in the distribution of the proceeds of federal land sales to help finance state internal improvement projects.⁴⁷

Even as the sectional crisis rose to a peak in the 1850s, economic developments served to underwrite the Union. The rapid extension of railroads after 1845 bound East and West more closely. In the Northeast industry grew without significant tariff protection, and the textile industry became well enough established to have little need for protection against foreign manufactures and, in the case of woolens, more concerned for keeping duties on their imported raw materials as low as possible. Similarly, the extension of commercial agriculture in the West gave the Old Northwest the same outlook as most of the Southern states—an interest in encouraging transatlantic trade and keeping trade barriers as low as possible. Heightening regional specialization created mutual bonds that served to promote compromise as the crisis between North and South reached its height.⁴⁸

The Challenge of Slavery, 1819–1850

One sign of the strength of this Union was the effectiveness with which the main threat to its survival was handled. The house divided against itself did stand; a Union that was half slave, half free, did survive for seventy years. Between 1776 and 1804 northerners abolished slavery in their own midst because the institution was immoral, had harmful effects on white society, and contradicted the principles upon which the republic was based. Many leading southerners agreed, but recognized that the section's economic dependence on slavery and widespread fears of the consequences of releasing hordes of "Africans" made emancipation impossible there. These severe differences over the future of slavery could be accommodated in 1787 by a federal structure that allowed states to determine the nature of their own internal institutions. As long as slavery could be regarded as a local, and not a national, problem the federal government could ignore the question of its existence and instead simply focus on the practical consequences of slavery. Such issues as federal apportionment, the importation of slaves, and the return of fugitives were settled in 1787 and the arrangements made then duly honored in the following decades. Behind this sectional agreement lay not just a desire to create a republic for white men, but also the fact that many northerners combined their antipathy for slavery with a conviction that "Negroes" were an inferior and dangerous people who must be restrained from polluting white society.⁴⁹

The one issue that could not be handled with comparative ease was the question of slavery expansion. If slavery was an inherited, necessary evil, then its continuation where it already had some existence could be accepted, as in the Old Southwest in 1790 and the new state of Louisiana in 1812.

In new areas where the republic could engrave its own features—as in the Old Northwest—most northerners (and, initially, antislavery southerners) assumed that freedom would reign. But when, in the case of Missouri in 1819, northerners took this principle to mean that Congress could prevent a new state from choosing slavery for itself, southerners recognized that this claim implicitly challenged the very constitutional right upon which the Southern states depended for their freedom from federal interference over slavery. The South's representatives successfully defended this point in 1820, but had to accept in return that slavery could not expand into the Louisiana Purchase north of 36°30'. Thereafter southerners were always conscious that, during the Missouri crisis, a Northern majority had clearly demonstrated its fundamental dislike of the institution of slavery.⁵⁰

This new watchfulness accounts for the rapid shift of most southerners to a states' rights outlook in the 1820s. Whereas the majority of Southern politicians had become increasingly nationalist since 1801 and shared in the postwar consensus, they now adopted the standpoint of the Old Republican strict constructionists, essentially as a weapon of sectional defense. They turned against the American System as much because it enhanced the power of the federal government as because of its economic effects, which in any case benefited some parts of the South. As some Old Republicans warned, the government that could dig a canal could also free a slave. Though the direct threat to slavery may seem minimal in the 1820s, the widespread dislike of slavery in the North was obvious and, as William Freehling has observed, the more sensitive of southerners saw menace where none was intended. Thereafter the South needed constant reassurance—and secured it after 1828 through the election of Jackson and the Democrats' commitment to giving the South every possible satisfaction.⁵¹

Ironically, the very strength of the Union brought on a greater crisis in the 1830s. The most committed antislavery men in the North began to argue that the existence of slavery anywhere in the nation stained the consciences of all truly Christian Americans, and therefore action must be taken immediately to end the sinful institution. Thus even Garrisonian abolitionists, who would later conspicuously place conscience before Union, conceived of North and South as being part of the same moral and political community. Moreover, improvements in the means of daily contact between the sections allowed these "modern abolitionists" to bring their message home to the South by the circulation of antislavery materials through the mails. This challenge united the whole South against external interference, but a series of minor sectional compromises between 1835 and 1838—one, for example, tacitly allowed local postmasters to censor the mails—gave the South every reassurance that the federal government would not allow any Northern interference in the South's peculiar institution. The federal compromise over slavery could be reaffirmed in this way because many antislavery northerners

were unwilling to embrace an extremist crusade that not only risked driving the South out of the Union, but also threatened to introduce racial equality and a horde of northward-moving freed blacks.⁵²

As a result, even in the 1830s and early 1840s politicians and voters behaved as though they belonged to a national political community. The willingness of the North to reject the abolitionists made possible the internal division of the South and the operation of the nationally focused second party system. When Texas won its independence from Mexico in 1836, Presidents and Congress became primarily concerned to prevent its request for annexation from disrupting national (and party) unity. When President Tyler in 1843 decided to pitch his campaign for reelection on an expansionist platform, he appealed to pent-up Southern frustration over Texas and anxiety about apparent abolitionist successes in the courts and churches. Finding their Southern support attracted to Tyler's campaign, the Democratic Party took up the cause of Manifest Destiny, but handled the Texas issue as essentially a matter of national security, with Democrats all over the Union seeing expansion as an American rather than a purely Southern cause.⁵³

The subsequent war with Mexico and the acquisition of a new empire in the Southwest in 1848 raised once more the very issues that had been so threatening in the Missouri crisis. The Old South remained as concerned as ever to preserve its system of racial control and labor exploitation, and thought expansion of its peculiar institution essential. On the other side, even anti-abolitionist northerners opposed the extension of slavery into areas where slavery had been banned before American acquisition. Yet despite the diametric opposition of slave and free states on this question, compromise proved possible on the basis of leaving the issue to the people who actually settled each of the newly acquired territories. However, this formula required a sufficient number of northerners to concede the theoretical possibility of slavery expansion, which they did on the assumptions that the South wanted only the nominal right to expand slavery, not its actual expansion, and that slavery could not in fact expand into a climate hostile to staple production. These were assumptions that the events of the 1850s would prove false. Moreover, though Unionist sentiment remained strong enough in 1850 to produce a compromise, the long, bitter argument over slavery expansion in the late 1840s had driven the two sections apart and forced them to take up hostile positions in which each section began to define its own essence and virtue in contradistinction to the other.⁵⁴

Sectional Nationalisms

The development of sectional nationalisms had proved extraordinarily difficult before 1846. The Missouri crisis heightened the historic sense of

New England distinctiveness and moral superiority, and commentators in the 1820s began to speak of the “universal Yankee nation” that was spreading from the Northeast westwards into New York and Ohio. But most other northerners, including religious Dissenters of New England origin, could not accept Yankee cultural hegemony and there was little evidence of a distinctive Northern nationalism before the 1850s. The emergence of a distinctive regional identity in the Old Northwest combined happily with popular allegiance to the American nation.⁵⁵ Similarly, the parallel sense of Southern nationalism gained its first formal articulations in the South Carolina upcountry in the 1830s, but it did not reflect the reality of Southern sentiment, for the South continued to share many loyalties—partisan, religious, associational, commercial, and familial—with residents of the free states. Moreover, the South was culturally and economically less distinct from the North than Southern nationalists claimed. Indeed, their abortive attempts late in the antebellum period to create a separate Southern culture, Southern economic independence, a Southern literature, were all tacit acknowledgments that in reality southerners—like New Englanders—continued to be part of the rich tapestry of American national life.⁵⁶

Though some sense of Southern distinctness existed from before the Revolution, for most southerners allegiance to the South did not contradict allegiance to the Union—any more than the sense of American distinctness had contradicted loyalty to Britain before 1763. Even in independent Texas, between 1836 and 1845, the Fourth of July had been celebrated along with the anniversary of San Jacinto, since the sense of Texan nationality never excluded affection for the American Union.⁵⁷ Before southerners could think of creating a separate nation they had to go through a process akin to that of 1763–1776: their commitment to Southernism *and* Americanism had to be transformed into the sense that non-southerners were twisting Americanism into something that contradicted traditional shared values. Undeniably that sense of revulsion accelerated in the crisis of the late 1840s, as Virginia demonstrated in 1849 when it repealed the oath of loyalty to the United States customarily required of state office holders. Yet most southerners hesitated and continued to cling to the Union in 1850, despite all the warnings of Southern nationalists and proslavery radicals.

Through the 1850s many southerners continued to work within the federal system to achieve their ends. As the Democratic Party became the main vehicle through which the majority of southerners expressed their political aspirations after 1850, so they were able to command the party that automatically became the majority party nationally. Secure in their influence over Presidents Franklin Pierce and James Buchanan, they were able to ensure that federal power was used only in ways that were acceptable to the South. They pressed for foreign policies that might gain more slave territory and so increase the number of slave states in the Union. They actually opened to

slavery territories like Kansas that had long been guaranteed free soil, and prevented the exercise in the territories of federal powers that had been commonplace in the Union's Western empire of 1787–1848. The only positive uses of federal power most southerners now favored concerned the protection of slavery, as they insisted on the execution of the new, more arbitrary Fugitive Slave Act of 1850 and finally, in 1860, demanded that Congress impose a slave code on the territories.⁵⁸

The South's ability to dictate federal policy derived from the usual divisions within Northern society and politics. Indeed, in a real sense, the North had never existed: the various distinct regions north of the Mason–Dixon Line and the Ohio River were united by little beyond their economic interconnections, their partisan ties, and their common commitment to the Union. The term “the North” had been imprecise and was often used—even as late as 1844—simply for New England.⁵⁹ But when southerners ripped up the Missouri compromise in 1854 and seemed determined to impose proslavery policies on the Union, they prompted the creation and electoral growth of a purely Northern political party—the Republicans—that reflected not the tradition of sectional compromise but the defense of non-Southern interests. In the process, northerners began to create an ideology that projected a clear idea of what a nation uncorrupted by the “slave power” should be and should do.⁶⁰

The Republicans were able to become the official spokesmen for a Northern version of American nationalism because Southern leaders in Washington rejected policies that had won the Democratic Party support in the North in the past. Thus southerners enabled the Republican Party to broaden its policy stance from its original single issue—the exclusion of slavery from the Far West by congressional law—and embrace the idea that the federal government must be freed from the denying hand of Southern negativity. In particular, Southern politicians were preventing the federal government from taking practical steps to alleviate the North's economic difficulties following the Panic of 1857. The Secretary of the Treasury, Howell Cobb, of Georgia, refused to ease the financial situation by using the monetary instruments that his predecessors had developed. The recession hit the iron and coal industries in Pennsylvania, New Jersey, and southern Ohio especially hard, largely, it was claimed, because Congress had reduced the tariff to its lowest levels early in 1857, but the Southern Democrats refused to restore even the modest level of incidental protection available between 1846 and 1857. Southerners also persuaded the President, in 1859 and 1860, to veto measures that might speed up the settlement of the territories, even though until recently many southerners had been willing to support federal financing of internal improvements or the granting of western land to actual settlers on generous terms. Similarly, the proposal that federal aid for higher education should be granted to all states in the form

of land grants was vetoed by President Buchanan after it passed Congress. Hence the Republican party could begin to demand that the federal government, once freed of corrupting influences, should take positive action to assist economic recovery and progress; in the process it shifted the focus of Northern politics from the future of slavery to the preservation of free labor, and so broadened its appeal to ordinary Northern farmers and workingmen. As a result, the Republicans achieved in 1860 what had hitherto been impossible—a landslide in the Northern states alone sufficient to win them federal power.⁶¹

Almost inevitably, therefore, the accession to power by the Republicans was bound to see an assertion of federal power, a return to active government, such as the national Whig Party had demanded before 1854 and the South had prevented since. It was this threatened restoration of federal authority by men they could no longer trust—and who owed nothing to Southern votes—that persuaded the South to carry out what James McPherson has called a “preemptive counterrevolution”; hysterical with fear that Northern meddling with slavery might upset their system of racial control, they determined to secede from a Union that the “Black” Republicans were about to command. The creation of the Confederacy in 1861 showed not that a sense of Southern nationhood already existed, but that many southerners desired independence from external threats. Unlike their fathers in 1776, the various states seceded individually, not as part of a consciously nascent nation, and piecemeal raked together their Confederacy as an afterthought. The best they could do was to copy, with extra protection for slavery, the only Union they had known and revered.⁶²

The war would demonstrate that the rebels’ emerging spirit of Confederate nationalism lacked the long-established emotional roots that held the Union side together. In the course of the struggle the sense of exclusive Southern nationality would grow, forced on by the experience and necessities of the war, and yet southerners would accept forced reunification with remarkable ease after 1865. As Kenneth Stampp has commented, Reconstruction would show that most southerners could accept the restoration of the Union but not federal intrusion in the South’s internal race relations.⁶³ However, in seceding, the Confederate states had deprived themselves of the constitutional and political protections that slaveholders enjoyed within the old Union, and the war saw the Union strengthened—at least temporarily—in ways they could not have foreseen in their worst nightmares. In effect, the revolutionary experience of war had transformed American nationalism, promoting—at least for the time being—the sense of a unitary nation, directed by a central democratic government that would turn national ideals into conscious reality. As a result, the victorious North would endeavor to recreate the American nation according to the

image it had evolved of a Union without slavery in the years immediately before the war. Yet by the late 1870s heightened nationalist expectations had receded and the federal government had reverted to the more limited constitutional role that had traditionally proved most appropriate for the federal republic.⁶⁴

The antebellum Union had survived so long because of the immense emotional and practical investment that Americans had made in it. Each year they reenacted the Declaration of Independence and revered the founders of the republic. They constantly debated the meaning of the Union, its character and its limits; and while they disagreed, they nearly always assumed the desirability of its continuance. A tradition of constitutional Unionism developed that made compromise a good in itself, an expression of the highest values of the nation.⁶⁵ And when the price of adhering to that Union became too great for the majority of southerners in 1860–61, Americans elsewhere—and many southerners—believed that they had no choice but to fight for the preservation of the Union and the flag that symbolized it. Their persistence and self-sacrifice in the face of disaster, death, and destruction proved once more how truly and profoundly attached and committed Americans were to the national (if decentralized) existence they had come to prize long before the Civil War.

Notes

1. This chapter has been stimulated by years of discussion with the late Peter Parish, whose lectures and writings on American nationalism and the antebellum Union I learned much from, and yet I find myself still stubbornly in disagreement with him. With great generosity he made many helpful comments on my developing argument, though he always thought it wrongheaded. See especially Peter J. Parish, *The North and the Nation in the Era of the Civil War*, ed. Adam I. P. Smith and Susan-Mary Grant (New York, 2003), esp. pp. 57–122, 200–26. The editors have generously continued his constructive criticism, despite their own well reasoned views: Brian Holden Reid, *The Origins of the American Civil War* (London, 1996), esp. pp. 35–42; Susan-Mary Grant, “Nationalism,” in Peter J. Parish, ed., *Reader’s Guide to American History* (Chicago, IL, 1997), pp. 478–81, and *North over South: Northern Nationalism and American Identity in the Antebellum Era* (Lawrence, KS, 2000).

The weakness of the Union before 1860 is emphasized by, among others, James Stirling Young, *The Washington Community, 1800–1828* (New York, 1966); Robert H. Wiebe, *The Opening of American Society: From the Adoption of the Constitution to the Eve of Disunion* (New York, 1984); Richard P. McCormick, “The Jacksonian Strategy,” *Journal of the Early Republic* 10 (1990), pp. 1–17, esp. pp. 2–5; David C. Hendrickson, *Peace Pact: The Lost World of the American Founding* (Lawrence, KS, 2003); Jack P. Greene, “Colonial History and National History: Reflections on a Continuing Problem,” *William and Mary Quarterly* 64 (2007), pp. 235–50. I am grateful to John L. Brooke for allowing me to see in advance his essay in the same vein, “Cultures of Nationalism, Movements of Reform, and the Composite Federal Polity: From Revolutionary Settlement to Antebellum Crisis,” *Journal of the Early Republic* 29 (2009): 1–33.

The war’s impact is emphasized in Allan Nevins, *The War for the Union*, 4 vols. (New York, 1959–71); James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York and Oxford, 1988); Richard Franklin Bensel, *Yankee Leviathan: The Origins of Central State Authority in America, 1859–1877* (Cambridge and New York, 1990). For a judicious discussion of the war’s impact on the state of the Union, see Peter J. Parish, *The American Civil War* (London, 1975), esp. pp. 378–80, 630, 637–42.

2. Carl Bridenbaugh, *The Spirit of 1776: The Growth of American Patriotism before Independence, 1607–1776* (New York and Oxford, 1975); Richard L. Merritt, *Symbols of American Community, 1735–1775* (New Haven, CT, 1966); Nathan O. Hatch, “The Origins of Civil Millennialism in America: New England Clergymen, War with France, and the Revolution,” *William and Mary Quarterly* 31 (1974), pp. 407–30.
3. Linda Colley, *Britons: Forging the Nation, 1707–1837* (New Haven, CT, 1992); Winthrop D. Jordan, *White over Black: American Attitudes toward the Negro, 1550–1812* (Chapel Hill, NC, 1968). For evolving views on the self-identification of colonial Americans, see T. H. Breen, “Ideology and Nationalism on the Eve of the American Revolution: Revisions *once more* in Need of Revising,” *Journal of American History* 84 (1991), pp. 13–39, esp. pp. 26–31.
4. Merritt, *Symbols of American Community*, p. 182; Breen, “Ideology and Nationalism,” pp. 31–9. See also Pauline Maier, *From Resistance to Revolution: Colonial Radicals and the Development of American Opposition to Britain, 1763–1776* (London, 1973); Ann Fairfax Withington, *Toward a More Perfect Union: Virtue and the Formation of American Republics* (New York and Oxford, 1991), esp. pp. 18–19. The phrase “last best hope” is usually credited to Abraham Lincoln but it was a commonplace after the Revolution; see, for example, William G. McLoughlin, “The Role of Religion in the Revolution: Liberty of Conscience and Cultural Cohesion in the new Nation,” in Stephen G. Kurtz and James H. Hutson, eds., *Essays on the American Revolution* (Chapel Hill, NC, 1973), pp. 202–3.
5. Edmund S. Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America* (New York, 1988), esp. pp. 237–8, 263–87; Pauline Maier, *American Scripture: How America Declared its Independence from Britain* (New York, 1997), pp. 7, 14, 76, 115; David Waldstreicher, *In the Midst of Perpetual Fetes: The Making of American Nationalism, 1776–1820* (Chapel Hill, NC, 1997), quotation p. 112. Benedict Anderson’s influential *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London, 1983) does not directly discuss the United States, but before 1820 it fits very closely his category of “popular linguistic-nationalisms.”
6. Merrill Jensen, *The Founding of a Nation: A History of the American Revolution, 1763–1776* (New York and Oxford, 1963), pp. 506–7, 515 (quotation), 679–81; Morgan, *Inventing the People*, p. 263; Richard B. Morris, *The Forging of the Union, 1781–1789* (New York, 1987), pp. 55–76. For Thomas Jefferson’s own sense of the oneness of the American people, see Peter S. Onuf, *Jefferson’s Empire: The Language of American Nationhood* (Charlottesville, VA, 2000).
7. John Shy, *A People Numerous and Armed: Reflections on the Military Struggle for American Independence* (New York and Oxford, 1976); Charles Royster, “Founding a Nation in Blood: Military Conflict and American Nationality,” in Ronald Hoffman and Peter J. Albert, eds., *Arms and Independence: The Military Character of the American Revolution* (Charlottesville, VA, 1984), pp. 25–49; Edwin J. Perkins, *American Public Finance and Financial Services, 1700–1815* (Columbus, OH, 1994), pp. 213–15.
8. Leonard W. Levy, ed., *Essays on the Making of the Constitution* (1969, 2nd edn. Oxford, 1987), p. 108. See also Robert A. Rutland, *Ordeal of the Constitution: The Antifederalists and the Ratification Struggle of 1787–1788* (Norman, OK, 1966).
9. John M. Murrin, “‘A roof without walls’: the Dilemma of American National Identity,” in Richard Beeman, Stephen Botein, and Edward C. Carter II, eds., *Beyond Confederation: Origins of the Constitution and American National Identity* (Chapel Hill, NC, 1987), pp. 333–48, quotation, p. 344. Incidentally, why “artificial”? And why, if unexpected and impromptu, “therefore extremely fragile”?
10. Isaac Kramnick, ed., *The Federalist Papers* (Harmondsworth, 1987); Morgan, *Inventing the People*, pp. 280–2.
11. Patrick T. Conley and John P. Kaminski, eds., *The Constitution and the States: The Role of the Original Thirteen in the Framing and Adoption of the Federal Constitution* (Madison, WI, 1988), pp. 186–98; Steven R. Boyd, *The Politics of Opposition: Antifederalists and the Acceptance of the Constitution* (Millwood, NY, 1979); Richard Ellis, “The Persistence of Antifederalism after 1789,” in Beeman, Botein, and Carter, *Beyond Confederation*, pp. 295–314.
12. For contrary views of varying shades, see Hendrickson, *Peace Pact*; Peter S. Onuf and Nicholas Onuf, *Federal Union, Modern World: The Law of Nations in an Age of Revolutions, 1776–1814* (Madison, WI, 1993); H. G. Koenigsberger, “Composite States, Representative Institutions, and the American Revolution,” *Historical Research* 62 (1989), pp. 135–53; Greene, “Colonial History and National History”; Max M. Edling, *A Revolution in Favor*

- of *Government: Origins of the United States Constitution and the Making of the American State* (New York, 2003).
13. Holden Reid, *Origins of American Civil War*, pp. 199, 234, 305.
 14. The sectional basis of the parties is emphasized in James Roger Sharp, *American Politics in the Early Republic: The New Nation in Crisis* (New Haven, CT, 1993).
 15. Thomas P. Slaughter, *The Whiskey Rebellion: Frontier Epilogue to the American Revolution* (Oxford, 1986); Francis Philbrick, *The Rise of the West, 1754–1830* (New York, 1965), esp. pp. 234–52.
 16. Adrienne Koch, *Jefferson and Madison: The Great Collaboration* (New York and Oxford, 1950), pp. 174–260; William N. Chambers, *Political Parties in a New Nation: The American Experience, 1776–1809* (New York, 1963).
 17. James M. Banner, Jr., *To the Hartford Convention: The Federalists and the Origins of Party Politics, 1789–1815* (New York, 1970), pp. 84–121, 294–350, quotation p. 333. The convention claimed its proposed constitutional amendments were designed “to perpetuate the union” (p. 341).
 18. David Hackett Fischer, *The Revolution of American Conservatism: The Federalist Party in the Era of Jeffersonian Democracy* (New York, 1965); Banner, *To the Hartford Convention*, pp. 294–350; W. A. Robinson, *Jeffersonian Democracy in New England* (New Haven, CT, 1916).
 19. Waldstreicher, *Perpetual Fetes*, pp. 177–245. Integrative effects of political parties are discussed in William N. Chambers, “Parties and Nation-building in America,” in Joseph G. LaPalombara and Myron Weiner, eds., *Political Parties and Political Development* (Princeton, NJ, 1969), pp. 79–106, and in Andrew W. Robertson, “Look on this picture . . . and on this!” Nationalism, Localism, and Partisan Images of Otherness in the United States, 1787–1820,” *American Historical Review* 106 (2001): 1263–80. For the national focus of politics, the reality of mass parties, and the extent of popular participation in this period, see Donald J. Ratcliffe, *Party Spirit in a Frontier Republic: Democratic Politics in Ohio, 1793–1821* (Columbus, OH, 1998).
 20. Maldwyn A. Jones, *American Immigration* (Chicago, IL, 1960), pp. 75–9; Donald G. Mathews, “The Second Great Awakening as an Organizing Process, 1780–1830,” *American Quarterly* 21 (1969), pp. 23–43.
 21. Robert A. East, “Economic Development and New England Federalism, 1803–1814,” *New England Quarterly* 10 (1937), pp. 430–46. See also Curtis P. Nettels, *The Emergence of a National Economy, 1775–1815* (New York, 1962).
 22. Frederick Marks, *Independence on Trial: Foreign Affairs and the Making of the Constitution* (Wilmington, DE, 1986); A. E. Campbell, “An excess of Isolation: Isolation and the American Civil War,” *Journal of Southern History* 29 (1963), pp. 161–74.
 23. This view comports with that of older historians, for example Merle Curti, *The Roots of American Loyalty* (New York, 1946), and some experts on nationalism: see Anthony D. Smith, “State-making and Nation-building,” in John A. Hall, ed., *States in History* (Oxford, 1986), pp. 228–63, esp. pp. 241, 245, 257.
 24. Stanley M. Elkins and Eric L. McKittrick, *The Age of Federalism, 1789–1801* (New York and Oxford, 1993); Slaughter, *Whiskey Rebellion*, pp. 190–221; Dall W. Forsythe, *Taxation and Political Change in the New Nation, 1781–1833* (New York, 1977), pp. 51–7.
 25. Leonard W. Levy, *Jefferson and Civil Liberties: The Darker Side* (Cambridge, MA, 1963), pp. 114–20, 137–40.
 26. Fred Somkin, *Unquiet Eagle: Memory and Desire in the Idea of American Freedom, 1815–1860* (Ithaca, NY, 1967); Paul C. Nagel, *One Nation Indivisible: The Union in American Thought, 1776–1861* (New York and Oxford, 1964) and *This Sacred Trust: American Nationality, 1798–1898* (New York and Oxford, 1971). The word “nation” had been used earlier, notably in the 1790s.
 27. George Dangerfield, *The Era of Good Feelings* (New York, 1952); Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815–1848* (New York, 2007), pp. 91–125.
 28. *Ibid.*; Charles S. Sydnor, *Development of Southern Sectionalism, 1819–1848* (Baton Rouge, LA, 1948); William W. Freehling, *Prelude to Civil War: The Nullification Movement in South Carolina, 1816–1836* (New York, 1966); Norman K. Risjord, *The Old Republicans: Southern Conservatism in the Age of Jefferson* (New York, 1965). President Jackson’s weakening of the mechanisms of central authority is emphasized in Forrest McDonald, *States’ Rights and the Union: Imperium in Imperio, 1776–1876* (Lawrence, KS, 2000), pp. 97–120.

29. Alexis de Tocqueville, *Democracy in America* (1835, 1840), ed. Phillips Bradley (New York, 1945) I, p. 432. Though Tocqueville was pessimistic about the future of the Union, he acknowledged its strengths and recognized that the Americans “still constitute a single people . . . united by . . . common opinions.” *Ibid.*, pp. 398–433, quotation pp. 409–10.
30. McCormick, “The Jacksonian Strategy,” esp. pp. 9–12; Kenneth M. Stampp, “The Concept of a Perpetual Union,” in Stampp, *The Imperiled Union: Essays on the Background of the Civil War* (Oxford, 1980), pp. 3–36. The idea that the Union was indissoluble had been implicit long before 1832, as, for example, in the outlook of Northern Democratic Republicans during the Missouri crisis; see Major L. Wilson, *Space, Time, and Freedom: The Quest for Nationality and the Irrepressible Conflict, 1815–1861* (Westport, CT, 1974), pp. 46–7. For the continuing constitutional strength of the Union, see Harold M. Hyman and William W. Wiecek, *Equal Justice under the Law: Constitutional Development, 1835–1875* (New York, 1982), pp. 8–19.
31. John Murrin, “The Great Inversion, or Court versus Country: a Comparison of the Revolution Settlements in England, 1688–1721, and America, 1776–1816,” in J. G. A. Pocock, ed., *Three English Revolutions, 1641, 1688, 1776* (Princeton, NJ, 1980), p. 425. See the important historiographical discussion in Richard R. John, “Governmental Institutions as Agents of Change: Rethinking American Political Development in the early Republic, 1787–1835,” *Studies in American Political Development* 11 (1997), pp. 347–80, esp. pp. 368–74.
32. Richard H. Kohn, *The Eagle and the Sword: The Federalists and the Creation of the Military Establishment in America, 1783–1802* (New York, 1975); Theodore J. Crackel, *Mr. Jefferson’s Army: Political and Social Reform of the Military Establishment, 1801–1809* (New York, 1987); Daniel J. Elazar, *The American Partnership: Intergovernmental Cooperation in the Nineteenth Century United States* (Chicago, IL, 1962); and Merritt Roe Smith, *Harpers Ferry Armory and the New Technology* (Ithaca, NY, 1977).
33. Richard R. John, *Spreading the News: The American Postal System from Franklin to Morse* (Cambridge, MA, 1995).
34. F. W. Taussig, *The Tariff History of the United States* (New York, 1905), pp. 68–154; D. J. Ratcliffe, “The Nullification Crisis, Southern Discontents, and the American Political Process,” *American Nineteenth Century History* 1: 2 (2000), pp. 1–30, esp. pp. 12–14, 18–21, 22.
35. Elazar, *American Partnership*, pp. 31–2, 71–3, 88, 100–9, 200–9; Reginald C. McGrane, *Foreign Bondholders and American State Debts* (New York, 1935); Paul B. Trescott, “Federal–State Financial Relations, 1790–1860,” *Journal of Economic History* 15 (1955), pp. 227–45. The distribution of 1836–38 involved as large a total sum as Hamilton’s bailing out of the states in 1790–94. The main exception after 1838 was the assumption of the Texas state debt in 1850. *Ibid.*, p. 227.
36. Bray Hammond, *Banks and Politics in America, from the Revolution to the Civil War* (Princeton, NJ, 1957); Jean Wilburn, *Biddle’s Bank: The Crucial Years* (New York, 1967); John M. McFaul, *The Politics of Jacksonian Finance* (Ithaca, NY, 1972); Richard H. Timberlake, *The Origins of Central Banking in the United States* (Cambridge, MA, 1978).
37. Richard E. Ellis, *Aggressive Nationalism: McCulloch v. Maryland and the Foundation of Federal Authority in the Young Republic* (New York, 2007); Hyman and Wiecek, *Equal Justice*, pp. 55–85. Stephen Skowronek, *Building an American State: The Expansion of National Administrative Capacities, 1877–1920* (Cambridge: Cambridge University Press, 1982), emphasizes the early importance of courts and parties in building a national state.
38. Anthony F. C. Wallace, *The Long, Bitter Trail: Andrew Jackson and the Indians* (New York, 1993), p. 4; Ronald N. Satz, *American Indian Policy in the Jacksonian Era* (Lincoln, NE, 1975).
39. Jack F. Eblen, *The First and Second United States Empires: Governors and Territorial Government, 1784–1912* (Pittsburgh, 1968); Andrew R. L. Cayton, “Radicals in the ‘Western World’: The Federalist Conquest of trans-Appalachian North America,” in Doron Ben-Atar and Barbara B. Oberg, eds., *Federalists Reconsidered* (Charlottesville, VA, 1998), pp. 77–96.
40. Benjamin H. Hibbard, *A History of the Public Land Policies* (New York, 1939); Elazar, *American Partnership*, esp. pp. 131–9, 207–22; Michael F. Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War* (New York, 1999), p. 448. See also Peter S. Onuf, “The Expanding Union,” in David T. Konig, ed., *Devising Liberty: Preserving and Creating Freedom in the New American Republic* (Stanford, CA, 1995), pp. 50–80.
41. Malcolm J. Rohrbough, *The Land Office Business: The Settlement and Administration of American Public Lands, 1789–1837* (Oxford, 1968); Daniel Feller, *The Public Lands in Jacksonian Politics* (Madison, WI, 1984); Hibbard, *Public Land Policies*, esp. pp. 181–96;

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PART **II**

And the War Came . . .

CHAPTER 2

Southern Secession in 1860–1861

BRUCE COLLINS

The main dilemma for scholars of the coming of the Civil War, and more precisely of its main precipitating event, the coming of secession in the South during the winter of 1860–61, resides in the multiplicity of interpretations on offer. It is sometimes easier to say where interpretations are wrong than where a particular interpretation is wholly right. The historian is classically engaged in the perennial dilemma of trying to reconcile long-term historical developments with precise political decisions. Some of the most recent general interpretations of the period continue to highlight this fundamental dilemma. In a monumental two-volume work, the second volume of which has just appeared, John Ashworth provides an excellent example of the highly structured workings of long-term economic and social factors in his analysis of the coming of confrontation between the two sections.¹ On the other side James McPherson in his trenchant and highly successful reassessment of the mid-nineteenth century and the Civil War in particular argues repeatedly for the importance of contingency.² In this chapter I would like to examine a particular theme central to an understanding of secession and consider how recent working have illuminated and clouded it.

Nearly 100 years ago the white Southern historian Ulrich B. Phillips wrote of Georgia's experience of secession, "It is not easy to determine whether the policy of secession was radical or conservative. Its advocates as well as its opponents claim the quality of conservatism for their respective causes, and each party had some ground to their contention."³ In considering the nature of secession we have to distinguish between the political actions adopted during the winter of 1860–61 and the longer-term social and cultural values which those who took those political actions embraced. One

initial interpretative dilemma is how far we assume that those involved in Southern political decision-making (as legislators, party leaders, or voters) understood, and agreed in their understanding, Lincoln's analysis of the long-term future of the United States as being ultimately wholly free or wholly slave and viewed the Republican Party as representing a policy and inclination which would put slavery on the road to ultimate extinction. If there was widespread understanding of these Republican positions, then those espousing secession would have been social conservatives and those opposing secession would have in effect been endorsing a potentially radical change in the structure of the existing slave-based Southern society. While this chapter will return to this particular theme, its initial focus will be on the narrower question of whether politicians were conservative or radical in the immediate political context of 1860–61.

Conservatives or Radicals?

In the last few decades the view that secession was a conservative act by establishment politicians has been most clearly put by Michael P. Johnson in a case study of Georgia. He argues that a new state constitution drawn up by the secessionist convention in March, 1861, revealed the ultimate intentions of those who had embraced secession. Various specific acts taken to revise the constitution of Georgia showed, in his analysis, that the leading secessionist politicians sought to entrench the slaveholders' political power within the state. Secession and subsequent constitutional change amounted to an intentional "double revolution." As Johnson emphasizes, "without the second half of the revolution, the first had little meaning as some conservatives had long understood and some enthusiastic secessionists were beginning to recognize." The concern which lay behind this desire on the part of the slaveholding elite to entrench their political power following their departure from the Union arose from a widespread fear among slaveholders that non-slaveholders would increasingly oppose slavery once an administration took office in Washington which was itself against slavery extension and highly critical of the institution.⁴ To sustain this analysis that secession was a reactionary conservative movement clearly requires evidence to show that this fear was widespread among the slaveholding political elite and that there was indeed a substantial threat from non-slaveholders dissatisfied with or even opposed to the continued existing of the institution of slavery. A great deal of work has been done by historians to substantiate these claims. The argument that there was indeed widespread anxiety and dissatisfaction with slavery from the 1830s—which in itself galvanized a small minority of dedicated proslavery politicians and publicists to stifle such growing sentiments—is the theme of William Freehling's magnum opus, of which the second volume has, again, recently appeared.⁵

A second and wholly different view of the coming of secession derives from an analysis of the dynamics of what recently historians have called the politics of slavery. Since any political system is a highly competitive one in which the pursuit of prominence, position, and place provides a powerful, and sometimes overwhelming, motive force, much of what happened in 1860–61 is explained through the dynamics of political competition. In any political environment, those who are out of office seek to pursue office for its own sake. This is done both through formal opposition parties and through the competition for leadership and influence within a party in power. Given the relative weakness of formal opposition parties in the Deep South, which led secession in 1860–61, much of the cutting edge of driving political ambition came from within the ruling Democratic Party. As national slavery issues had dominated political rhetoric and debate in the Southern states during the 1850s, it followed that the quest for office would hinge on playing up themes and rivalries which revolved around the defense of slavery in the national political arena. Once national sectional rivalries over slavery extension exploded into prominence after 1854, competition within the Southern Democratic Party concentrated essentially on where individual politicians and their supporters placed themselves on the spectrum of arguments and assertions concerning the appropriate defense of the institution of slavery within the United States. It has long been argued, as for example by Horace Montgomery in 1950 in analyzing the secession convention in Georgia, that the secessionist political process “was from its inception in the control of the extremists.”⁶ This is, of course, a highly convenient argument for more restrained southerners to put concerning their own past; the unpleasant initiative in driving the South to the most extreme defense of slavery is conveniently attributed to southerners of the least politically or emotionally admirable character. Clement Eaton in 1961 portrayed the planters as molding their lives on the model of the English gentry but failing to engage in debate about the South’s political and social future in a sufficiently openminded manner. A Whiggish belief in “orderly progress” and scorn for proslavery extremists, as well as abolitionists, had become “overwhelmed during the emotional crisis that preceded the Civil War.”⁷ Michael Holt described the period after November, 1860, as one in which the “radicals orchestrated a powerful campaign of propaganda and pressure.” They flourished because of the particular state of public opinion which gripped the lower South during 1860. Allan Nevins had argued that much of the lower South experienced a “frenzy of excitement,” with South Carolina being “like a bed of charcoal suddenly leaping into flames.” Holt describes “the frenzy that characterized the deep South after Lincoln’s election” while David Potter and Don E. Fehrenbacher remarked that “all of the States were acting in an atmosphere of excitement approaching hysteria.” In these circumstances, William J. Cooper has seen the operation of secession

as the work of the more youthful radical politicians with the well established leaders of the lower South relegated to the back seat.⁸

The main thrust of both these approaches to understanding secession derives from an emphasis on the political reaction to the debates over slavery which had racked America during the 1850s. A third approach to an understanding of secession flows from an attempt to unravel the role played in those political events by longer-term structural economic changes that were affecting both North and South during the 1840s and 1850s. While no one nowadays subscribes to the view that somehow an industrial North confronted an agricultural South, there is widespread agreement that extensive industrialization and urbanization affecting the whole country in the mid-nineteenth century had profound implications for politics across all sections. Yet the precise workings of that impact, and the relationship between political developments and the spread of an industrializing economy, have, predictably, been subject to widely differing interpretations.

One view, most elaborately advanced by J. Mills Thornton, holds that secession was enacted by radical politicians who sought to preserve the radical tradition associated with the purest form of Jacksonian democracy. The social model advanced by the Jacksonians portrayed an ideal America as a society of independent farm owners and small-scale producers whose existence was hardly touched by government interference and whose earnings and livelihood were not sapped and exploited by unregulated banks or ruthless and corrupt business corporations. This radical ideal, which in many parts of the South during the 1840s seemed indeed to fit reality, no longer squared with the increasing pressures of commercialization during the 1850s. As a consequence younger radical politicians exploited the national debate over slavery extension to advance the cause of secession as a means of freeing the South from the main engine of industrial and commercial growth, which was located in the North. But the crisis of modernization existed within the Southern states. The radicals' dynamic energy arose therefore partly in antithesis to the political order of the Southern states individually, since the political establishment condoned increasing commercial development in the 1850s.⁹ This argument thus combines an appreciation of the major economic changes which affected America in the mid-nineteenth century with an analysis of politics which is located in the individual Southern states. That analysis is predicated upon the notion of intense internal competition for power racking a Democratic Party which both embodied the radical Jacksonian tradition and yet formed the political establishment throughout the 1850s. If, at one level, his argument describes secession as being intended to conserve the Southern way of life, at another level it depicts the force which divided Southern politics in 1860 as a radical quest for the preservation of a past Golden Age rather than a conservative accommodation to the South as it existed.

The more deep-rooted variant on the assessment of the impact of economic changes derives from the Marxian tradition. This claims that there were deep sectional antagonisms flowing from wholly different economies, with the one based on a system of slavery and the other based on a system of free labor. Ultimately, for those writing in the Marxian tradition, it was the slaveholding class acting as a class which swept all before it in a decision, setting aside all local and subregional differences, that strictly followed class interests.¹⁰ The most recent elaboration of this view argues that the Southern system, although compatible with merchant capitalism, became increasingly incompatible with the industrial capitalism of the North that emerged in the 1850s, and that the slaveholding class, given the strength of their hegemonic power over the non-slaveholding Southern whites, ensured the breakup of the Union.¹¹ In one sense, therefore, the impact of economic development has given rise to one interpretation which portrays secession as a politically radical act. A further interpretation is derived from Marx's contemporary writings which depict secession as a conservative resistance to the dynamic changes brought about through both the industrialization of the North and its agricultural expansion into the Middle West.¹²

Underpinning much of this debate is a fundamental disagreement over the nature of the political process and its relationship to the underlying structure of white society in the mid-nineteenth century. One view has long been that politics did not empower ordinary, poorer non-slaveowning whites to express their true interests and sentiments. J. Morgan Kousser has emphasized, "Repeated outbreaks of nonslaveowner and yeoman dissent from the 1830s through the 1890s undermined the view that all white Southerners agreed that the protection of slavery and white supremacy ought to be the constant theme of politics." Stephen Ash has argued that during the war itself the arrival of the Union armies in central Tennessee unblocked "the surging tide of militancy among poorer whites," yet this tide rapidly receded owing to "inertial forces among the poor whites themselves."¹³ Such interpretations have become increasingly powerful and important in the last forty years because they open lines of inquiry to a Southern past which is not bigoted, dominated by the values of a slaveholding elite, and racist in its defense of slavery and segregation. It is also important because it flows from the most powerful assumptions about the relationship between popular rule and war.

Americans have long adopted the ideas promulgated by Tom Paine—the great publicist of American rights in 1776—in his later work, *The Rights of Man*. One of his central arguments was that monarchical governments made war, not peoples. One reason for this was that monarchs and their courts did not bear the financial costs of wars and conquering expeditions, but instead loaded them on to their subjects, most recently, in the eighteenth century, through borrowing made possible by national debt. Paine argued that if those

who paid for wars made the decisions concerning martial adventures then wars would cease to be an option. Countries with truly representative systems of government would never go to war with each other.¹⁴ This powerful contention, so central to the making of the earlier American revolution against British rule, has remained a shaping consideration in American thinking and indeed democratic thinking ever since. If it remains axiomatic that democratic peoples do not go to war with each other, it therefore follows that the secession crisis had to be produced by the actions of an anti-democratic elite. This was part of the dilemma raised by the coming of the Civil War in 1861. Lincoln in July, 1861, resolved the dilemma by underscoring the probability that in no state of the South did a majority of the qualified electorate seek secession, with the possible exception of South Carolina itself.¹⁵ It became convenient for conservative-minded apologists for the old South to assert that secession was the handiwork of extremist radicals. And it has become important for those promoting racial integration and harmony in the last fifty years to argue that the political order of the 1850s was not founded upon genuinely widespread white consent. Yet the truth behind such a claim is extremely difficult to sustain, given the facts that Southern states' voters tended to vote overwhelmingly in favor of Democrat candidates and that Southern Democrats by 1860 had come to promote secession.

Models of Secession

Let us now turn to examine the three different models of secession as a conservative or radical revolution in turn.

First, the extent to which the Republican acquisition of power in Washington was seen as the precursor for the establishment of a Republican movement within the South itself has been exaggerated. The conservative reformers in Georgia, described by Michael P. Johnson, produced a new constitution for their state which cut the size of the state senate and made the judiciary appointive rather than elective. This was certainly a procedure which tended to the protection of slavery and other property rights. But, having made a case for the importance and sweeping nature of the constitutional changes produced in early 1861, Johnson then has a problem explaining how it was that the democratic electorate supported this new constitution which apparently went so flagrantly against their interests. Johnson's contention that the campaign mounted by the conservatives was a brilliant exercise in popular patriotism suggests if anything that the mass electorate were indifferent to the issue or incapable of understanding where their own best political interests lay.¹⁶

In fact, a more general point can be made that the issue of proto-Republicanism was very infrequently raised in the Deep South in 1860–61.

The fear may have been cited by secessionists, but it came low down the lists of secessionists' grievances and anxieties. The clearest statement that the Republicans in power in Washington would create a free labor party throughout the South within four years comes in a letter from Senator Robert Toombs to his fellow Georgian politician, Alexander H. Stephens.¹⁷ The latter was notably reluctant to join the secessionist camp, and argued against immediate secession in the late 1850s. Toombs was self-evidently trying to put the strongest possible pressure on his prominent colleague; he had already concluded that the Union would have to end if the Republicans captured the White House in 1860. This argument followed his own decision for secession and did not contribute to that earlier decision. Moreover, a collection of speeches delivered from 12 November to 19 November in Georgia—including addresses by Thomas R. R. Cobb and Robert Toombs, who were leading secessionists—makes no reference to a Republican threat to internal Southern politics; the danger postulated was from federal government interference.¹⁸ Nor did the South's subsequent experience suggest much basis for any internal threat from potential Republicans.

During the war, poorer whites expressed resentment against major slaveowners and their pretensions, but few of them supported Unionism or populist political movements galvanized by Republicans. Despite internal class resentments, the Union army, when it arrived in the upper South, was still identified as an invading force and the main source of the problems which ordinary whites faced. The Union armies' presence was not always unwelcome and indeed could be beneficial—in providing food and security against widespread banditry and disorder in the wake of local Confederate defeat—but the general good conduct of the Northern soldiers did not mean that they or the Republican Party were widely popular or acceptable. After the war, in state elections in 1867, the Republicans secured the support across the South of only about 15 percent of eligible white voters.¹⁹ Non-slaveholding white southerners' reluctance to back the Republicans has been attributed to Confederate nationalism fostered by the war itself, and to the spirit of self-defense provoked by the intrusion of an invading army into ordinary southerners' homelands.²⁰ But the logic of such hypothesizing could readily run in the opposite direction. Let us assume that the individual states' majorities for secession were obtained through the political will of the slaveholding elite, through trickery and often intimidation, and through a rushed timetable that denied secession's opponents a long enough period in which to organize their campaigning. Let us assume further that the war, with its privations, taxes, inflation, and requirement that poor men fight to protect slaveholders' interests, confirmed many non-slaveholders' suspicions of and resentments against the planters and the political elite. Having been denied a proper say in the decision for secession, and then having been squeezed by wartime impositions, surely these non-slaveholders, who never

believed—we are told—the prewar rhetoric about a separate South and the benefits of slavery, would have welcomed the Republicans even more warmly because of the way in which they had been treated in the late 1850s. In fact, little of this happened. Yet the explanation that this indifference resulted from the vibrancy, or at least viability, of wartime Confederate nationalism seems strained. If the decisions of 1860–61 ran as thoroughly and deeply against majority white opinion as has been claimed, it would surely be improbable that remembrance of so vast a betrayal at so devastating a cost would have disappeared by 1863–64. This failure of the Republican Party, portraying itself as the poor whites' friend after a conflict in which poorer whites had fought and suffered for the slaveholders' interests, shows how very little real prospect there had been for the development of a proto-Republican crusade in the antebellum South.

Nor was this at all surprising. The Democratic Party itself articulated values which were perfectly consistent with the non-slaveholders' aspirations. The political and financial impositions thrust by Southern state governments upon ordinary citizens were extraordinarily weak. The legal system was loose; punishments were light; the restrictions on personal movement and access to subsistence resources were negligible. Legislative petitions submitted to state legislatures show very little articulation of class grievances in the 1850s, when the most significant issue raised in such petitions concerned temperance reform in the middle of the decade. Militia duties fell far short of being oppressive. Taxes remained incredibly low. For example, forty-eight of 132 Georgia counties in 1860 either made no returns on local school taxes or reported none having been raised.²¹ Peter Wallenstein has noted that the non-payment of poll tax disqualified voters and speculated that the rich may well have paid the taxes of poorer voters in order to secure their votes; yet the annual poll tax in Georgia in the 1850s was 25c per white male aged twenty-one to sixty years, at a time when a laborer in that state could easily earn 50c in a day.²² The physical environment of the antebellum South was scarcely idyllic, but it offered extraordinary amounts of physical and psychological space for poorer and middling whites. Through most of Mississippi, Alabama, upstate Georgia and even much of South Carolina in the 1850s there were scarcely any towns and no politically mobilized channels of discontent against the prevailing order.²³ It is scarcely credible that a Republican ideology founded upon quite complex notions of wage labor, highly commercial agriculture, thriving market towns, high levels of education, moral concerns about enslavement, and a commitment to a dynamic mixed economy galvanized by a more elaborate banking system and tied together by more diverse forms of transport corporation should have commanded more than a very limited appeal in the rural prewar South.

The second interpretation seems equally untenable. It is easy to see why secession was portrayed as a radical strategy pushed forward by the younger

generation of politicians out of office within the South. Naturally, the election campaign of November, 1860, and the subsequent elections for state conventions were accompanied by much excitement, propaganda, even sometimes physical violence. Among Democrats, a good deal of the work in the counties of the Southern states and in the delegate conventions was indeed the responsibility of younger politicians and younger lawyers on the make.²⁴ But this phenomenon may be partly explained by the fact that, among the Democrats, the older men were already office holders and therefore in positions which required some circumspection during a crisis which would lead to a constitutionally dangerous conclusion. The secession movement in that sense created a separate track of political activity from that in which the party leadership already engaged. Younger party activists were clearly far better suited to opening up that parallel track, but this did not mean that the established politicians objected to this activity or were reluctant to engage themselves in the process of secession. There were also advantages to be had in bringing fresh faces into the movement. Senator James H. Hammond of South Carolina was delighted at the speed of secession and emphasized that “it was a movement of the *People* of the South” and not a “bullying movement of the politicians.” And to set against the accounts of secession which portray it as accompanied by violence and intense propaganda we have other observations. The Rev. C. C. Jones of Savannah, Georgia, noted of a large crowded meeting in the city which supported secession, “The meeting was remarkably peaceful and orderly and elevated, with an entire absence of folly and rowdyism.” More generally, for the South Carolina low country, it has been noted that the arguments for secession were strongly and widely pressed throughout the years 1858–60 and that by 1860 almost all the prominent clergymen in the coastal and interior low country supported disunion. In Texas F. B. Sexton, chairman of the state Democratic convention of 1860, wrote of a secession meeting, “The sober, reflecting, sterling men of the country were present and no division of feeling existed.”²⁵

The more important fact is that the political leadership of the South created the crisis which led to secession. The insistence, articulated first in the mid-1840s and then redoubled from 1854 onwards, that slavery had to be introduced into new territories acquired in the West formed the main argument of the Democratic party leadership. By September 1858 Senator Albert G. Brown of Mississippi told a party meeting in his state, “you must give up the Union or give up slavery.” He explained:

The sentiment of hostility to the South and its institutions is widening and deepening at the North every day. Those who tell you otherwise are deceived or they wilfully deceive you. Twenty years ago this sentiment was confined to a few fanatics; now it pervades all classes, ages and sexes of society. It is madness to suppose that

this tide is ever to roll back. . . . I was raised in awe, in almost superstitious reverence of the Union. But if the Union is to be converted into a masked battery for assailing my property and my domestic peace, I will destroy it if I can, and if this cannot be done by direct assault, I would resort to sapping and mining. . . . Now, as in 1850, I do not fear the consequences of disunion. I do not court it, but I do not dread it.²⁶

The only remaining guarantor of the Union was the Democratic Party. Yet Brown dismissed the doctrine of popular sovereignty—which Northern Democrats saw as vital to their electoral chances within their section—as “a wicked cheat or a mischievous humbug.” The attempt represented by that doctrine to compromise the constitutional and political issues created by the drive for slavery’s extension into the western territories was further torpedoed by Brown and his fellow senator from Mississippi, Jefferson Davis, in February 1859. They introduced Senate resolutions insisting upon federal government protection for slaveholders in all the federal territories. This demand for a so-called federal slave code destroyed the extraordinary efforts by which Northern Democrats had tried to paper over the increasingly broad cracks in their own national party’s political edifice.

During the summer of 1859 Democratic state conventions in, for example, Mississippi and Louisiana made absolutely no concessions on national policy to their northern Democrat colleagues. The only forward-looking policy that they demanded was the annexation of Cuba from Spain. Such a measure had been formally recommended to the Senate by its Committee on Foreign Relations in January, 1859, with the extraordinary assertion that acquisition had long been a strategic goal of the United States and that popular support for the measure commanded “a unanimity unsurpassed on any question of national policy that has heretofore engaged the public mind.” Of course, the aim was to add 581,000 slaves (out of 1,586,000 people on the island) to America’s population.²⁷ The Mississippi Democratic state convention of July 1859 declared openly that a Republican victory in the presidential election of 1860 would lead to Mississippi’s preparations, singly as a state or in cooperation with other states, to secede.²⁸ In December 1859 Vice-president John C. Breckinridge addressed the legislature of his home state of Kentucky. He portrayed the Democrats as the guarantors of the constitution and tried to moderate Southern opinion by saying that he hoped there would never be a need for a federal slave code, preferring instead that southerners rely for the protection of slavery within the territories upon the executive branch of the federal government. But he had no doubts that the Republican Party posed a dreadful threat to Southern rights and the South’s future, stressing, “we will have no peace until the Republican Party is destroyed, which can only be done by producing a reaction upon the

public mind of the North.”²⁹ Yet when Breckinridge became the Southern Democrats’ presidential candidate in 1860 he offered nothing to the Northern Democrats to enable them to beat the Republicans upon their home ground. The last months of 1859 had spread despondency among many in the Southern political elite. John Brown’s raid upon Virginia, with clear evidence that some Republicans had supported this highly dangerous direct action, and the easy victory of the Republican Party in the New York state elections, prefiguring a strong Republican performance in the North in the following year’s presidential contest, decisively fueled that sense of gloom. Senator Robert Tombs of Georgia wrote to a close confidant on December 4, 1859, that, if the Republicans won the election of November, 1860,

I see no safety for us, our property and our firesides except in breaking up the concern. I do not think it wise for the South to suffer a party to get possession of the government whose principles and whose leaders are so openly hostile not only to her equality but to her safety in the Union, and . . . if such a calamity should come, we should prefer to defend ourselves at the doorsill rather than await the attack at our hearthstone. I think it madness to wait for what some people call “an overt act.”³⁰

In the same month, Governor M. S. Perry of Florida indicated in his annual message to the state legislature that he favored “an eternal separation from those whose wickedness and fanaticism forbid us longer to live with them in peace and safety.” Governor Joseph E. Brown of Georgia at the same time told his state legislature that the arguments were over and that the state now needed to look to its armaments for protection in the future. In February 1860 the Alabama state legislature followed the Democrat state convention’s resolutions by calling for elections to a state convention if a Republican won the presidency. This motion was passed by a virtually unanimous majority. By early April the political elite in Texas were preparing themselves for the strong possibility of secession.³¹

The record of the Southern Democrat leadership from the introduction by Brown and Davis of their federal slave code resolutions in February, 1859, to the presidential election of November, 1860, demonstrates unambiguously its total lack of interest in, let alone commitment to, defeating the Republican movement in the North. The only concern which the Democratic leadership of the Southern states displayed in this period was to ensure that the national Democratic Party maintained a firm commitment to the constitutional principle of permitting slavery in the western territories of the United States. Given this extraordinary preoccupation with legalism and constitutionalism, and the potentially explosive consequences of allowing that preoccupation to open the way to a Republican victory in the

presidential election of 1860, it is difficult to see how Avery Craven could have concluded, "As the summer of 1859 wore on, it became increasingly apparent that conservative men and attitudes dominated the South."³² The conservative position, of insisting on the complete defense of slavery, played into the radicals' hands and of course sat very ill with the normal requirements of conservative statesmanship, namely to manage necessary changes in ways which minimize the subsequent disturbance to the prevailing order.

The fact that the political establishment did nothing to avert a crisis leading to secession weakens the third interpretation being considered here. This claims that the radical younger politicians in the Democratic Party sought to purify their party by removing the political elite, through constant pressure for more radical national policies to protect slavery. If the elite was actually doing all it could to protect slavery in the national political arena, then this particular way of outflanking the elite would appear to have been a somewhat unpromising approach.

Southern Modernization?

But it is still worth considering the extent to which there was a modernization crisis in the lower South during the 1850s. The argument for a modernization crisis contends (simply summarized) that the incumbent Democrat establishment came under increasing suspicion as having sold out to essentially Whig ideas, and therefore provoked a drive by radical younger politicians to return the South to Jacksonian verities of rampant individualism, closely controlled banks and business corporations, and more widely celebrated agrarian virtue. The purification of the Democratic Party therefore meant opposition to banking and to state financial assistance to railroads as well as the promotion of secession. Although the outcome of that process might have proved to be politically and ideologically complex, the basic premise remains that modernization reshaped the political order.³³ Yet the case for widespread modernization can be gravely overstated. Southerners did indeed build up their railroad system in the 1850s but the railroads themselves were instruments of changing commercialization rather than vehicles for economic revolution. There were, after all, only railroads. They were very useful in speeding up access to the market, but most of the Southern effort put into the building of railroads in the 1850s took the form of lumber, for constructing the track and rolling stock as well as for providing fuel.³⁴ Southern railroad systems had very little manufacturing impact on the slave states in the mid-nineteenth century; moreover, there were relatively few new towns arising as railway junctions. Atlanta did indeed flourish in this role but it was still a very modest-sized town by 1860. So, too, in banking the Deep South maintained almost exactly the same share of U.S. bank liabilities of circulation and deposits by 1860, as it had in 1850, and it remained a

section of the country with relatively primitive banking facilities. In the case of Alabama, where the modernization crisis has been described by Thornton, the number of banks did indeed multiply during the decade, but only from two in 1850–51 to eight in 1860. This hardly constituted the “rather extensive banking system” described by Thornton.³⁵

To illustrate more fully the difficulties of establishing a close relationship between secessionism and a modernization crisis let us turn to the example of Georgia.³⁶ There a new Governor, Joseph E. Brown, was elected in 1857 as a young ambitious politician who was to become a keen secessionist in 1859–61 and who represented the hill country of the state, which was economically deprived by comparison with the seaboard and the middle section. Georgia faced intense disputes over banking and railroads in the late 1850s, and this would fit in with the general notion of public concern about the impact of economic change on social and political values. Following the years 1850–56, when numerous new banks were chartered in the state, the banking system suspended specie payments in October, 1857, in the midst of a national banking crash. Under a law of 1840 any bank suspending payments lost its charter, so there was clearly a demand immediately from the banks for special legislative permission for such suspension. The state House of Representatives passed a Bill permitting suspension by sixty-four votes to fifty in December, 1857. But, among the members whose party affiliation has been identified, a small majority of Democrats (thirty-seven to forty) failed to support this major piece of legislation.

Governor Brown decided to veto the suspension legislation measure amidst a burst of pure Jacksonian anti-banking rhetoric. This veto was itself overturned by a two-thirds majority, with more Democrats now favoring the banks than opposing them. Such a legislative reversal led Brown to engage in a public campaign during 1858 against the banks and their behavior during the financial crash. Many politicians commented that Brown planned to make bank reform and the establishment of a state subtreasury system a key plank in his own reelection campaign in 1859, and newspaper rhetoric began to depict Brown as a new Jacksonian hero waging a populist crusade against vested economic interests. This image would fit the model of a secessionist Jacksonian crusader opposed to the political establishment and to economically privileged institutions. But in fact the issue emerged only as a result of the panic 1857, and not as a structural issue before that crash, and it receded from public consciousness and debate during 1859 and 1860 when the financial panic's consequences ebbed for the South. Cotton prices remained buoyant and cotton exports boomed at the end of the decade, so acting countercyclically to the remainder of the American economy.

The other area in which state policy intersected with major economic institutions concerned railroad development. Georgia had provided substantial

state financial aid for railroads before 1853, with the state debt burgeoning during the years 1851–53. The state’s finances then stabilized from 1855 to 1860 when the state enjoyed one of the most stable periods in its fiscal history to that date. Although one might have assumed that the Democrats’ opponents, political descendants of the Whigs, would have favored state support for the extension of the state’s transport infrastructure, in fact the opposition pressed before 1857 for the sale of the state-owned Western & Atlantic Railroad. In response, Democrats in 1857–58 put up proposals for further state aid to four railroads, although these schemes were defeated in the state legislature in both 1857 and 1858. While small majorities of Democrats favored further aid, the opposition members overwhelmingly opposed extension. Given this record, little pressure remained by 1859 for big new financial schemes to aid the state’s railroads. Yet some of the keenest support for additional state aid to the railroads came from northern Georgia, the mountain region from which the Governor himself came, and which wanted extra support for railroads to overcome the area’s remoteness and economic backwardness. This area, which on the whole was anti-banking in sentiment, was at the same time favorable to railroad development in 1857–58.

The most thoroughgoing enemies to further modernization in the later 1850s were not the Jacksonian radicals. The so-called promotional, Whiggish opposition party’s lack of enthusiasm for further state aid was both partisan (since they wished that the ruling Democrats should get no further jobs or patronage) and related to the fact that the opposition was strongest in established urban centers which already had adequate transport services. The dynamics of political competition, and the regional and subregional balance of economic self-interest, had far more to do with the way in which economic issues were handled than did an ideological crusade to restore Georgia to Jacksonian simplicities. But Democrats who opposed corporate power were not necessarily frustrated political “outs.” In the midst of the row over railroad development, the Secretary of the Treasury, Howell Cobb, urged Governor Brown not to involve their home state in aiding railroads: “Guard our good old state, I pray you, from this quicksand, which has foundered so many of our sister states.”³⁷

The experience of Georgia was in some ways replicated in Mississippi. There, however, no banking expansion occurred during the 1850s to provoke a need for radical reform. Efforts to loosen some of the very tight regulations governing the issue of small-denomination banknotes were defeated by anti-bank or anti-paper currency Democrats in 1857–58. The Democrats’ leading state newspaper at Jackson, the state capital, hammered away against any moves to bring about the wider issuance of paper currency, denouncing banks as “vampires” and “soulless corporations.” It welcomed hints in late 1857 that a national debate over paper currency might lead to the

“resuscitation of this old Jackson Democratic issue.”³⁸ Although the state Governor, William McWillie, in 1857–59 urged state aid to the development of railroads, the Democratic majority in the state legislature resisted any such recommendations. Interestingly enough, the argument for such promotion of the railroad network derived strength in the Governor’s mind from the need to bolster Mississippi’s independence as a state.³⁹ Even this argument cut no ice with the legislators, many of whom were reminded (if they did not themselves recollect) that the state had got into considerable debt in the late 1830s and 1840s through the over-ambitious provision of financial assistance to railroad companies. The more general point from Mississippi stands out starkly. No process of state-backed modernization swept the state during the 1850s to provide a target for disaffected purists to criticize or reject.

More generally, while important economic and commercial changes affected the South in the 1850s, and no doubt created anxieties for many old Jacksonians, it is impossible to link these anxieties to programmes of modernization in particular states. Moreover it is difficult to link them to secessionism, especially since many ideological secessionists argued for diversification and at least some degree of industrial development in order to strengthen the South’s chances of securing an independent economic existence in the future. Moreover, while it is easy to see that a Jacksonian model existed for a producerist economy, the practice of politics by the Democratic Party in the 1850s meant that the ideological model was often ignored or severely qualified by Democratic state parties. The strongest potential example for a politician trying to launch a Jacksonian-style crusade in the late 1850s was Governor Brown of Georgia and he did not subscribe to anti-modernization ideas on the state’s role in assisting railroad development. Nor did economic circumstances encourage him to persist with anti-banking themes after 1858.

Nature of the Secession Crisis

The secession crisis from Lincoln’s election and to the establishment of the Confederacy in February 1861 had long been forecast. As Don E. Fehrenbacher has written:

All the passion of the sectional conflict became concentrated, like the sun’s rays by a magnifying glass, on one moment of decision that could come only once in history—that is, the *first* election of a Republican president. If secessionists had not seized the moment but instead had somehow been persuaded to let it pass, such a clear signal for action might never again have sounded.⁴⁰

The Southern political establishment led that process.

As Jefferson Davis wrote on January 17, 1861, “The Election was not the Cause it was but the last feather which you know breaks the Camel’s back.” Senator Davis had played a full role in arguing for the most complete form of possible federal protection for the institution of slavery during early 1859. By January, 1860, he was satisfied that “there has been a great advance in public opinion towards the Southern rights creed. We are now all-powerful at the South, but are still in a minority at the North.” In May, 1860, in a long Senate speech, he repeatedly stressed that the government of the United States consisted of a “compact” between sovereign members. That compact depended upon vital principles of equality between the states and respect for and adherence to “community independence.” While he argued that he hoped the Democrats would reunite as a national conservative party, he would accept no compromise by acceding to the Northern Democrats’ ideas concerning popular sovereignty in the territories. At the same time he argued that agitation which had started as a quest for sectional power had now developed into a full-blown Northern attack on slave society. From September 21, 1860, to the presidential election Davis toured quite extensively in his native state of Mississippi. Immediately after the election his own preference was to try to move cautiously to try to ensure that eight to ten states acted together. But, interestingly enough, he advised Robert Barnwell Rhett of South Carolina that if his state seceded and the federal government tried to coerce it back into the Union, then the whole South would unite to defend South Carolina’s actions; at the same time, he advised that South Carolina need not wait for Abraham Lincoln to enter the White House before seceding. Within Mississippi, Davis, together with the state’s other Senator and Congressmen, met the Governor in early November for a two-day session. Although Davis argued for delay and for secession only by a number of states working together, the group decided by a four to three majority to call a special session of the state legislature to discuss the situation. On November 30 Davis contacted Eli Whitney concerning the shipment of arms to Mississippi. In early December he was speaking in the Senate of impending war and the secession of his own state, and on December 14 he added his name to a declaration that the Union could not work and that a Southern confederacy had to be organized speedily. On January 5, 1861, Davis joined a caucus of senators from Georgia, Florida, Alabama, Louisiana, Texas, Arkansas and Mississippi which resolved that those states should secede immediately and that a convention should meet at Montgomery, Alabama, on or before February 15 to form a new government. When he delivered his own personal farewell address to the United States Senate on January 21, 1861, Davis asserted that he had conferred with the people of Mississippi before the decision to secede had been taken and that for many years he had maintained that the right of secession was “an essential attribute of State sovereignty.”⁴¹

While Davis did not, immediately on Lincoln's election, publicly call for secession and confrontation, he had every reason to proceed with caution. He knew the risks of taking such a step from his experience of the struggle in Mississippi in 1850–51 over the acceptance of the compromise of 1850. At that time he had adopted a strong state's rights approach and had found himself in advance of political opinion within Mississippi, defeated in his effort to ensure the rejection of the compromise measures.⁴² The experience of 1851, when state political opinion had accepted a political accommodation which he wished to reject, would naturally have made him cautious in the crisis of 1860. Such a reaction was reinforced by the fact that Davis himself wanted to see a concerted response by the Southern states to the challenge of Lincoln's election. Southern leaders discussed at enormous length from November, 1860, to February, 1861, the various tactical considerations which influenced secession. Some southerners wished to wait until Lincoln occupied the White House and to see whether there was an overt act against slavery or the South which would then become the occasion for a grand reaction right across the whole section. Within the Deep South, probably a majority of political leaders came to the view that secession should occur before Lincoln did in fact take up power in the first week of March, 1861. But there were many different arguments as to how far the intending secessionist states should wait to cooperate together or simply follow their own individual paths out of the Union. While many of the younger hotheads may have sought immediate action, the more experienced political leaders, the vast majority of whom were trained lawyers, naturally sought to consider some of the legal, constitutional and, ultimately, military consequences of individual states' acts of secession.

But, to conclude, from the public enthusiasm for secession of some of the younger activists and the reluctance among many of the political establishment to declare immediately and explicitly for secession, that the leading Democrats of the Deep South were fiercely divided over secession exaggerates those essentially tactical differences. Disagreements over procedure and precise tactics were only to be expected in a situation which was potentially highly complex and, to put it mildly, fraught with explosive and dangerous consequences. The fact remains that even moderate Democrats had been closely involved since the summer of 1860 in tactical cooperation with those who were known to be committed to secessionism. The Southern Democratic candidate for the presidency, John C. Breckinridge, had never himself pressed for a federal slave code or commented on the right of secession, but he had not dissociated himself from out-and-out dis-Unionists such as William Yancey of Alabama. One Southern newspaper pointed out, "Mr Breckinridge claims that he isn't a dis-Unionist. An animal not willing to pass for a pig shouldn't stay in the sty."⁴³

By 1860 all the Democratic Party organizations of the seven Deep South states, and indeed many of those of the upper South as well, had placed their own preoccupations with the future guarantee of the position of slavery within the Union at the heart of all political debate. In setting national political agendas by 1860, Southern Democratic party organizations made no concessions whatsoever to Northern political opinion. Every so often Southern Democratic leaders pointed out the advantages of their own view of the Union as a compact between the states and America as a plural society in which different religious and civil preferences would be allowed to flourish through the operation of state sovereignty. But the political programme they offered to the nation was an essentially passive one, of adhering to an agreed structure which permitted states to get on with the ordering of their own internal affairs. Where the federal government was concerned they insisted increasingly on full federal protection for slaveowners to move into federal territories with their property rights in slaves guaranteed. They also supported occasionally an assertive foreign policy, including the possible acquisition of Cuba, with its slaves, from Spain. But, significantly, accompanying this vision of limited government in America as a whole, an increasing number of southerners became ideological secessionists. They believed that the safety of their section lay ultimately outside the Union, since Northern public opinion was becoming increasingly critical of, if not actually hostile to, slavery and all its ramifications.

It has been suggested that a longer period of reflection after November, 1860, might have prevented the decision to secede. This makes sense if it is assumed either that the politicians did not represent the interests or opinions of the Southern electorates, or that the arguments for secession were novel or fresh. In fact, the defense of Southern constitutional rights and the case against Northern antislavery and the Republican Party had been repeated in election after election throughout the 1850s. Even in South Carolina, the least democratic state of the South, the issues which dominated the secession crisis had been debated fully, publicly, and repeatedly in 1851–52 and in 1858–60.⁴⁴ Nothing new emerged in 1860 except an explicit assessment of the timing of secession, and even that factor had been aired from 1857 and in some quarters, earlier.⁴⁵ Moreover, no basis existed for reconciling Southern claims with the Republicans' firmly held positions, other than through one side's capitulation to the other.⁴⁶

The extent of southerners' commitment to the proslavery cause is well illustrated by the limited assistance offered by southerners from the upper slave states to the process of political compromise in the early months of 1861. Much serious discussion focused on resolving the dispute between the seceded Deep South states and the federal Union. From various schemes put forward, most notably the so called Crittenden compromise, named after a prominent Kentucky senator, it is easy to demonstrate how far even moderate

political leaders of the upper South went in their adherence to slavery. All the various compromise schemes endorsed by politicians from the upper South stipulated that slavery would be protected by constitutional amendment in states where it already existed. So, too, a constitutional amendment would prohibit Congress from interfering with slavery in existing territories in America south of the line 36°30', the old Missouri Compromise line of 1820. The proposed Crittenden compromise went even further and stated that any territory acquired in future by the United States which lay south of the line of latitude 36°30' would be open to slavery; this claim was rejected by virtually all Republicans, since it gave every encouragement to Southern politicians to press for the acquisition of territories in the Caribbean or from Mexico. But, even without that particular additional protection, all the various compromise schemes entrenched slavery where it already existed and offered some prospect for the future extension of slavery into territories which could conceivably become additional slave states.⁴⁷ This latter concession was anathema to Republicans. Once Republican politicians decided to reject these particular constitutional proposals, then the compromise movement in the upper South had nothing to build upon.

As events transpired, of course, Lincoln's decision to coerce the South Carolinians after they fired upon Fort Sumter wrecked any hopes for a compromise peace among politicians from the upper South. The resort to force was wholly unacceptable to them. Both on constitutional grounds and in terms of the political limits upon the use of force which the upper South required, those political leaders of the upper South who were often referred to as the reluctant dis-Unionists were actually also reluctant Unionists.⁴⁸ Public reactions to the secession crisis well illustrate the rapid decline in Unionists' support in the wake of secession and particularly in the aftermath of the firing upon Fort Sumter. A study of Lawrence County, Alabama, which was the county most opposed to secession in that state, shows that by February, 1861, opposition to secession had fallen, with most public leaders in northern Alabama moving to support separate state secession. Once the war began, concerted efforts were made to organize the county for military action and to hold county society together during the war. When in 1862 there was a direct federal military presence in the county, men were stimulated in large numbers to join together in defending their homeland. In Tennessee there was a dramatic shift in opinion. On February 9, 1861, all four major geographical divisions of the state voted heavily for pro-Union delegates to a convention. After Fort Sumter, however, political opinion in the state shifted dramatically and a referendum on June 8, 1861, resulted in majorities of 68 percent, 80 percent and 89 percent of voters favoring secession in three of the state's divisions, with only eastern Tennessee voting by 69 percent to 31 percent against separation. That eastern division of the state had only 9 percent of its population enslaved in 1860.⁴⁹ Lincoln's claim,

that the secessionist majorities, even in Virginia and Tennessee, resulted from coercion or the implicit threat of coercion, has not been substantiated other than by reference to specific instances which may or may not have been representative.⁵⁰ Historians' desire to see secession as an undemocratic, even deliberately anti-democratic, act can affect the weight given to such evidence. There is plentiful contrary evidence that a sense of gloomy inevitability influenced the upper South once fighting began. For example, a leading North Carolinian Unionist, Zebulon B. Vance, noted that when news of Fort Sumter arrived his hand fell "slowly and sadly by the side of a Secessionist."⁵¹

Most Southern Unionists believed that the Union should make concessions on the extension of slavery which the Republicans, who had secured the presidency through wholly constitutional and legitimate means, rejected as a policy. They also required that the Union should restrict its ability to act as a government by avoiding the legitimate use of force in the defense of its territories and its fortifications. The leading Upper South politicians therefore assumed that the federal government was indeed a compact between the states and that the presidential election of 1860 lacked legitimacy. These views were scarcely compatible with Unionism in 1861. Lincoln rejected the doctrine of state sovereignty and its corollary, the right of peaceful secession. He claimed that a small group had systematically developed and propagated that "sophism"; "With rebellion thus sugarcoated, they have been drugging the public mind of their section for more than thirty years." He therefore also rejected the Southern challenge to the whole concept of "a constitutional republic, or a democracy—a government of the people, by the people" having the right to defend "its territorial integrity, against its own domestic foes."⁵² Instead, Southern Unionists reacted as if the new administration in Washington was simply there as a dealmaker rather than as a political movement which had won the presidential election in every state of the North, in a section which incorporated the majority of the people of the nation. This persistent refusal to abide by the majoritarian decision showed the extent to which even the upper South endorsed the ideological secessionists' states' rights views and their insistence on the fullest possible constitutional defense of the institution of slavery.⁵³

The discussion in this chapter began by asking how far secession was a conservative or radical act. Some historians have tended to portray secession as the action of radical hotheads throwing aside the restraints and conventions of the political system. If this political radicalism served the self-evidently conservative objective of preserving slavery, it was also inspired, in some accounts, by a desire to entrench a radical, Jacksonian economic and social order. Against this dynamic, politically radical model of Southern secession may be set various interpretations which insist that the crisis of 1860 was the handiwork of the slaveowning elite. Some such interpretations set the breakdown of the Union as an almost inevitable structural

crisis that had to erupt if the South continued in its determination to adhere to slavery. Republican free labor ideology reflected the changing Northern mode of production and articulated the contradictions which could only increase between an industrializing and commercial system and a slave-based economy still set in the stage of merchant capitalism. Other interpretations argue that secession was brought on by a political elite. In one view, the slaveowning class feared the future emergence of a Southern Republican movement among the non-slaveowners, and used secession as a means of introducing constitutional changes to constrain the rights, powers, and opportunities of non-slaveowning citizens. In another view, the elite had choked off popular antislavery dissent for decades and wished to create a new republic in which their dominance could be preserved. These various interpretations all raise difficulties when confronted with the events of the 1850s.

The qualifications offered in this chapter point the way to examining secession with two controversial considerations firmly in mind. The first acknowledges that the South was, mainly, a viable and indeed lively democracy by the standards which prevailed in the “Western world” before 1918. While there were defects and lapses in this polity, the Southern system was (for whites) far more open and democratic than any other in the mid-nineteenth-century world, except for the North’s. Voter participation far exceeded, for those enjoying the vote, the level of white male participation today. That white democracy, offering plentiful scope for ambitious political opportunists to enter and manipulate, spawned no significant antislavery political movement in the 1850s. Indeed, after the war the record of Southern white support for the Republicans or for reform in race relations proved to be pathetic. George M. Fredrickson’s argument for the existence of a *Herrenvolk* democracy in the South provides a convincing explanation of this phenomenon, even though his interpretation disappoints those who would like to believe that ordinary non-slaveholding whites supported the slave system only because they were duped by the hegemonic power of the slaveocracy’s ideology.⁵⁴

A second fundamental contention needs to be linked to this notion of a viable Southern democracy. Despite all their personal rivalries, animosities, and jockeyings for place and power, Southern politicians agreed that their section faced a major political crisis in the 1850s. That crisis may have been, in important respects, intensified by the politicians themselves or by Southern fire-eaters promoting an array of arguments in favor of separation. But the debate over slavery was not controlled by Southern politicians and propagandists. Northern antislavery and abolitionist sentiment grew enormously from the 1830s, and it permeated Northern religious as well as political life.⁵⁵ The proslavery apologists’ claim that Northern opinion became increasingly critical of slavery during the 1850s flowed from neither

fantasy nor political gamesmanship. Congressional debates may have become exasperatingly legalistic, but they translated into legislative and constitutional terms those far wider concerns over the South's peculiar institution. It was no wonder that Southern politicians became almost entirely preoccupied with the defense of slavery and the South from 1854 onwards. Although they had the leeway to contain and channel that debate—choosing instead on occasions to intensify it—they could never control the national controversy over slavery.

The ideological secessionists' position was formulated in the 1830s and widely promoted from the late 1840s. The turbulent debates of the mid-1850s over the fate of slavery and the newly opened territories of Kansas and Nebraska simply served to strengthen and propagate the views of those who had seen that Northern antislavery opinion would inevitably increase. In July, 1851, Jefferson Davis, while campaigning in Mississippi, had declared, "If secession presented the only alternative to social and political degradation, he believed Mississippi would adopt the alternative, even had her citizens to leave their widows and orphans alone to weep upon her fields."⁵⁶ Later in the decade Davis did nothing to prevent the drift to secession; indeed, his political actions accelerated that movement. And when the secessionist crisis came he involved himself deeply in the management of the process towards secession, in the realization that secession was likely to lead also to war. The arguments which came to a head in 1860 had been debated exhaustively, in election after election and in state after state, during the 1850s. They concerned the very future of the South in the Union. No political movement of any significance arose in the South after 1854 to proclaim the importance of other issues or to dismiss the politics of slavery as merely projecting the concerns and interests of an elite. Southern politicians put the vital question of the future of the section's political and social order repeatedly and passionately to their white electorates throughout the decade. The overwhelming response was that slavery and slaveholding rights should be defended with the utmost vigilance and vigor. Given the white electorates' repeated endorsements of this agenda, the secessionists acted logically in 1860. The probability remains—however unpalatable to us—that there was far more consistency between the decision to secede and the beliefs held by white electorates than recent interpretations of these events have allowed. Jefferson Davis's declarations offer a salutary reminder that politicians often do what they say they will do.

Notes

1. John Ashworth, *Slavery, Capitalism, and Politics in the Antebellum Republic I, Commerce and Compromise, 1820–1850* (Cambridge, 1995), pp. 13–15, 493–8. Excellent discussions of the social and ideological gulf between the sections may be found in, for example, Eric Foner, *Politics and Ideology in the Age of the Civil War* (Oxford, 1980), chapter 3; Bruce Levine, *Half*

- Slave and Half Free: The Roots of Civil War* (New York, 1992). Among recent approaches to explaining Southern secession, the more structural approach adopted by Ashworth seems more fruitful than the intense focus upon contingency provided by Freehling. John Ashworth, *Slavery, Capitalism, and Politics in the Antebellum Republic II, The Coming of the Civil War, 1850–1861* (Cambridge, 2007), pp. 167–72; William W. Freehling, *The Road to Disunion II, Secessionists Triumphant, 1852–1861* (Oxford, 2007).
2. James McPherson, *Battle Cry of Freedom: The Civil War Era* (New York, 1988), pp. ix–x. There is an excellent analysis in Brian Holden Reid, *The Origins of the American Civil War* (London, 1996), pp. 260–79.
 3. Ulrich B. Phillips, *Georgia and State Rights* (1902, repr. Yellow Springs, OH, 1968), pp. 207–8.
 4. Michael P. Johnson, *Toward a Patriarchal Republic: The Secession of Georgia* (Baton Rouge, LA, 1977), pp. 106, 123.
 5. William W. Freehling, *The Road to Disunion I, Secessionists at Bay, 1776–1854* (New York, 1990), pp. 185–210, 289–307, 459–74; see also Vol. II, *Secessionists Triumphant*.
 6. Horace Montgomery, *Cracker Parties* (Baton Rouge, LA, 1950), pp. 248–51.
 7. Clement Eaton, *The Growth of Southern Civilization, 1790–1860* (New York, 1961), pp. 1–2, 297, 313, 323–24. An important work on Southern critics of slavery links some of those dissenters with the Whigs. Carl N. Degler, *The Other South: Southern Dissenters in the Nineteenth Century* (New York, 1974), pp. 79–96, 166–9.
 8. Michael F. Holt, *The Political Crisis of the 1850s* (New York, 1978), pp. 219, 221, 224, 240; Allan Nevins, *The Emergence of Lincoln II, Prologue to Civil War, 1859–1861* (New York, 1950), p. 318; David M. Potter, *The Impending Crisis, 1848–1861*, completed and ed. Don. E. Fehrenbacher (New York, 1976), p. 500; William J. Cooper, Jr., *Liberty and Slavery: Southern Politics to 1860* (New York, 1983), pp. 268–76.
 9. J. Mills Thornton III, *Politics and Power in a Slave Society: Alabama, 1800–1860* (Baton Rouge, LA, 1978), pp. xviii–xix, 268–76.
 10. Karl Marx and Frederick Engels, *The Civil War in the United States* (New York, 1961 edn.), p. 81.
 11. Ashworth, *Slavery, Capitalism, and Politics in the Antebellum Republic*, pp. 345–50, 361–5; Elizabeth Fox-Genovese and Eugene D. Genovese, *Fruits of Merchant Capital: Slavery and Bourgeois Property in the Rise and Expansion of Capitalism* (Oxford, 1983), pp. 3–25.
 12. Marx and Engels, *Civil War*, pp. 66–70.
 13. J. Morgan Kousser, review in *Journal of American History* 73, 1 (June, 1986), p. 189; Stephen V. Ash, *When the Yankees Came: Conflict and Chaos in the Occupied South, 1861–1865* (Chapel Hill, NC, 1995), p. 194.
 14. Thomas Paine, *The Rights of Man* (Harmondsworth, 1984 edn.), pp. 8–9, 260–4, 268.
 15. Roy P. Basler, ed., *The Collected Works of Abraham Lincoln IV* (New Brunswick, NJ, 1953), p. 437.
 16. Johnson, *Toward a Patriarchal Republic*, pp. 143–4.
 17. Robert Toombs to Alexander H. Stephens, February 10, 1860, in Ulrich B. Phillips, ed., *The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb*, in American Historical Association, Annual Report, 1911, II (Washington, DC, 1913), p. 462; see also p. 450.
 18. William W. Freehling and Craig M. Simpson, eds., *Secession Debated: Georgia's Showdown in 1860* (New York, 1992), pp. 5–50, 116–44. On the danger of federal interference see pp. 27, 29, 47.
 19. Ash, *When the Yankees Came*, p. 218, 220; Richard H. Abbott, *The Republican Party and the South, 1855–1877: The First Southern Strategy* (Chapel Hill, NC, 1986), pp. 38–40, 72–3, 136–8.
 20. Drew G. Faust, *The Creation of Confederate Nationalism: Ideology and Identity in the Civil War South* (Baton Rouge, LA, 1988), pp. 14–16, 21, 81, 84, effectively analyzes the articulation of a Confederate nationalism while arguing that it was designed to serve the slaveholders' interests.
 21. Bruce Collins, *White Society in the Antebellum South* (London, 1985), pp. 8, 101–4, 117–18.
 22. Peter Wallenstein, *From Slave South to New South: Public Policy in Nineteenth Century Georgia* (Chapel Hill, NC, 1987), pp. 41, 44–5.
 23. Collins, *White Society*, pp. 28–9, 84–9, 118–19.
 24. William L. Barney, *The Secessionist Impulse: Alabama and Mississippi in 1860* (Princeton, NJ, 1974), pp. 62–3, 80, 92–4.

25. Drew G. Faust, *James Henry Hammond and the Old South: A Design for Mastery* (Baton Rouge, LA, 1982), p. 360; Robert M. Myers (ed.), *The Children of Pride: A True Story of Georgia and the Civil War* (New Haven, CT, 1972), p. 634; Stephanie McCurry, *Masters of Small Worlds: Yeoman Householders, Gender Relations, and the Political Culture of the Antebellum South Caroline Low Country* (New York, 1995), p. 289; William L. Buenger, *Secession and the Union in Texas* (Austin, TX, 1984), p. 127.
26. Natchez, *Mississippi Free Trader*, September 27, 1858.
27. Appendix to the *Congressional Globe*, 35th Congress, 2nd Session (Washington, DC, 1859), pp. 90–4. The proposal offered a tactical opportunity to expose Southern moderates such as John C. Crittenden as insufficiently “Southern.” Crittenden opposed the measure on the expedient grounds that its timing was inappropriate; Spain would not sell and America could not afford to buy. *Ibid.*, pp. 158–9.
28. William C. Davis, *Jefferson Davis: The Man and his Hour* (New York, 1991), p. 273.
29. *A Political Text-book for 1860* (New York, 1860), pp. 153–4.
30. Phillips, *The Correspondence of Robert Toombs, Alexander H. Stephens and Howell Cobb*, pp. 448, 450.
31. Ollinger Crenshaw, *The Slave States in the Presidential Election of 1860* (Baltimore, MD, 1945), pp. 228, 242, 247; Buenger, *Secession and the Union in Texas*, pp. 48–9.
32. Avery Craven, *Coming of the Civil War*, p. 406.
33. Thornton, *Politics and Power*, pp. 268–80, 291–312, esp. 302, 305–6, 436.
34. Albert Fishlow, *American Railroads and the Transformation of the Ante-bellum Economy* (Cambridge, MA, 1965), pp. 118–32, 157. Railroads’ demands for iron and machinery were considerable, but they did not stimulate much industry in the South. *Ibid.*, pp. 144–5, 149–50, 156.
35. Thornton, *Politics and Power*, pp. 282–7; quotation at 285.
36. For the following two paragraphs see Bruce W. Collins, “Governor Joseph E. Brown, Economic Issues, and Georgia’s Road to Secession, 1857–1859,” *Georgia Historical Quarterly* 71 (1987), 189–225.
37. *Ibid.*, p. 219.
38. Jackson, Miss., *Mississippian and State Gazette*, December 23, 1857, February 3, 1858; see also December 16, 1857, January 13, 20, February 17, September 15, November 10, December 1, 8, 1858.
39. *Journal of the House of Representatives of the State of Mississippi for 1858* (Jackson, 1858), pp. 13–21.
40. Don E. Fehrenbacher, *The South and Three Sectional Crises* (Baton Rouge, LA, 1980), p. 63.
41. Lynda L. Crist and Mary S. Dix, eds., *The Papers of Jefferson Davis VII, 1861* (Baton Rouge, LA, 1992), p. 14; VI, *1856–1860* (Baton Rouge, LA, 1989), pp. 254, 257–64, 271, 276; Davis, *Jefferson Davis*, pp. 284, 286–8, 291; *Papers of Jefferson Davis VII*, p. 19. The future President of the Confederacy has been depicted as a highly reluctant secessionist in Barney, *Secessionist Impulse*, pp. 195–6; Cooper, *Liberty and Slavery*, pp. 273–4.
42. Clement Eaton, *Jefferson Davis* (New York, 1977), pp. 77–9.
43. William C. Davis, *Breckinridge: Statesman, Soldier, Symbol* (Baton Rouge, LA, 1974), pp. 231–2, 237–9.
44. William E. Gienapp, “The Crisis of American Democracy,” in Gabor S. Boritt, ed., *Why the Civil War Came* (New York, 1996), p. 122; John Barnwell, *Love of Order: South Carolina’s First Secession Crisis* (Chapel Hill, NC, 1982), pp. 166–90; McCurry, *Masters of Small Worlds*, pp. 278–9.
45. Long and considered discussions of future options may be found in leading Democratic newspapers in the Deep South, e.g., Milledgeville, GA, *The Federal Union*, July 21, 1857, March 23, 1858; Natchez, *Mississippi Free Trader*, August 9, 16, October 25, 1858.
46. Gienapp, “The Crisis of American Democracy,” p. 123.
47. Daniel W. Crofts, *Reluctant Confederates: Upper South Unionists in the Secession Crisis* (Chapel Hill, NC, 1989), pp. 196–209, 308–33.
48. This explains a response recently emphasized: “Conservative politicians suddenly manifested a strange passivity, a debilitating lassitude that allowed the secessionists to seize the initiative,” George C. Rable, *The Confederate Republic: A Revolution against Politics* (Chapel Hill, NC, 1994), p. 35. Rable stresses the similarity of fears and rhetoric among secessionists and cooperationists. What he describes as a revolution against politics could be seen as a widespread recognition that the defense of slavery in 1860–61 was a decision that genuinely transcended normal party political debate. *Ibid.*, pp. 11, 18, 20, 22, 32.

49. Paul Horton, "Submitting to the 'Shadow of Slavery': The Secession Crisis and Civil War in Alabama's Lawrence County," *Civil War History* 64 (1998), pp. 111–36; Jonathan M. Atkins, *Parties, Politics, and the Sectional Conflict in Tennessee, 1832–1861* (Knoxville, TN, 1997), pp. 241, 244–50.
50. Basler *Collected Works* IV, 437; John Niven, *The Coming of the Civil War, 1837–1861* (Arlington Heights, IL, 1990), p. 131.
51. Paul D. Escott, *Many Excellent People: Power and Privilege in North Carolina, 1850–1900* (Chapel Hill, NC, 1985), p. 35.
52. Basler, *Collected Works* IV, pp. 433, 426.
53. This point has also been made by Richard H. Sewell, *A House Divided: Sectionalism and Civil War, 1848–1865* (Baltimore, MD, 1988), p. 80. See also Potter, *Impending Crisis*, p. 484; McPherson, *Battle Cry of Freedom*, p. 239.
54. George M. Frederickson, *White Supremacy: A Comparative Study in American and South African History* (Oxford, 1981), pp. 154–5.
55. Richard J. Carwardine, *Evangelicals and Politics in Antebellum America* (New Haven, CT, 1993), has brought out the significance of religious issues to antebellum politics.
56. Lynda L. Crist, ed., *The Papers of Jefferson Davis IV, 1849–1852* (Baton Rouge, LA, 1983), p. 213.

The First of the Modern Wars?

JOSEPH G. DAWSON III

Writing fifteen years after General Robert E. Lee surrendered his army at Appomattox, Adam Badeau maintained that “It was not [only] victory that either side was playing for, but existence.” Badeau continued, “If the rebels won, they destroyed a nation; if the [U.S.] government succeeded, it annihilated a rebellion.” As former Military Secretary, and aide-de-camp to General Ulysses S. Grant, Badeau may offer insights into Grant’s approach to waging war:

But above all, he [Grant] understood that he was engaged in a people’s war, and that the people as well as the armies of the South must be conquered, before the war could end. Slaves, supplies, crops, stock, as well as arms and ammunition—everything that was necessary in order to carry on the war was a weapon in the hands of the enemy; and of every weapon the enemy must be deprived. . . . It was indispensable to annihilate armies and resources; to place every rebel force where it had no alternative but destruction or submission.¹

Beginning in 1861, Americans fought over political objectives that could not be compromised. First, and foremost, the North sought complete reunion with all the states that had claimed to secede. After eighteen months of intensifying conflict, on September 22, 1862, President Abraham Lincoln announced his preliminary Emancipation Proclamation, adding the objective of destroying slavery to the goal of reunion. On the other hand,

southerners had created a slaveholders' republic, the Confederate States of America, where the institution of slavery would be protected and encouraged. During the first eighteen months of war, President Jefferson Davis, other national and state officials, and most Southern newspaper editors showed no willingness to restore the Union or abolish slavery. Following the campaigns of autumn of 1862, the war became increasingly bitter and hard-fought, exceeding both in scale and destructiveness anything that Americans could have predicted in 1861. Both sides called upon government to organize their resources, manufacture or import munitions and matériel, and field several armies, most of them larger than any armies raised in other American wars.² Federals and Confederates battled gallantly, but increasingly disregarded civility.³ By the summer of 1864, after more than three years of fighting, many Americans decided that one side would have to completely give up its objectives. The war would not be resolved by trading a state or two, or compromised by simply adjusting boundaries here or there. Either the United States would be restored, or not; either the Confederacy would be independent, or not; either slavery would be abolished or perpetuated indefinitely.⁴

During the early months of conflict, President Lincoln and President Davis both hoped to fight a limited war, meaning that partial mobilization and commitment of limited forces might persuade their opponents to quit, thus winning their objectives.⁵ Surprisingly, the recently formed Confederacy demonstrated remarkable national resilience, despite the fact that the North held clear advantages in important war-making categories, including more than two to one in population, two to one in railroad mileage, and five to one in number of factories. But northerners took much longer than expected to make their advantages felt.⁶ Making a transition toward total war, Union leaders never uttered the phrase “unconditional surrender,” but that was what they practically demanded from the Confederacy by 1865.

Features of Modern War

Historians offer differing evaluations of such phrases as *modern war* and *total war*, and thus there are differing views about placing the American Civil War in either category, or determining whether it was the first modern war.⁷ In *Men in Arms*, Richard A. Preston, Alex Roland, and Sydney F. Wise conclude that the Civil War “was the first great war to be fought in the era of the Industrial Revolution” and that each side fought for a “total” objective. The hallmarks of modern warfare include features such as governments raising mass national armies, having industrialized economies to supply them, and calling upon ideology to inspire soldiers. Although the American Civil War included all of these modern elements, the authors argue that the Napoleonic Wars (1800–15) marked the beginning of modern warfare.⁸

Certainly, warring Americans of the 1860s drew upon modern technology. Improved artillery, such as the Napoleon cannon, fired projectiles up to one mile and was especially devastating against attacking infantry inside 200 yards. Moreover, single-shot, muzzle-loading rifles, such as Springfields and Enfields, carried by infantrymen of both sides, more than doubled the killing zone over old smooth-bore muskets. Those rifles fired bullets accurately 200 yards and could hit targets at twice that range. Select units, mostly cavalry on the Union side, carried breech-loading magazine rifles that permitted high volumes of fire. Soldiers could be taken under fire at longer ranges and those moving forward in the attack could suffer casualties for longer periods of time. Battlefields were wider and deeper than ever before.⁹

Both North and South raised large armies of citizen-soldiers expected to serve for up to three years. Some 2 million northerners and more than 900,000 southerners donned uniforms during the war. Most of these citizen-soldiers enlisted on their own accord; Conscription Acts passed by their respective Congresses prompted others to enlist rather than suffer the perceived stigma of being drafted.¹⁰

Modern war-making involved greater use of railroads and telegraph. North and South established their own military telegraph offices, relaying messages quickly across expanses of territory. Railroads transported soldiers and supplies on both sides, and a few heavy cannons were mounted on railway cars. Bolstered by an Act of Congress, in 1862 President Lincoln authorized the U.S. Military Railroad, a network using a standardized gauge of 4 ft. 8½ in. (142 cm), giving logistical support to federal forces moving into the South. Although he used powers of persuasion, Jefferson Davis found that Southern railway owners were less cooperative than he would have hoped; the President was reluctant to control railroad rates. Putting aside states' rights, Davis and the Confederate Congress designated national funds for building tracks to fill critical gaps in the South's lines, connecting Danville, Virginia, with Greensboro, North Carolina, and Selma, Alabama, with Meridian, Mississippi.¹¹

Another modern aspect of the Civil War incorporated ideology to inspire both sides. For the North, the concept of "the Union" took on virtually religious significance. Many northerners believed that the United States exemplified democratic government, economic opportunity, and individual rights. They decided that not only America but the world would be worse off if the United States fell apart. By early 1863, Lincoln's controversial decision to emancipate the slaves played its part in motivating a large percent of northerners. For southerners, fighting for national independence intertwined with states' rights and property rights—owning slaves. Patriotism meant the freedom to maintain the "Southern way of life" and protect "Southern institutions." Lincoln's announcement of a policy to free the slaves lent a moral overtone to the war. Abolishing slavery, no matter that it created

new controversies over the status and rights of blacks, matched the long-standing American assertions of individual freedom and opportunity embodied in the Declaration of Independence of 1776.¹²

Another important feature of a modern war involved the use of naval power. Both navies commissioned new ironclad or armored ships powered by steam engines, and the Union also manufactured warships with revolving turrets, a significant improvement in design. In April, 1861, President Lincoln imposed a blockade on the Confederate coast from Virginia to Texas. Scorned by southerners as a “paper blockade,” it was obviously weak during the war’s early months. By the end of 1862, however, the federal blockade grew stronger. Union warships presented an “evident danger” to large oceangoing ships trying to enter or leave a Southern port, ending any chance for routine commercial relations between the Confederacy and other nations. During 1863 blockade runners shifted to small, fast steamers. By the end of the war more than 400 federal vessels blockaded the Southern coast. Moreover, the blockade hindered routine diplomatic relations between the Confederacy and Europe. Therefore, the blockade’s effectiveness can be calculated in ways other than the number of ships passing into and out of the Confederacy. The North also employed considerable naval power in riverine operations. Building new shallow-draft ironclads, the Union navy cooperated with the army in joint operations against Confederate forts and cities. Naval power thus contributed to the federal government’s efforts to reassert its authority over the seceded states.¹³

Delineating acceptable methods of warfare and calling for combatants to adhere to restrictions when dealing with noncombatants were also a modern feature of the American Civil War. Concerned that the war was longer and more ghastly than expected, in December, 1862, Secretary of War Edwin M. Stanton called upon Professor Francis Lieber, of Columbia University, to draft a code for the conduct of war. A board of federal officers edited Lieber’s code and published the result in April, 1863, as General Order No. 100, *Instructions for the Government of Armies of the United States in the Field*. General Order No. 100 defined war between governments, set criteria for soldiers’ conduct (especially with civilians), described functions of martial law and military courts, spelled out expectations of behavior for persons in occupied areas, and classified actions of guerrillas. Lieber’s code provided both the model and the language for Europeans at the international Hague Conventions of 1899 and 1907.¹⁴

Yet another modern aspect of the struggle came when the Union established military government in the former Confederate states after the war, imposing federal authority in ways inconceivable to America’s Founders. The area to be restored to the Union was large, and no other U.S. government agency or agencies, such as the Treasury Department or the Justice Department, could handle the process of reconstruction. Only the army was

capable of both constabulary and administrative duties leading to the country's reunification. The army's myriad duties included supervising schools, banks, courts, railroads, and voter registration. During reconstruction, Southern state governments were led by loyal civilian office holders or, in some instances, army generals who appointed and influenced new officials who were expected to carry out the laws of Congress until loyal state governments were elected by voters registered by the army. The U.S. Congress held the authority to seat Southern congressional representatives and senators, and thus was able to decide when states had been reconstructed.¹⁵

The Nature of Total War

Several historians have concluded that the American War between the States was a modern war and also a *total war*. Although few have agreed exactly how to define total war, historian Daniel Sutherland summarized that its "principal themes have always been the disruption of the enemy's logistical base and the destruction of civilian morale."¹⁶ Others insist that total war means widescale attacks on civilians themselves, not just finding ways to undercut their morale or destroy the enemy nation's resources and industrial and agricultural production.¹⁷ Among the first to suggest that "total war" could be applied to the Civil War was J. F. C. Fuller, a British army officer and military analyst. In his study *The Generalship of Ulysses S. Grant* Fuller asserted that "the Confederacy was crushed physically, economically, and morally, [in contrast to] the Central Powers [in the Great War, that] were never morally defeated." Furthermore, Fuller contended, "The Northern problem of conquest meant not only defeating the enemy's armed forces and occupying his capital, but subduing the will of an entire people and occupying the whole of their country." Fuller concluded: "The political object of the war was so clear, namely, union or disunion, that no other course could be adopted."¹⁸

World War II affected scholars' views about the Civil War. A number of them elaborated upon Fuller's suggestions. In an essay, "General William T. Sherman and Total War," and later in a book, *Merchant of Terror*, John B. Walters asserted that at the outset Sherman's "attitude toward the enemy was essentially that of the orthodox professional soldier of the period—interested in the game itself as it was being played by the two armies rather than in personalizing the enemy." After more than a year of war, however, Sherman began to see things differently: "When one nation is at war with another all the people of the one are enemies of the other." Even more emphatically, Sherman stated to his brother, U.S. Senator John Sherman, that "the entire South, man, woman, and child are against us [the North], armed and determined." As the conflict intensified, Sherman decided that he must "wage war so terrible," reaching the lives and property of many Southern

civilians as well as the Confederate armies. Taking steps to destroy the southerners' economic base and transportation network, Sherman also aimed at their morale and psychological outlook. Sherman's devastating campaign through Georgia and the Carolinas culminated his terrible approach to waging war.¹⁹

Influenced by J. F. C. Fuller's writings, T. Harry Williams made one of the strongest statements by an American historian. Williams flatly contended that "The Civil War was the first of the modern total wars." In *Lincoln and his Generals* (1952) Williams argued that President Lincoln became a masterly commander-in-chief, marshalling the North's resources and military might to completely subdue the South, creating a modern general staff in the process. After further reflection, Williams qualified his views. Writing in 1981, he reiterated that "there could be no compromise, no partial triumph for either side. One or the other had to achieve a complete victory." He concluded: "The totality of these objectives led some historians to call the Civil War a total war. The label is somewhat exaggerated, as neither side put forward the absolute effort required of many nations in World War I or World War II. . . . Still, the Civil War missed totality by only a narrow margin."²⁰

Numerous other historians joined the ranks of those describing a total war. For instance, to Frank E. Vandiver, the conflict "had become total. All elements of the population were affected; all had some part in the whole effort." Along the same lines, Bruce Catton contended that Grant was "fighting . . . a total war, and in a total war the enemy's economy is to be undermined in any way possible." Russell F. Weigley argued that Northern political and military leaders gradually came to believe that "nothing less than total victory" would result in the goal of national reunification and Northern military leadership agreed on using a "strategy of annihilation." Emory M. Thomas concluded that "by 1865, under the pressure of total war, the Confederate South had surrendered most of its cherished way of life." Phillip S. Paludan postulated that "Grant's war making has come to stand for the American way of war. For one thing, that image is one of total war demanding unconditional surrender." In influential books and essays, James M. McPherson maintained that the Union war effort blended military, diplomatic, economic, political, social, and ideological threads to produce a total war. In *Battle Cry of Freedom* McPherson pointed out that in "Grant and Sherman the North acquired commanders with a concept of total war and the necessary determination to make it succeed." Identifying Lincoln's ultimate goal in the most resounding way, McPherson emphasized the President's "Strategy of Unconditional Surrender."²¹

From the outset, North and South fought over a central issue—whether two nations would exist where only one had stood before. Although that issue could not be compromised, both sides expected that the war would be

limited in certain ways. Few expected that the war would have great impact on civilians' lives or change society. Instead of lasting only a few months, with a few battles fought in only a restricted geographical area, the war went on for fifty months; Union and Confederate armies fought battles in nineteen states and territories. In the east, opposing forces fought from Gettysburg, Pennsylvania, south to Olustee, Florida. Battles swept across the continent from the Atlantic coast westward to Glorieta, near Santa Fe, New Mexico, and raged up and down the Mississippi River Valley. Altogether, the fighting covered an area approximately equal to that between the Rhine River to Moscow and from the Bosphorus to the Baltic. Some Americans might have anticipated that the war could be fought out if each side fielded only two or three armies. Eventually, a dozen armies carried Union or Confederate banners, enrolling nearly 3 million men in blue and gray uniforms between 1861 and 1865.²²

The longer the war lasted, the greater the geographical area it covered; the more men who served in uniform, the greater the involvement of both governments in order to provide the supplies necessary to support extraordinarily large armies and continue the war. Beyond what anyone would have expected in 1861, the Union and the Confederacy mobilized their economies and populations. In many ways, the demands of the wider war called for unusual cooperation between governments and businesses, especially railroads, and War Department contracts became vital to many industries. Ironically, in the Confederacy the marriage of government and business, and the growth of government agencies, had the greater impact. Another way to consider the war efforts of North and South was to postulate that, because of its greater strength and resources, the North conducted a modern war by less than total means, but the South eventually called upon nearly total effort from its people.

The Confederacy's leaders found after a year of warfare that their national government had to step into the economy in unforeseen ways. In order to wage a modern war, the Confederate government surpassed the old U.S. government's number of employees, eventually hiring more than 70,000 persons in its several agencies, most in the War Department. During the 1850s, few southerners were convinced that industrialization would benefit their region. In 1861, Confederates were unable to find enough private companies to supply all of their needs for the war effort, prompting them to establish government factories to produce gunpowder, uniforms, tents, and firearms. Colonel Josiah Gorgas, chief of the Confederate Ordnance Bureau, worked wonders in wartime production. Seeking greater access to overseas resources, the government commandeered one-third space on blockade runners in 1863. Although its contracts provided the livelihood for most every Southern rail line, the government refused to nationalize the railroads. The Confederate government gradually assumed a decisive place

in the economic life of the struggling nation; Confederate contracts were vital for many businesses and industries.²³

Looking to the North, historians have debated the impact and consequences of the Civil War on the U.S. economy. The demands of war generated growth in some economic sectors, hurt some, and left others almost unaffected. War Department contracts spurred expansion in companies making gunpowder, firearms, and ammunition, but also in the production of all kinds of leather products, including shoes, boots, and harnesses. The Union army demanded tremendous quantities of meat and other foodstuffs to feed its units. Coal mining increased. Woolens production doubled to make up the loss of cotton. Workers produced new wagons by the score and the government purchased thousands of horses and mules to pull them. By the end of the war, the federal government employed almost 200,000 civilian workers in all of its departments, nearly quintupling the civilian employees of 1861. Overall, Northern manufacturing was up in 1865, but it had not grown at the same rate as during the 1850s. The key features were the tremendous expansion in government employment and the signing of federal contracts that sustained the war effort.²⁴

The Social Dimension of War

Taking a truly revolutionary step, the federal government enlisted African-Americans in great numbers into the army and navy, indicating how the expanding modern war disrupted the antebellum society. When the U.S. War Department held off on pushing for new units, and enlistments began to decline during 1862, one solution to finding more soldiers was to enlist blacks. Lincoln opened the door for this possibility when he issued the preliminary Emancipation Proclamation on September 22, 1862, following the Union victory in the Antietam campaign. Earlier, Radical Republicans had called for black enlistment and a few radical generals prematurely had created black units, but Lincoln disbanded them. Beginning in 1863, the necessity for more soldiers to prosecute the war to victory realized the radicals' dream of arming former slaves. Eventually, more than 180,000 African-Americans served in the federal army, under the leadership of white officers; another 10,000 blacks wore Union navy uniforms. Thousands more contributed to the Northern war effort as teamsters and laborers. Some historians have argued that, by comprising 10 percent of the Northern soldiers and sailors, blacks provided the margin of victory for restoring the Union. Officially styled the "U.S. Colored Troops," African-Americans in the army radicalized the war by striking directly at the Southern social system based on slavery. Controversies erupted. Confederates shot black soldiers who surrendered, returned black prisoners to slavery, and mistreated white officers leading the "Colored Troops." In the last weeks of the war, ironically, the

Confederate Congress authorized the creation of experimental units of black soldiers to serve the South, but the war ended before many were enrolled.²⁵

Other controversies flared over government restrictions or violations of civil liberties. Relying on his executive authority, President Lincoln ordered arrests of civilians under martial law and suspended the writ of Habeas Corpus. These actions took place especially in the border states of Maryland, Kentucky, and Missouri, but also occurred in other states. Perhaps as many as 18,000 persons were arrested and held without trial during the course of the war—what seemed amazing violations of civil liberties to later generations. During 1861–65, however, President Lincoln and other federal officials were worried about opposition to the Union by those they considered subversive. Individuals, such as former Democratic Congressman Clement Vallandigham, and secret groups, such as the Knights of the Golden Circle, were suspect. Because of public outcry against his actions, Lincoln signed the Habeas Corpus Act in March, 1863, giving him legal authority to make other arrests. In retrospect Northern critics' questioning the conscription policy or finding fault with Lincoln's leadership appeared less threatening than it did during the war. The President, however, suspected treason and believed that traitors had to be dealt with sternly. Authorized by an Act passed by the Confederate Congress, Jefferson Davis also suspended Habeas Corpus, but not on so wide a scale as Lincoln. More than 4,000 Southern political prisoners were arrested by Confederate authorities.²⁶ Although some historians have downplayed the significance of these arrests, the actions raised the specter of tyrannical government action in wartime.

Furthermore, the two Congresses enacted laws having other consequences for civilians. Confiscation Acts passed by the U.S. Congress in August, 1861, and July, 1862, combined to empower the North to confiscate all real and movable property (including slaves) of anyone providing aid or service to the Confederacy. Thus the institution of slavery started to unravel even before Lincoln's Emancipation Proclamation. In March, 1863, despite protests from state governments, the Confederate Congress passed an Act authorizing the Southern government to impress any item necessary for use by the Rebel armies. Circumventing states' rights, the Confederate government created new ways to touch its citizens.²⁷

In both North and South the war affected women. In the South, the departure of so many men into the military called for women to take on new tasks. In addition to household chores, more women found jobs in schools, hospitals, businesses, government offices, and factories. On the farms, especially in the South, women not only worked in the fields but also became supervisors and bookkeepers. Other women contributed to the war effort. In the North, the U.S. Sanitary Commission productively channeled efforts of volunteer workers, including many women. Southern women rolled bandages, baked foods, and volunteered in numerous other ways. Historians

debate how women's place in society changed due to the war, but the war required or offered opportunities for women to work in ways that were out of the ordinary for many of them, and can be interpreted to show a widening, modern war.²⁸

Successful commanders grew to understand that the Civil War was a brutal contest of wills that demanded sledgehammer blows but General George B. McClellan was the personification of limited warfare. One of the most important Union commanders, and modernist in his ability to master complicated logistics, McClellan also demonstrated remarkable talents to organize, train, and inspire a national army. But he campaigned cautiously; after creating the marvellous Army of the Potomac, he was reluctant to send it into battle. He also opposed taking actions against slavery—that is, he was not out to upset the Southern social system. In a letter to a Virginian, for example, McClellan explained his outlook: “I have done my best to secure protection to private property, but I confess that circumstances beyond my control have often defeated my purposes. I have not come here [to Virginia] to wage war upon the defenseless, upon noncombatants, upon private property, nor upon the domestic institutions of the land.” The general mistakenly believed that, whenever the war ended, the nation could be restored only on the basis of the Union as it stood in 1860.²⁹

To some, Robert E. Lee appeared Napoleonic in his tactical offensive style, but he also could summon the rhetoric of total war. According to Lee's adjutant, Colonel Charles Marshall, Lee believed “that every other consideration should be regarded as subordinate to the great end of the public safety, and that since the whole duty of the nation would be war until independence should be secured the whole nation should for the time [of war] be converted into an army, the producers to feed and the soldiers to fight.” But Lee seemed shocked about the war's destructiveness and the actions taken by Union forces. Even under the conditions of limited war that prevailed during 1861, Lee was astounded by what he considered the unwarranted conduct of Union troops, including “pillaging,” “burning,” and “robbing.” Receiving news of raids along the Atlantic coast in 1862, Lee wrote his son, “No civilized nation within my knowledge has ever carried on war as the United States government has against us.” Although historian T. Harry Williams called Lee “the last of the great old-fashioned generals,” there was no doubt that Lee was also aggressive and took great risks to win Confederate independence; he twice launched powerful offensives into the Union states.³⁰

Departing from McClellan's traditionalism, Major General John Pope unleashed a powerful rhetoric of war-making. Having won victories in the Mississippi Valley, Pope came east, levelling bombast in all directions and calling for the North to begin waging a harsher war against secessionists and slaveholders. Pope was unable to deliver on his own promises of a more destructive war. His defeat at Lee's hands in the second battle of Bull Run,

Virginia, in August, 1862, forced President Lincoln to seek more determined commanders to take the fight to the enemy.³¹

Widening Destructive Scope

One of them was William T. Sherman. Southerners and some historians have pictured Sherman and his campaigns tilting the scales to total war. Maturing under Grant's tutelage, and foreshadowing the shape of things to come, in 1862 and 1863 Sherman moved against the enemy's economic infrastructure in Mississippi, destroying railroads in Meridian and Jackson, the state capital. Worse lay ahead in Georgia, South Carolina, and North Carolina. After taking the railroad center of Atlanta, Georgia, on September 1, 1864, Sherman led an army of 60,000 veteran troops across the state. Marching in loose formations fifty miles wide, their eventual destination was the Atlantic port of Savannah, more than 200 miles away from Atlanta. Sherman's goals were those of modern war: to destroy everything of military value but also to ruin the South's will to prosecute the war—simultaneously destroying economic resources and morale. Sherman summarized his intent to Grant:

[I]t is a demonstration to the world, foreign and domestic, that we have a power which [Jefferson] Davis cannot resist. This may not be war, but rather statesmanship, nevertheless it is overwhelming to my mind that there are thousands of people abroad and in the South who will reason thus: If the North can march an army right through the south, it is proof positive that the North can prevail in this contest, leaving only open the question of its willingness to use that power.³²

No Confederate army blocked his path, and, like a human hurricane, from November 15 to December 22, 1864, Sherman's catastrophic raid damaged or destroyed railroads, bridges, and war supplies, along with many civilian homes, businesses, and much personal property. Moreover, thousands of slaves fled their owners, creating a terrible logistics burden for Sherman, but further undermining slavery throughout the South. In the Carolinas, Sherman's army further demonstrated the powerlessness of the Confederate government. From February through April, 1865, Union troops pillaged across two states, burning two dozen towns, including much of Columbia, South Carolina's capital, ripping up railroads, laying waste to crops, incinerating factories, and leaving a trail of unprecedented destruction in their wake.

Major General Philip H. Sheridan's campaign in Virginia's Shenandoah Valley paralleled Sherman's destructiveness. During the summer of 1864 two armies sparred while moving up and down the Shenandoah Valley. Union soldiers damaged several towns, and that damage so infuriated

General Jubal Early that he retaliated by raiding northward and razing the town of Chambersburg, Pennsylvania. Although the strength of the two valley armies varied, Sheridan's 40,000 outnumbered Early's about two to one. A series of hard-fought engagements culminated in a Union victory at the battle of Cedar Creek on 19 October. Obeying Grant's orders to leave "the Shenandoah Valley . . . a barren waste," and taking a systematic approach, Sheridan set out to ruin the area known as "the breadbasket of the Confederacy"; its bountiful farms had sustained Lee's army. Barns and crops, farms and fences, mills and shops all fell to the torch; Union soldiers hauled off food and livestock, leaving little of value to anyone. The Shenandoah Valley never fed Lee's army again.³³

Mentor to Sherman and Sheridan, Ulysses S. Grant rose from obscurity in 1861 to the height of American military power in 1864.³⁴ Forging a modernistic cooperative relationship with Union naval officers, Grant became the temporary darling of Northern journalists in the early spring of 1862 after demanding the "unconditional surrender" of Fort Donelson, Tennessee. However, the battle of Shiloh, Tennessee, on April 6–7, produced horrific casualties: more than 20,000 Federals and Confederates were killed, wounded, or missing. Shiloh transformed Grant's outlook about what it would take to restore the Union. He recalled in his memoirs:

I gave up all ideas of saving the Union except by complete conquest. Up to that time it had been the policy of our army, certainly of that portion commanded by me, to protect the property of the citizens whose territory was invaded, without regard to their sentiments, whether Union or Secession. After this [battle], however, I regarded it as humane to both sides to protect the persons of those found at their homes, but to consume everything that could be used to support and supply armies.³⁵

Grant never again discounted the Confederates' devotion to winning independence and, accordingly, came to understand the tremendous military force that would have to be marshalled and applied in order to smash the rebellion and produce national reunion. It proved impossible to destroy armies on the battlefield, but Grant trapped three Confederate armies during the war (Fort Donelson, Vicksburg, and Appomattox), and forced them to surrender, destroying their usefulness and also damaging Southern morale. Looking beyond the battlefield, Grant decided that destruction of enemy resources must be given high priority. Working with Sherman and Sheridan, Grant sought ways to undercut the Southern war effort by depriving the Confederacy of whatever it needed to fuel its war machine.³⁶

As Union armies ground their way into the Confederacy, they targeted cities—places with industrial capacity. In May, 1862, the Union navy

delivered a 10,000-man federal army to capture New Orleans, the South's largest city, biggest port, and a major banking center as well as home to the Leeds Iron Works and other factories. In that same spring McClellan campaigned against Richmond. It was capital of the Confederacy, but also the South's largest industrial center, site of the famous Tredegar Iron Works and other heavy industries. Other places with manufacturing capabilities fell to the Union's onslaught, including Nashville (February, 1862) and Memphis (June, 1862), Tennessee, and the shipyards at Norfolk, Virginia (May, 1862). Although McClellan failed to take Richmond, by the end of 1862 four of the Confederacy's twelve largest cities (New Orleans, Nashville, Memphis, and Norfolk) were in federal hands. One by one, the Union armies captured other shipping or railroad centers containing industries, including Chattanooga, Tennessee (September, 1863), Mobile, Alabama (August, 1864), and Atlanta, Georgia (September, 1864). Then came Sherman's "March to the Sea." As Grant summarized, the Georgia–Carolinas campaign had enabled Sherman "to get into the interior of the enemy's country as far as he can, inflicting all of the damage you can against their war resources." In the war's waning weeks, March–April, 1865, Brigadier General James H. Wilson led a column of 13,000 Union cavalrymen on a destructive 300 mile raid across Alabama and into eastern Georgia, ravaging the vital depots and industries at Selma, scorching central Alabama in the same way that Sherman had burnt the heart of Georgia. Thus by the end of the war the Confederacy was deprived of much of its manufacturing capability, either destroyed or occupied by Union armies.³⁷

As the war raged through its third year, federal leaders refused to be distracted by Confederate guerrilla raids and focused on major campaigns. The war was mostly a conventional conflict, and Lincoln and his generals insisted that Union forces hammer against the secessionists' conventional armies and resources.³⁸ Meanwhile some, including Northern "Peace Democrats" and diehard Southern rebels, still held out hopes for an armistice. Avoiding a term like "unconditional surrender," in July, 1864, Lincoln gave directions to Horace Greeley, editor of the New York *Tribune*. The journalist was about to hold unofficial discussions in Canada with Confederate delegates. "If you can find any person anywhere professing to have any proposition of Jefferson Davis in writing, for peace, embracing the *restoration of the Union* and *abandonment of slavery*, whatever else it embraces, say to him he may come to me with you." Nothing came from Greeley's meeting; likewise, no breakthrough resulted in February, 1865, from Lincoln's conference with Confederate Vice-president Alexander Stephens at Hampton Roads, Virginia.³⁹

Reunion and emancipation remained Lincoln's terms for ending the war. "Restoration of the Union" foreclosed the continued existence of the Confederate States of America. If there was no entity called the Confederate

States of America, the rebels' conventional armies could not survive. Anything else that remained to be "negotiated" were such war-ending matters as when and how Confederates would turn in weapons before disbanding, arranging for the release of prisoners of war, and requiring any surviving Confederate ships to haul down their flags. Obviously, such a vague phrase as the "abandonment of slavery" revealed no specifics as to the process of how slavery would be abandoned, or how long it might take. While vague, the phrase meant that the institution was to be ended in some fashion; it required Davis and other Southern leaders to give up the social and economic system that had ignited so much controversy since the Missouri Compromise of 1821. Not surprisingly, President Davis blanched when he learned of Lincoln's terms, seeing that they equalled unconditional surrender without using that dreaded phrase, even if there was a slim chance that Lincoln could persuade the Congress to appropriate money to pay slave-owners for their slave property.⁴⁰

Sliding to oblivion, the Confederacy lived on for less than a year. By June, 1865, all government offices and departments of the Confederate States of America had closed. Its Congress was dissolved and its President was imprisoned. Confederate armies were disbanded and their flags shredded or surrendered. To avoid arrest, some Confederate officers fled overseas to Mexico, Brazil, or Egypt. Confederate ministers (ambassadors) to foreign nations held no portfolio. Confederate money was worthless in private or public commerce and its debt was repudiated in America and Europe. Crippled by Lincoln's Emancipation Proclamation, the institution of slavery was abolished by the ratification of the Thirteenth Amendment to the U.S. Constitution six months after the last Confederate army surrendered. There was no compromise on any of these issues. As a result of the Civil War the Confederate States of America ceased to exist.

The war's casualties reflected the far-reaching nature of the conflict, especially for the Confederacy. Inexact records for the South and more accurate tabulations for the North indicate that a total of 620,000 American soldiers and sailors died during the war, some 360,000 Federals and probably more than 260,000 Confederates. Of those totals, more than 225,000 Yankees and 164,000 Rebels died of disease. In addition, more than 275,000 northerners and 195,000 southerners were wounded. The Confederate casualties represented 50 percent of men in uniform killed, died of disease, wounded, or missing.⁴¹

The Civil War ripped apart the social and economic fabric of the old Union, destroyed slavery and produced constitutional changes (the Thirteenth, Fourteenth, and Fifteenth Amendments), the first steps toward a new society. Industries worked to fill military orders and railroads accommodated military schedules. Employing modern weapons and suffering significant casualties, large armies maneuvered through the Southern

countryside, damaging crops, railroads, businesses, cities, and homes. Praising the sacred Union and promising a new birth of freedom on one hand, or pledging to uphold states' rights and perpetuate slavery on the other, rival American governments sought to achieve national goals that could not be compromised. Northerners and southerners fought to the bitter end in a conflict that can be viewed as the first modern war.

Notes

1. Adam Badeau, *Military History of Ulysses S. Grant*, 3 vols. (New York, 1881) III, pp. 643–4. A valuable introduction to this topic is Mark Grimsley, “Modern War/Total War,” in Steven E. Woodworth, ed., *The American Civil War: A Handbook of Literature and Research* (Westport, CT, and London, 1996), pp. 379–89. An assertive argument, answering the question in the negative, is Mark E. Neely, Jr., “Was the Civil War a Total War?” *Civil War History* 37 (1991), pp. 5–28; revised in Stig Förster and Jörg Nagler, eds., *On the Road to Total War: The American Civil War and the German Wars of Unification, 1861–1871* (Cambridge, 1997), pp. 29–51.
2. The largest individual American field armies of previous wars were those under George Washington during the American Revolution, numbering 20,000, and under Winfield Scott during the Mexican War (1846–48), at about 14,000. See Allan R. Millett and Peter Maskowski, *For the Common Defense* (New York, 1993), pp. 64, 146.
3. Gerald F. Linderman, *Embattled Courage: The Experience of Combat in the American Civil War* (New York, 1987), pp. 180–215.
4. As T. Harry Williams summarized: “The Civil War was a war of ideas and, inasmuch as neither side could compromise its political purposes, it was a war of unlimited objectives.” Williams, “Military Leadership of North and South,” in David Donald, ed., *Why the North Won the Civil War* (Baton Rouge, LA, 1960), p. 35. See also Richard A. Preston, Alex Roland, and Sydney F. Wise, *Men in Arms: A History of Warfare and its Interrelationships with Western Society*, 5th edn. (Fort Worth, TX, 1991), p. 217.
5. One of the best expositions delineating the gradual progression from a limited war toward total war is Mark Grimsley, *The Hard Hand of War: Union Military Policy toward Southern Civilians, 1861–1865* (Cambridge, 1995), esp. pp. 4–5, 205, 221–2. See also Grimsley, “Conciliation and its Failure, 1861–1862,” *Civil War History* 39 (1993), pp. 317–35.
6. Joseph L. Harsh, *Confederate Tide Rising: Robert E. Lee and the Making of Southern Strategy, 1861–1862* (Kent, OH, 1998), pp. 11–13. Thirteen states, including Kentucky and Missouri, held seats in the Confederate Congress and stars in the Confederate flag. A survey of economic disparities is T. Harry Williams, “The American Civil War,” in J. P. T. Bury, ed., *The Zenith of European Power, 1830–1870*, Vol. X of *The New Cambridge Modern History* (Cambridge, 1960), pp. 632–5.
7. See the discussion in R. Ernest Dupuy and Trevor N. Dupuy, *The Encyclopedia of Military History* (New York, 1986), pp. 522–33. They single out the Thirty Years War (1618–48) as the first modern war.
8. Preston et al., *Men in Arms*, pp. 164–73, 185–6, 217–21, quote on p. 217. See also, for example, Robert M. Epstein, *Napoleon's Last Victory and the Emergence of Modern War* (Lawrence, KS, 1994); Gunther E. Rothenberg, *The Art of Warfare in the Age of Napoleon* (Bloomington, IN, 1978).
9. Jack Coggins, *Arms and Equipment of the Civil War* (New York, 1962). For debates over the effects of rifles see Paddy Griffith, *Rally Once Again* (London, 1987), pp. 73–90, and Grady McWhiney and Perry Jamieson, in *Attack and Die: Civil War Military Tactics and the Southern Heritage* (Tuscaloosa, AL, 1982), pp. 48–9, 57–8.
10. James M. McPherson, *Battle Cry of Freedom: The Civil War Era*, a volume in the *Oxford History of the United States* (New York, 1988), pp. 429–33, 600–1; E. B. Long, *The Civil War Day by Day: an Almanac* (New York, 1971), p. 705.
11. George E. Turner, *Victory Rode the Rails* (New York, 1953), pp. 45–8, 310–11; Edward Hagerman, *The American Civil War and the Origins of Modern Warfare* (Bloomington, IN, 1988), pp. xi, 41–4, 58, 82–7, 103–5, 277, 280–5.
12. Brian Holden Reid, *The Origins of the American Civil War* (London, 1996), pp. 19–29, 64–6,

- 82–3, 172–3, 160–1, 304–5; James M. McPherson, *For Cause and Comrades: Why Men Fought in the Civil War* (New York, 1997).
13. Arguing the effectiveness of the Union blockade is Bern Anderson, *By Sea and by River: The Naval History of the Civil War* (New York, 1962), pp. 34–7, 65–6, 225–32. Arguing to the contrary are Frank L. Owsley, *King Cotton Diplomacy*, 2nd edn. (Chicago, IL, 1959), and Stephen R. Wise, *Lifeline of the Confederacy: Blockade Running during the Civil War* (Columbia, SC, 1988). Portraying the blockade's effectiveness is McPherson, *Battle Cry of Freedom*, pp. 313–14, 378–9, 380–8. For the rivers, see John D. Milligan, *Gunboats down the Mississippi* (Annapolis, MD, 1965), and Anderson, *By Sea and by River*, passim.
 14. Frank Freidel, "General Orders 100 and Military Government," *Mississippi Valley Historical Review* 32 (1946), pp. 541–56; Richard S. Hartigan, *Lieber's Code and the Laws of War* (Chicago, IL, 1983).
 15. James E. Sefton, *The United States Army and Reconstruction, 1865–1877* (Baton Rouge, LA, 1967); Joseph G. Dawson III, *Army Generals and Reconstruction: Louisiana, 1862–1877* (Baton Rouge, LA, 1982).
 16. Daniel E. Sutherland, "Abraham Lincoln, John Pope, and the Origins of Total War," *Journal of Military History* 56 (1992), p. 567. See also Lance Janda, "Shutting the Gates of Mercy: The American Origins of Total War, 1860–1880," *ibid.* 59 (1995), pp. 7–8.
 17. See especially Neely, "Was the Civil War a Total War?" In contrast to Neely's contention that it was not a total war, see the conclusions in Robert A. Doughty et al., *Warfare in the Western World: Military Operations from 1600 to 1871* (Lexington, MA, 1996), pp. 322, 388, 456–8.
 18. J. F. C. Fuller, *The Generalship of Ulysses S. Grant* (New York, 1929), p. 41; Fuller, *Grant and Lee: A Study in Personality and Generalship* (London, 1933; repr. Bloomington, IN, 1957), p. 31.
 19. John B. Walters, "General William T. Sherman and Total War," *Journal of Southern History* 14 (1949), pp. 447–80, quotes on p. 457; John B. Walters, *Merchant of Terror: General Sherman and Total War* (Indianapolis, IN, 1973); Sherman to Salmon P. Chase, August 11, 1862, in William T. Sherman, *Memoirs*, 2 vols. (New York, 1875) I, p. 266. Gen. Sherman to Sen. John Sherman, August 26, 1862, in Rachel S. Thorndike, ed., *The Sherman Letters* (New York, 1894), pp. 159–60; Sherman to Grant, October 4, 1862, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, 128 books in eighty volumes (Washington, DC, 1880–1901), Series 1, Vol. XVII, Part 2, p. 261.
 20. T. Harry Williams, *Lincoln and his Generals* (New York, 1952), pp. vii–viii, 3, 304–7; Williams, *History of American Wars from 1745 to 1918* (New York, 1981), pp. 202–3. In another work Williams also hedged: "Trite it may be to say that the Civil War was the first of the modern wars, but this is a truth that needs to be repeated. If the Civil War was not quite total, it missed totality by only a narrow margin." Williams, *Americans at War* (Baton Rouge, LA, 1960), p. 47. See also the qualification of "total war" by James McPherson, *Drawn with the Sword: Reflections on the American Civil War* (New York, 1996), pp. 67–70.
 21. Frank E. Vandiver, *Rebel Brass: The Confederate Command System* (Baton Rouge, LA, 1956), pp. 61, 123, 125. Bruce Catton, "The Generalship of Ulysses S. Grant," in Grady McWhiney, ed., *Grant, Lee, Lincoln, and the Radicals* (New York, 1966), p. 8. See also Catton, *America Goes to War* (Middletown, CT, 1958), esp. pp. 14, 20. Russell F. Weigley, *The American Way of War: A History of United States Military Strategy and Policy* (New York, 1973), p. 150; Emory M. Thomas, *The Confederacy as a Revolutionary Experience* (Englewood Cliffs, NJ, 1971), p. 135; Phillip S. Paludan, *A People's Contest: The Union and the Civil War* (New York, 1988), p. 296; McPherson, *Battle Cry of Freedom*, p. 857; McPherson, *Abraham Lincoln and the Second American Revolution* (New York, 1990), pp. 65–91.
 22. A convenient discussion of troop strengths is Long, *Civil War Day by Day*, pp. 704–9.
 23. Paul Van Riper and Harry W. Scheiber, "The Confederate Civil Service," *Journal of Southern History* 25 (1959), pp. 448–70; Vandiver, *Rebel Brass*, pp. 14–15, 88–107, 115–21; Emory M. Thomas, *The Confederate Nation* (New York, 1979), pp. 134–5, 206–14, 265; Richard F. Bense, *Yankee Leviathan: The Origins of Central State Authority in America, 1859–1877* (Cambridge, 1990), pp. 113–18, 131–2, 146–51, 159, 167–72, 181–98.
 24. McPherson, *Battle Cry of Freedom*, pp. 816–18; Bense, *Yankee Leviathan*, pp. 113–18, 131–2, 146–51, 159, 167–72, 181–98; Paul Van Riper and Keith A. Sutherland, "The Northern Civil Service," *Civil War History* 11 (1965), pp. 351–69.
 25. Joseph T. Glatthaar, *Forged in Battle: The Civil War Alliance of Black Soldiers and White Officers* (New York, 1990); Glatthaar, "Black Glory: The African-American Role in Union Victory," Gabor S. Boritt, ed., *Why the Confederacy Lost* (New York, 1992), pp. 133–62; Dudley

- T. Cornish, *The Sable Arm: Negro Troops in the Union Army, 1861–1865* (New York, 1956). See also Allan Nevins, *The War for the Union*, 4 vols. (New York, 1960–71) II, pp. 145–6.
26. Mark E. Neely, Jr., *The Fate of Liberty: Abraham Lincoln and Civil Liberties* (New York, 1991); Frank L. Klement, *Dark Lanterns: Secret Political Societies, Conspiracies, and Treason Trials in the Civil War* (Baton Rouge, LA, 1984); George C. Rable, *The Confederate Republic: A Revolution against Politics* (Chapel Hill, NC, 1994), pp. 143–4, pp. 158–60, pp. 250–2.
 27. Patricia Lucie, “Confiscation: Constitutional Crossroads,” *Civil War History* 23 (1977), pp. 307–21; Grimsley, *Hard Hand of War*, pp. 68–71, 123; E. Merton Coulter, *The Confederate States of America* (Baton Rouge, LA, 1950), pp. 251–4.
 28. George C. Rable, *Civil Wars: Women, and the Crisis of Southern Nationalism* (Urbana, IL, 1989), and McPherson, *Battle Cry of Freedom*, pp. 449–50, pp. 480–5.
 29. McClellan to Hill Carter, July 11, 1862, in Stephen W. Sears, ed., *The Civil War Papers of George B. McClellan: Selected Correspondence, 1860–1865* (New York, 1989), p. 352. See also Grimsley, *Hard Hand of War*, pp. 31–5, 74–5, 136–7, and Stephen W. Sears, *George B. McClellan, the Young Napoleon* (New York, 1988).
 30. Marshall, quoted in Fuller, *Grant and Lee*, p. 252; *Wartime Papers of R. E. Lee*, Clifford Dowdey and Louis H. Manarin, eds. (Boston, MA, 1961), p. 106; Williams, *Lincoln and his Generals*, pp. 312–14; Gary W. Gallagher, *The Confederate War* (Cambridge, MA, 1997).
 31. Sutherland, “Lincoln, Pope, and Total War,” pp. 570–86; Grimsley, *Hard Hand of War*, pp. 85–92. In contrast to Pope, Confederate General Thomas J. “Stonewall” Jackson was a marvellous tactical commander, but like Pope he voiced some harsh rhetoric. Not content to maintain the defensive, Jackson wanted to “invade his country [the North] and do him all possible damage in the shortest possible time.” Friends and enemies alike rated Jackson as audacious, relentless, and almost merciless. See Charles Royster, *The Destructive War: William Tecumseh Sherman, Stonewall Jackson, and the Americans* (New York, 1991), p. 40 and passim.
 32. Sherman to Grant, November 6, 1864, *Official Records*, Vol. 39, Part 3, p. 660. An excellent study of the campaigns is Joseph T. Glatthaar, *The March to the Sea and Beyond: Sherman’s Troops in the Savannah and Carolinas Campaigns* (New York, 1985), esp. pp. xii, 119–55. John G. Barrett, *Sherman’s March through the Carolinas* (Chapel Hill, NC, 1956), pp. 16, 25, 280–1, likewise concludes that Sherman’s campaign deserved to be classified as “total war.” See also Paludan, *A People’s Contest*, pp. 291, 302. For other perspectives see B. H. Liddell Hart, *Sherman: Soldier, Realist, American* (New York, 1925), pp. 425–31, and Royster, *Destructive War*, pp. 354–8.
 33. Everard H. Smith, “Chambersburg: Anatomy of a Confederate Reprisal,” *American Historical Review* 96 (1991), pp. 432–55; Gary W. Gallagher, ed., *Struggle for the Shenandoah: Essays on the 1864 Valley Campaign* (Kent, OH, 1991), esp. pp. 1–18; Jeffrey D. Wert, *From Winchester to Cedar Creek: The Shenandoah Campaign of 1864* (Carlisle, PA, 1987); Philip H. Sheridan, *Personal Memoirs of P. H. Sheridan*, 2 vols. (New York, 1888) I, p. 486.
 34. Herman Hattaway and Archer Jones, *How the North Won: A Military History of the Civil War* (Urbana, IL, 1983), pp. 501–37.
 35. Ulysses S. Grant, *Personal Memoirs of U. S. Grant*, 2 vols. (New York, 1881) I, pp. 368–9.
 36. Ibid.; Janda, “Shutting the Gates of Mercy: American Origins of Total War,” p. 13.
 37. Grant to Sherman, April 4, 1865, *Official Records*, Series 1, Vol. 32, Part 3, pp. 245–6; James P. Jones, *Yankee Blitzkrieg: Wilson’s Raid through Alabama and Georgia* (Athens, GA, 1976).
 38. For introductions to the guerrillas, see Michael Fellman, *Inside War: The Guerrilla Conflict in Missouri during the American Civil War* (New York, 1989); Jeffrey D. Wert, *Mosby’s Rangers* (New York, 1990); Richard E. Beringer, Herman Hattaway, Archer Jones, and William N. Still, Jr., *Why the South lost the Civil War* (Athens, GA, 1986), pp. 339–51, 430–2, 436–8; Grimsley, *Hard Hand of War*, pp. 111–19.
 39. Roy P. Basler et al., eds., *The Collected Works of Abraham Lincoln*, 9 vols. (New Brunswick, NJ, 1953–55) VII, p. 435; McPherson, *Battle Cry of Freedom*, pp. 822–4.
 40. For a sharply contrasting interpretation of these developments see Neely, “Was the Civil War a Total War?” *Civil War History* 37 (1991), pp. 6–7. See also Edward C. Kirkland, *The Peacemakers of 1864* (New York, 1927), pp. 253, 258; William C. Davis, *Jefferson Davis, the Man and his Hour* (New York, 1991), pp. 592–4. Lincoln’s eleventh-hour proposal for compensated emancipation was outlined in a message to Congress, February 5, 1865, in Basler et al., eds., *Works of Lincoln* VIII, pp. 260–1.
 41. McPherson, *Battle Cry of Freedom*, p. 854; Long, *Civil War Day by Day*

CHAPTER 4

The Experience of the Civil War

Men at Arms

ANDREW HAUGHTON

In 1982 Marvin R. Cain published a plea for an assessment of motives and men in American Civil War historiography—a “Face of Battle” for the soldiers of the Union and the Confederacy. Reflecting upon the preoccupation of previous generations of historians first with the causes of the war, and then with its consequences, Cain suggested that the “human equation” had been neglected, and, even as an increasing body of literature had addressed the daily lives of common soldiers in the war, analysis of their attitudes, behavior, and motives had remained superficial and incomplete.¹ The construction of a detailed and comprehensive “Face of Battle” for the Civil War is beyond the scope and brevity of this chapter, indeed, a sizable tome would be required to give proper attention to such a complex subject. However, a number of historians over the past twenty years have made suggestions as to why the men who fought for blue or grey were willing to go to war, risk death or disablement, and stick it out until one side or the other could no longer continue. This chapter is, in part, a survey of the questions that have been posed, the answers that have been offered, and the problems that remain unsolved in analyzing the hopes and fears of the men who experienced the sharp end of the Civil War. In conjunction with this historiographical analysis the key areas of debate will be reassessed through an overview of Civil War armies, the battlefield environment, and the daily pressures endured by “Billy Yank” and “Johnny Reb.”

Any assessment of such a large and diverse body of men as made up the armies of the North and South must begin with a caveat. Every observation concerning the common soldier of the Civil War can be applied to only a

portion of the aggregate. Studies of this type are based upon highlighting factors which pertained to a significant number of the participants, which are repeated time and again in their letters and diaries, but which could not possibly hold true for each and every man involved in the conflict. Indeed, both armies, Union and Confederate, encompassed the complete spectrum of their society, from the wealthiest Boston Brahmin to immigrant laborers, from university professors to young men who had barely completed their schooling. One contemporary observer marveled at the incredible variety of men serving in the Confederate army early in the war, noting that “numbers of wealthy planters serve as privates side by side with the professional man, the shopkeeper, the clerk, the laborer; and all go through ordinary fatigue duties incident to camp life.”² The first experience of the Civil War for most volunteers was, therefore, the shock of being thrown into a large and varied society in the confined space of a Camp of Rendezvous.

Why Soldiers Fought

Soldiers arrived at the various camps of rendezvous—normally organized by state authorities and conducted under the auspices of the state militia—with little more than a willingness to fight for their country or their cause. Few had any personal experience of war, but relied instead on what they could recall from school textbooks and the stories of romance and glory that found an audience through popular literature. Earl J. Hess has suggested that, by disseminating a romanticized view of historical figures and events—particularly those of the classical and Napoleonic period—antebellum literature “inadvertently prepared young men to accept and even to embrace the idea of going to war.”³ Many young volunteers did indeed set out for the camps of rendezvous filled with thoughts of the excitement and drama of war. One soldier remembered riding off with his best friend to enlist in the Confederate army, like “two modern Don Quixotes setting out to seek adventure,” and the prospect of a short and heroic war appealed to many, just as it would for the young men of Europe in 1914.⁴ John F. Lucy’s comment that “going to war seemed a light-hearted business” is as applicable to the America of 1861 as it was to the Britain of 1914, for few had any idea of what to expect, but many reveled in the hope and expectation of demonstrating their courage and ability on the battlefield, and worried only that they would miss the great battle that would decide the conflict.⁵

“Initial motivation,” as John Lynn has described the impulse to enlist and fight, was however, more complicated than simple *rage militaire*, particularly for those who had employment, homes, and families which they left behind to enlist.⁶ In his explanation of motivations in the Civil War, *For Cause and Comrades*, James McPherson found that “in explaining to family members and friends their motives for enlisting, far more volunteers

mentioned patriotism and ideology than adventure and excitement.” Indeed, McPherson contends that “ideological convictions” were crucial in prompting men on both sides of the Mason–Dixon line to volunteer. The problem for any study of the ideological motivations of Civil War soldiers is that the volunteers themselves were often vague in their definitions and understanding of ideological and psychological values. McPherson himself warns that the motives of many volunteers “were mixed in a way that was impossible for them to disentangle in their own minds.”⁷ Michael Barton has proposed a delineation between ideological terms, such as freedom, democracy, equality, and individualism, and psychological terms, including patriotism, religion, and achievement. Barton found that the psychological terms were used more frequently in the letters and diaries of Civil War soldiers, and that most also expressed admiration for high moral standards.⁸ However, ideology, patriotism, religion, and morality were often interwoven in the mind of the volunteers in a way such as to make the connections between them indistinguishable and irrelevant. Patriotic sentiment in the North, for example, was heavily based upon the pride many felt in their democratic system of government, which protected the freedom of every American to do as he wished under the law, ensured freedom of religion, and prevented degeneration into lawlessness and immorality. What can be said with some degree of certainty is that patriotism and ideology underpinned the initial motivation of many in both the North and the South—both sides claimed to be the true heirs to the principles of the American Revolution, and each accused the other of betraying that inheritance—and drew many to the colors in spite of family, friends, and “gloomy forebodings.”⁹

For some volunteers, North and South, pride in their government, nation, or section, developed into a strangely possessive affinity, and led to strong indignation in the face of any threat to the status quo. Wilbur J. Cash, in his attempt to comprehend the “Southern mind,” contended that Confederate motivation throughout the war was based upon a conviction on the part of every southerner “that nothing living could cross him and get away with it.”¹⁰ The South had seceded in the first place to preclude domination by the North, and consequent loss of control over its own institutions and laws. Fighting for their independence was the next logical step for many Confederate volunteers, and references to potential enslavement to the North should the Confederacy be defeated were common not only in Southern newspapers and political debates, but also in the letters of the volunteers themselves. There were not many Americans who remained unaware of the political situation following the tumultuous election of Abraham Lincoln, and maintenance of their freedom and independence was paramount in the motivation of many southerners. Indignation was, however, far from being a Southern monopoly. Southern dominance of the U.S. Senate, Supreme Court, and, in the form of James Buchanan, presidency in the 1850s

had engendered a sense of injustice in the more populous North which was exacerbated by controversial pro-Southern legislation such as the Fugitive Slave law and the Kansas–Nebraska Act.¹¹ The perception of Southern leaders as arrogant and highhanded was, for many in the North, confirmed by the secession of the Southern states when the election of 1860 did not go in their favor. The attack upon Fort Sumter was the final straw that brought Northern indignation to the fore, and prompted resolutions by political bodies, local communities and individuals across the Northern states to “stand by the stars and stripes wherever they float, by land or sea.”¹² As Reid Mitchell as put it, “one way to sum up Union war motivations succinctly was to say, the South needed to be taught a lesson.”¹³

Most Americans in the 1860s felt a very real affinity and allegiance toward their community, section, and, for the northerners, their country. “The consciousness of duty was pervasive in Victorian America,” and many felt a binding moral duty to defend the flag of their nation or—as in the case of Robert E. Lee—their state in the crisis.¹⁴ More than this, to fail in their moral duty to nation or state was perceived by many as failing their community. Thomas Hopkin Deavenport was fairly typical in the mixture of duty, honor, and the wish to be worthy of his family, community, and country (in this case, the South) which prompted him to enlist. “I felt that I had no right to enjoy blessing[s] purchased by others,” he recalled when explaining his enlistment. Remarking that he would consider himself unworthy of his family, ancestors, and patriotic heritage, Deavenport “determined, if in my power to prevent it, my country should never be enslaved, or if she were, that she should never clank her chains in my ears and say it was your cowardice that led me to this.”¹⁵ This wish to demonstrate one’s honor, duty, and courage was thus interwoven with a spirit of community and patriotic sentiment in both North and South that propelled men into the army camps of 1861, and gave them a solid motivational basis for the sustained conflict that few anticipated.¹⁶ As much as “going to war seemed a light-hearted business” in 1861, most of those in blue or gray enlisted for reasons with more depth and resonance than the pursuit of glory or excitement.

Before concluding this survey of the motives that led so many Americans to volunteer in 1861 one final point—often ignored in more recent studies of initial motivation—deserves some attention. In his broad survey of soldier life in the Union army, *The Life of Billy Yank: The Common Soldier of the Union*, Bell Wiley remarked that, preposterous as it may seem, many were attracted by the paltry \$13 paid to the private soldier, and by the prospects for promotion. “The first months of the war were marked by depression,” he reminded readers, “and unemployment recurred periodically until 1863.”¹⁷ While some saw the war as steady pay and employment for a short time, others grasped the opportunity to escape their mundane existence,

establish their independence and manhood, and use their courage and ability to achieve greater standing in their community through a display of their bravery and martial qualities. More than a few nursed hopes of returning home at the end of the war as officers. Arthur B. Carpenter, for example, was “becoming increasingly disenchanted with everyone and everything” in the turbulent spring of 1861; “he did not particularly care for his work in his uncle’s shoe business but found no other jobs available.” Combined with a patriotic wish to defend his government and flag, Carpenter’s boredom and lack of prospects led him to enlist over the objections of his family, and by October, 1861, he was as a sergeant in the 19th Regiment, U.S. Infantry, drawing good pay and enjoying his incipient military training.¹⁸

Life in Camp

Thousands of men all over America found their way to the public recruitment meetings that took place in almost every village, town, and city. At these meetings local politicians and civic leaders would encourage men to join up—sometimes offering themselves as leaders for the company or regiment they hoped to form—and, once a sufficient number had been enlisted, the men would be directed to report to a camp of rendezvous on a certain date. In the South, where the authorities faced an acute scarcity, men were often invited to bring rifles or equivalent weapons with them. These camps were usually placed in a central and readily accessible location, often close to a major town in the state, but they served a very limited purpose. The volunteers were organized into the companies for which they had enlisted—giving them a strongly local character—and were then combined into regiments of eight to ten companies each, commonly amounting to around 1,000 men. Initially very little else was done at these camps, but in those units commanded by more organized and influential men they often received their clothing and equipment at this stage. As military organization improved in the early months of the war the issuance of equipment and weapons became more common. In the Confederate states, where the authorities were still in considerable confusion in the spring of 1861, and where supplies of uniforms, equipment, and weapons were especially scarce, men often went without such essentials for a prolonged period. In early 1862 some volunteer regiments were still training without weapons, and many southerners continued to wear civilian apparel, attracting the name “butternuts” because of the distinctive color of their homespun clothing.¹⁹ The Union soldiers were little better off in the first months of war. William T. Sherman recalled the conglomeration of troops he found upon his arrival in Washington DC in the summer of 1861: “their uniforms were as various as the States and cities from which they came; their arms were also of every pattern and caliber; and they were so loaded down with overcoats, haversacks, knapsacks,

tents, and baggage” that it required up to fifty wagons to move a regiment from one place to another.²⁰

The first wave of volunteers on both sides were quickly moved up to the frontier, massing most conspicuously in Washington and northern Virginia, but rushing also to threatened points in Kentucky, Missouri, and at Pensacola on the Gulf coast. These men would be trained where they stood, while making regular forays to reconnoitre enemy positions—often only a few miles distant. Most volunteers, however, found themselves delivered from their camp of rendezvous to a “camp of instruction,” although, in some cases, this was the same place and only the designation changed. The camps of instruction varied considerably in their climate, environment, size, and discipline. Camp Moore in Louisiana, for example, was notorious for its poor location, the ubiquity of its insect population, and the prevalence of disease among its inhabitants. Frank L. Richardson, of the 13th Louisiana, later remembered it as being “more like a camp of destruction than instruction.”²¹ Disease was common and expected in all camps, the exposure of men previously unfamiliar with diseases such as mumps and measles made that unavoidable. Equally endemic in the camps was ill discipline. Few volunteers had any prior military experience—the regular army had a prewar strength of only 15,000; the Mexican War, fought fifteen years previously, furnished some experienced volunteers, but even the forces involved in that conflict were dwarfed by Civil War armies; some immigrant volunteers had received training or experience in Europe, but again, there was not sufficient numbers of them to make a serious impact; and the militia system, by which citizens were expected to gain some military education, had long since fallen into disuse in all but a handful of states.

Some contended that southerners held an advantage due to a natural martial spirit born of rural life, but this was considerably exaggerated, and neglected the fact that most northerners came from similar, farming backgrounds.²² Indeed, Peter Maslowski has suggested that the case was quite the reverse, and “that Southerners were consistently in worse mental condition and consistently enjoyed army life less than Northerners.”²³ Whether or not this is overstating the case, initial reaction to the discipline and training that was imposed upon the volunteers in the camps of instruction was decidedly mixed. As with any large body there were those who took to military life with ease, and those who found it utterly insufferable. Between these extremes, most men got on as best they could, enjoyed the camaraderie and positive features of camp life, and gradually adapted to the new regimen they found themselves under. With the benefit of hindsight, many looked back upon the early days of the war with some fondness. Thomas Hopkin Deavenport was one Confederate who could reflect upon the hardships of later campaigns and refer to the first year of the war as “our easy days.” “We worked a heap, drilled much and stood guard not a

little," he recalled. "We had good tents with brick chimneys, biscuits, beef and coffee in abundance. We thought it was poor fare. We have since learned better."²⁴

Most volunteers found camp life difficult at first, but quickly adapted to the routine that was set for them. Those units with efficient commanders would drill from four to five hours a day, answer several roll calls, and perform dress parade in the early evening. The remainder of the day would be spent on guard duty, cleaning weapons, preparing for dress parade, or doing general fatigue duties around camp. Soldiers filled their spare time by playing cards, writing letters to their friends and family, reading any newspapers available, and indulging in the prime occupation of all soldiers in camp—rumormongering. Most soldiers eventually received a uniform, a weapon, and some items of equipment. Federal soldiers were better fed than any other military force in the Western world; Confederate victuals were a little more capricious in both quantity and quality.²⁵ Yet, whatever their rations, the men of both Union and Confederacy lacked discipline and any form of training when they arrived at camps of instruction, and the process of instilling basic obedience to orders was the single most pressing problem for the new officers, and undoubtedly the greatest annoyance for enlisted men throughout the first year of the war. "It took years to teach the educated privates in the Army that it was their duty to give unquestioning obedience to officers," remembered an erstwhile Confederate in his memoir, and it was no exaggeration to describe the time frame in terms of years rather than months.²⁶

The underlying problem for both sides was that their officers, in most cases, knew little or nothing more than the men they were expected to command. This was manifest when the commandant of Camp Curtin, a camp of instruction in Pennsylvania, promulgated strict rules and routines for the units in camp. The orders were based upon a "faulty assumption," according to William J. Miller. "They assumed that the inexperienced officers would or could enforce them." With little idea of how to conduct themselves, much less control their men, it took months before the officers were able to execute the rules with any expectation of success.²⁷ The degree of discipline in a given unit varied widely, depending on the experience and competence of its commander; even so, it was the exception rather than the rule in 1861 to find a unit which measured up to the standards of officers trained at the U.S. Military Academy. As late as July, 1862, Sherman issued an admonition to his officers stipulating that "all officers of this command must now study their books; ignorance of duty must no longer be pleaded."²⁸ However, discipline did eventually improve with experience, and this was amply demonstrated on the battlefields of Virginia, Kentucky, and Tennessee in 1862 and 1863, where both sides repeatedly suffered appalling casualties.²⁹

Tactical Conditions

The explanation for the high casualty figures arising from Civil War combat, particularly in 1862–63, is the subject of some controversy. In *Attack and Die: Civil War Military Tactics and the Southern Heritage* Grady McWhiney and Perry D. Jamieson have pointed to the failure of Confederate commanders to comprehend and adapt to the introduction of new technology—specifically, to the invention of the Minié bullet. At the time of the Mexican War, when most of the U.S. Military Academy graduates who would lead armies in the Civil War received their only experience of combat, muzzle-loading smoothbore muskets were by far the most common infantry weapon. The inaccuracy of smoothbore muskets dictated that effective fire could be delivered only by a close-order line, and training and tactics were arranged accordingly. Rifled muskets, while more accurate, had an extremely slow rate of fire because, to utilize the rifling in the barrel, the ball had to be an extremely tight fit, and was consequently difficult to load. The Minié bullet, an oblong projectile small enough to drop easily down the barrel, but with a hollow base which expanded to fit the rifling of the barrel when fired, changed the tactical situation completely. Infantrymen could now fire accurately over a far greater range, making fire zones larger and transferring battlefield dominance to the defensive. However, not only did Civil War commanders fail to properly adapt to these new circumstances, but Confederate commanders destroyed their armies in repeated frontal assaults in the misguided belief that the offensive remained superior in spite of the prevalence of rifled muskets.³⁰ The explanation for this Southern predilection for the offensive was, according to the McWhiney–Jamieson thesis, not merely a misunderstanding of the tactical situation—after all, federal army commanders had also fought in Mexico, but did not attack as much in Civil War battles—but a Celtic heritage which pervaded Southern culture and inspired a dedication to the charge, the ancient tactics of the Celts.³¹ For McWhiney and Jamieson, the Civil War battlefield is dominated by the Southern charge, and its crushing repulse at the hands of the rifled musket. Pickett’s charge during the battle of Gettysburg may therefore be considered as the apotheosis of the *Attack and Die* thesis.

In contrast, Paddy Griffith has argued that Civil War battlefields were not dominated by the rifled musket at all, and the superiority of the defensive was instead exaggerated by the failure of the attackers to exploit their opportunities. Griffith based this proposition on his belief that discipline in Civil War armies remained poor, and they were consequently unable to carry through the Napoleonic tactics that would have brought decisiveness to the battlefield. Without the competence to force a breakthrough, Civil War battles degenerated into costly firefights. “Casualties mounted,” according to Griffith, “because the contest went on so long, not because the

fire was particularly deadly.” Griffith thus concludes that the American Civil War was in fact the last Napoleonic war rather than the first modern war—although the Americans failed to copy correctly Napoleonic tactics, and thus failed to achieve the decisive battles the French had won fifty years earlier.³² Griffith’s battlefields are dominated by these indecisive firefights, and by the poor fire discipline of the men which leads to them.

Combining parts of both the above theses, though it was written before either, Thomas V. Moseley has produced perhaps the most balanced portrayal of the Civil War battlefield, and of the combat effectiveness of the troops involved. Moseley certainly finds evidence to support Griffith’s contention that the fire discipline of Civil War soldier was not all that might have been expected, and cites, by way of example, a memorandum circulated among officers of the Army of the Potomac in April, 1864, which indicated that “there are men in this army who have been in numerous actions without ever firing their guns, and it is known that muskets taken on the battlefields have been found filled nearly to the muzzle with cartridges.”³³ Moseley concludes that “it was the exception, not the rule, if an officer could control the delivery of his fire” on the battlefield, maintaining that few exerted much influence on proceedings once a firefight had commenced. On the other hand, Moseley makes it clear that the rifled musket and other technological innovations made a significant impact upon Civil War combat, and hastened the deterioration of cohesion and control, particularly in attacking units.³⁴

In point of fact, most units in the Civil War were well disciplined and poorly trained, and it was this combination as much as the destructive power of rifled muskets that created high casualties in the battles of 1862–63. In battle after battle attacking forces, arrayed in close-order linear formations, were able to break through the lines of their opponents, usually following a brief firefight and a close-range charge.³⁵ It was at this point that a number of factors would come into play to prevent exploitation of this success and the battle of annihilation that all Civil War commanders sought. The key to the problems encountered after an initial breakthrough was the loss of command and control on the part of the attacking forces, and the ability of defenders to adapt quickly and fall back to new positions, often augmented by additional infantry and increased artillery support. The Confederate attack upon the federal right wing at the battle of Murfreesboro is a good example. Having initially surprised and routed the better part of two federal divisions, the Confederates were then slowed by a dense brake of cedars and underbrush which broke up their close-order lines and made coordination between regiments very difficult. By this point Southern corps and division commanders were taking an increasingly peripheral role, but brigade and regimental leaders remained in the thick of the action and crucial to the continuing momentum of the attack. The difficulty of communicating orders to commanders spread across long lines in dense

woods led to increasing dislocation, and regiments would advance ahead of their supports, becoming exposed to flanking fire from the federal forces falling slowly back in their immediate front. Firefights were constantly breaking out, forcing one side or the other falling back to find supporting units, thus slowing the Confederate advance and allowing federal commanders time to rush forces to the threatened point and reorganize. Ultimately, though the southerners continued to advance through most of the day, any possibility of annihilating the Union army was lost in the early hours of the battle when the assault became mired by difficult terrain, Federal resistance, and Confederate loss of command and control.³⁶ Of course, not every assault conformed to this pattern; the battle of Antietam, for example, was marked more by the repulse of frontal assaults by lines of rifled muskets rather than by the breakthroughs and firefights described above. Every battle is to some degree unique, and any generalization on tactics in the Civil War has to take into account the different circumstances and objectives on the part of the protagonists. What is clear is that a sufficient number of men were prepared to go forward into the hail of musket and artillery fire to produce bloody repulses, partial breakthroughs, and hugely destructive firefights.³⁷

The reasons why men fought are as complex and debatable as the tactics they employed. For the man in the ranks battle was as awesome and confusing as it was for the brigade and divisional commanders desperately trying to coordinate their forces. Most battles took place across a broad expanse which encompassed woodland, rivers and small farms. Soldiers themselves remarked on the contrast between the battles they had read of, where entire armies would be arrayed on open plains, and the intimate fighting that took place between trees and underbrush on the American battlefield. The “fog of war,” dispensed by thousands of muskets and dozens of cannon, further obscured men who habitually went to ground until it was their time to advance. “I have taken part in two great battles,” reported one federal officer, “and heard the bullets whistle both days, and yet I had scarcely seen a Rebel save killed, wounded, or prisoners.”³⁸ Both sides also employed the tactic of having their men lie down during a firefight while they prepared for a final assault, further adding to the concealment of troops on the battlefield, and, of course, increasing the tension for those awaiting the assault—not being able to see the enemy was often more stressful than having his lines in view, not only because of a fear of the unknown, but also because the lack of a target removed the emotional satisfaction gained from firing.³⁹ “If you wish to know how a soldier feels in a battle such as that you must ask someone else,” one Confederate said, recalling the battle of Perryville. “If you ask me if I was scared, I answer I don’t know that I was scared before we got in the thickest of the fight.”⁴⁰

Primary Group Loyalty

To explain how so many volunteers not only survived such conditions, but repeatedly advanced into enemy fire in battle after battle, historians have examined the concepts of combat motivation proposed by sociologists in the aftermath of World War II, the Victorian moral principles and community ties that first propelled men into the ranks of the Union and Confederate armies, and the leaders they followed into fire zones so intense they attracted names like Devil's Den and Bloody Angle. "The Cause" was, of course, fundamental not only to bringing men into the ranks, but also to combat and sustaining motivation. Yet not all Union and Confederate troops fought for the cause—after 1862, for instance, increasing numbers of conscripts augmented the strength of both sides—and those who did often referred to other psychological supports which helped them in moments of crisis when ideological convictions seemed distant. The most physically immediate stimulus to the infantryman of the Civil War was the men on either side of him. In terms of training and tactics, both sides remained committed to close order throughout the first three years of war, despite the impact of rifled muskets, and this was in part due to the belief that close order made it easier for volunteers to maintain cohesion and discipline. While men were often unable to see their enemy, they seldom lost contact with the men of their squad, company, and regiment. As long as the regiment remained in place, men were loathe to fall to the rear and not only lose the respect of their comrades but to fail those with whom they had shared the travails of camp life, marching, and previous combat experience. Civil War soldiers were bound to their comrades in much the same way as the GIs of World War II would cite the primary group as crucial to their combat motivation, and were as keen not to let their comrades down.⁴¹

Nevertheless, primary group loyalty in the Civil War must be addressed within its historical context. In the studies of combat motivation that have emerged over the past ten years, Gerald Linderman, Reid Mitchell, James McPherson, and Earl J. Hess have highlighted the importance of duty and honor in the American mind, and the strength of the ties between the troops at the front and the communities from which their units had been formed. "The community never entirely relinquished its power to oversee its men at war," and the values represented by those at home—the values for which men had volunteered in the first place—were continually reinforced by those ties. Men were well aware that any show of cowardice, any failure to fulfill one's duty as it was perceived by comrades and community, would mean disgrace and scorn among friends and even family. Of course, the possibility of disgrace never crossed the mind of some, but they were nonetheless eager to maintain their honor and demonstrate their courage—virtues closely interwoven with Victorian perceptions of masculinity and morality.⁴²

These links to the community back home also acted to reinforce the commitment of soldiers to the war where the letters they received commended them, and the knowledge that those at home were relying upon and supporting a soldier acted as a powerful stimulus to remain in the ranks when under fire.⁴³ As George Reeves and Joseph Frank have pointed out, the bond between community and soldier was crucial for the latter's self-esteem, and acted as an emotional support not only in the midst of combat, but also in the difficult transition from civilian life to a military existence.⁴⁴

In some cases, however, men would receive letters begging them to return, often because a soldier's wife found herself in financial difficulty, or sometimes due to simple loneliness, and this no doubt severely impaired the morale of men who received such missives.⁴⁵ In the historical context of nineteenth-century America, the primary group to which the soldier owed his loyalty might be extended to the community he had left behind, so close and influential were the connections between home and the front. These connections also reinforced the concepts of duty and honor which were inextricably caught up in the relationship of the individual to his comrades because, for many, the social values of the community had merely been shifted to a new location—a location where pressure made those values all the more intense.

Another central feature of American culture in the nineteenth century was a commitment to religion, and many mentioned their religious belief as sustaining them in the most difficult moments of battle. Although some were deeply devout, and trusted in God to see them through the battle, or to ensure that they would be victorious, religious belief was more commonly expressed in a resigned fatalism. A common entry in the diaries or letters of soldiers, particularly upon the death of a friend or relative, was "Man proposes and God disposes." This balance between belief in free will and divine omnipotence led men to the acceptance of their fate, an acceptance supported by a widespread belief that killing others in battle would not preclude entry to Paradise when death should finally come.⁴⁶ The importance of religion is exemplified in the baptism of the Confederate commanders Joseph E. Johnston and John B. Hood in 1864, an individual act that was perhaps not entirely free from the awareness of flagging morale in the Southern army at the time.

Importance of Leadership

Leadership was a crucial component in combat motivation. References to commanders steadying their men under fire, leading by example, and all but physically moving their commands forward are strewn through the battle reports of officers and the letters of enlisted men.⁴⁷ Their importance to combat motivation is perhaps best demonstrated by the performance of

commands when they had lost a high proportion of officers, or when a respected commander was lost in the heat of battle. In such circumstances units seldom succumbed to complete disintegration, but the loss of a key leader often contributed to a loss of nerve that detracted from combat effectiveness. This was especially the case early in the war, and is perhaps exemplified in the Confederate collapse at the battle of Mill Springs when General Felix Zollicoffer, who had been held in great esteem by his troops, was killed. This was repeated at the battle of Shiloh: although the impact of the death of Albert Sidney Johnston did not lead to a precipitate collapse, many of his subordinates considered his death on the field to have been the turning point in the battle.⁴⁸

Greater familiarity with combat dulled the impact of such events as the war went on. Indeed, one commander believed that familiarity with battle was the key to developing competent soldiers and effective armies. “Put a plank six inches wide five feet above the ground and a thousand men will walk it easily,” Union General George Thomas remarked in the summer of 1863. “Raise it five hundred feet and one man out of a thousand will walk it safely. It is a question of nerve we have to solve, not dexterity.” Thomas believed that only through becoming accustomed to violence and battle could the Union create veteran soldiers, and suggested that this had been George McClellan’s greatest failure during his period in command of the Army of the Potomac—“McClellan’s great error was in his avoidance of fighting . . . his troops came to have a mysterious fear of the enemy.”⁴⁹ This is very close to the thesis proposed by Michael C. C. Adams in *Our Masters the Rebels*. Noting the widespread—and greatly exaggerated—belief among Northern volunteers that the South enjoyed a peculiarly martial tradition, Adams traces Northern fear of the cavalier southerners through the Army of the Potomac’s fortunes and misfortunes against the Confederate Army of Northern Virginia. Indeed, according to Adams, not until the arrival of Ulysses S. Grant from the western theatre were the soldiers and officers of the Army of the Potomac able to overcome their inferiority complex.⁵⁰

For Adams the Army of Potomac lost its nerve almost before the conflict began, and certainly in the aftermath of the first battle of Bull Run. By contrast, Gerald Linderman contends that decline was gradual, and most volunteers suffered a loss of nerve—or rather, a loss of belief in the values which had brought them into the Union and Confederate armies—later in the war. Linderman’s thesis is based upon the premise that courage was the single, determining quality at the center of the male outlook in the 1860s, the core value of the Civil War volunteer. Courage was the highest virtue of the Victorian male, and it formed the cornerstone of a cultural philosophy which lauded duty, honor, chivalry, and masculinity. Courage had underpinned the initial motivation of Civil War volunteers, and it was just as important in combat motivation. However, it quickly became clear that

courage was not sufficient to ensure victory, or even to attain glory. The volunteers saw that brave men were often killed or maimed as a result of their valor while the less courageous survived. Nor was it any safeguard against ignominious death through diseases such as dysentery or measles. By 1863 the lustre of courage had become tarnished, or, in Linderman's phrase, "embattled," and the volunteers had become disillusioned. "The very nature of combat did not fit, and could not be made to fit, within the framework of soldier expectations." The result was that men began to go to ground at every possible opportunity, the construction of entrenchments became commonplace, and it was no longer considered cowardly to use available cover. By the spring of 1864 the Civil War was being fought in a manner that would have appalled the volunteer of 1861, and the distinction between courage and cowardice had become blurred to the point of irrelevance.⁵¹

This is certainly a provocative thesis, but Linderman has been criticized on a number of points. James McPherson, for example, while finding much to recommend *Embattled Courage*, found that the concepts of duty, honor, courage, and belief in the cause for which they were fighting persisted to the end of war. Michael C. C. Adams confessed that he was "not convinced that courage was the one overarching quality, the cement, holding together the white male's philosophy of individual character," and also pointed to Linderman's failure to offer a satisfactory analysis of Victorian social attitudes. Yet perhaps the most interesting idea in Linderman's thesis is in his exploration of how motivation and tactics—why men fight and how men fight—become interwoven, how they act upon one another to alter the nature of conflict.

That the tactical nature of the war changed significantly between 1861 and 1864 is beyond dispute: the battlefield became increasingly static and dominated by entrenchments or field fortifications; sniping became widespread; contact between opposing armies was extended from a day or two in 1862–63 to weeks, exemplified in the Wilderness, Petersburg, and Atlanta campaigns.⁵² This was, however, as much to do with manpower resources, strategy, and increasingly competent tactical thinking on the part of commanders like Sherman and Johnston as with the disillusionment of the men under their command. In the Confederate Army of Tennessee, for instance, there was a significant tactical change between the battle of Missionary Ridge—which was essentially siege operating in much the same way as was the case in the eighteenth century—and the opening of the Atlanta campaign. The tactical development experienced by that army was, however, due to a change in its commander and the lessons learned by its officers and men in the battles of late 1863 rather than the fall of the concept of courage. Moreover, despite an increase in desertion (particularly on the part of the Confederate army) the vast majority of Civil War soldiers

did not leave the army in 1864—in fact, more than half of the Union volunteers whose term of service expired in 1864 reenlisted. Clearly, these men remained highly motivated even in 1864–65.

The motivations which drew men into the army, and which sustained them in combat, also contributed to their morale, supporting them through long periods away from home and family, through the monotony of camp life, and through up to four years of warfare. These motives were augmented by the improved discipline of the soldiers, and by the pride they came to have in their units—although, in some cases, infusions of conscripts to replace the killed and wounded severely hampered unit pride and cohesion.⁵³ They were also aided by the darker side of discipline, strict laws against desertion, and frequent executions to deter potential offenders. For southerners there was the added incentive of defending their homes against increasingly destructive federal invasions, while many northerners expressed an intention to see the job through to its completion. Indeed, many would have identified with sentiments expressed by a World War I officer almost seventy years later. “At no time in the war,” Robert Graves recalled, “did any of us allow ourselves to believe that hostilities could possibly continue more than nine months or a year more, so it seemed almost worth taking care.”⁵⁴ On both sides men fought on in the hope of an imminent—but honorable—return to the homes and communities they had left behind. Perhaps the final differentiating factor between the Union and Confederate soldier, the thing that prompted southerners to desert in large numbers in the early months of 1865, was the prospect of success. In his study of the final Confederate campaign in the West, Wiley Sword has concluded that Hood’s army finally gave way to fear in the battle of Nashville and its immediate aftermath. “Yet it was not the fear of fighting,” he asserts, “but only a fear of wasting their lives, of too long being abused in the field and sacrificed to no sensible purpose.”⁵⁵ As Richard Beringer and others pointed out in explaining *Why the South lost the Civil War*, Confederate morale was closely tied to their military success throughout the war, so when success no longer seemed remotely possible the motivation that had sustained Confederate soldiers through four years of conflict was outweighed by the prospect of sacrificing their lives for a cause already lost.⁵⁶ The Civil War thus came to an abrupt end in April and May, 1865, *in part* because of the reluctance of so many southerners to continue the fight.

“The Civil War,” wrote Peter Parish, “like any other war, reflected the society in which it took place.”⁵⁷ Civil War soldiers shared many of the same experiences as the troops of other conflicts, ancient and modern; they were motivated by their cause, religion, loyalty to comrades and community, by duty, honor, courage, good leadership, and by the hope of victory. Yet their experience of war—their attitudes to it and their endurance of it—was permeated by a unique mixture of ideology, morality and motives that

determined not only *why* men fought, but also had a significant influence over *how* they fought. The historiography of the common soldier of the Civil War has, over the past twenty years or so, come to reflect the complex and often incongruous nature of its subject, bringing greater depth to our understanding of the war as a whole, and the influence of the private soldier on its great events—and, of course, on the decision-making process which brought them about. Ultimately, the “Face of Battle” for the Civil War is reflected as much in its historiography as in the writings of the men who fought. They were, in many cases, no more certain of the juxtaposition of one factor or another in sustaining their will to fight. Future academic interpretations might have to move into this “gray area” rather than be colored black and white.

Notes

1. Marvin R. Cain, “A ‘Face of Battle’ Needed: An Assessment of Motives and Men in Civil War Historiography,” *Civil War History* 28 (1982), pp. 5–27.
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3. Earl J. Hess, *The Union Soldier in Battle: Enduring the Ordeal of Combat* (Lawrence, KS, 1997), p. 2.
4. John S. Jackman Journal, January [nd], 1863, Manuscripts Reading Room, Library of Congress, Washington, DC.
5. John F. Lucy, *There’s a Devil in the Drum* (London, 1938), quoted in Trevor Wilson, *The Myriad Faces of War: Britain and the Great War, 1914–1918* (Cambridge, 1988), p. 53.
6. In his construction of the model of combat effectiveness Lynn divides motivation into “initial,” “combat,” and “sustaining motivation,” John A. Lynn, *The Bayonets of the Republic: Motivation and Tactics in the Army of Revolutionary France, 1791–1994* (Oxford, 1996, Westview Press edn.), p. 22.
7. James M. McPherson, *For Cause and Comrades: Why Men fought in the Civil War* (New York, 1997), pp. 27–8.
8. Michael Barton, *Goodmen: The Character of Civil War Soldiers* (University Park, PA, 1981), pp. 33–40.
9. John D. Billings, “Hardtack and Coffee,” in Philip Van Doren Stern, ed., *Soldier Life in the Union and Confederate Armies* (Bloomington, IN, 1961), p. 13.
10. Wilbur J. Cash, *The Mind of the South* (New York, 1941, repr. Pelican, 1973), pp. 64–5.
11. James M. McPherson, *Battle Cry of Freedom: The American Civil War* (New York, 1988, repr. Penguin, 1990), pp. 6–275; Brian Holden Reid, *The Origins of the American Civil War* (London, 1996), pp. 154–7, 182–4.
12. William Garrett Piston, “The 1st Iowa Volunteers: Honor and Community in a Ninety-day Regiment,” *Civil War History* 44 (1998), p. 7.
13. Reid Mitchell, *The Vacant Chair: The Northern Soldier leaves Home* (New York, 1993), p. 15.
14. McPherson, *For Cause and Comrades*, pp. 22–3.
15. Thomas Hopkin Deavenport Diary/memoir, p. 1, Civil War Collection, Tennessee State Archives and Library, Nashville, TN (hereafter referred to as TSLA).
16. Reid Mitchell, *Civil War Soldiers: Their Expectations and Experiences* (New York, 1988), highlights the importance of patriotism, duty, and community in the motivations of Civil war soldiers; Gerald Linderman, *Embattled Courage: The Experience of Combat in the American Civil War* (New York, 1987), which, focusing more upon combat and sustaining motivation, presents an interesting thesis emphasizing the centrality of courage in

- Victorian culture, and the corollary of this attitude for the initial motivation of Civil War volunteers.
17. Bell I. Wiley, *The Life of Billy Yank: The Common Soldier of the Union* (Baton Rouge, LA, 1978), p. 38.
 18. Thomas R. Bright, "Yankees in Arms: The Civil War as a Personal Experience," *Civil War History* 19 (1973), pp. 197–218.
 19. For an insight into Confederate organizational problems in the first months of the war see Thomas L. Connolly, *Army of the Heartland: The Army of Tennessee, 1861–1862* (Baton Rouge, LA, 1967), pp. 3–58.
 20. William T. Sherman, *Memoirs of General William T. Sherman* (1875, repr. New York, 1984), p. 178. For similar remarks concerning the Confederate troops in northern Virginia around the same time see General Joseph E. Johnston, *Narrative of Military Operations during the Civil War* (1874, repr. New York, 1990), p. 16.
 21. Frank L. Richardson, "The War as I Saw it," *Louisiana Historical Quarterly* 2 (1923), p. 92; Ruben A. Pierson's letter to his wife, from Camp Moore, July 21, 1861, Pierson Family Papers, Kuntz Collection, Howard Tilton Memorial Library, Tulane University, New Orleans, LA.
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 23. Pete Maslowski, "A Study of Morale in Civil War Soldiers," *Military Affairs* 34 (1970), p. 128.
 24. Deavenport Diary/memoir, p. 6, TSLA.
 25. For a first-hand account of life in the camps of Union and Confederate armies see Commager, *Blue and the Gray*, pp. 267–337, 407–516. Bell Wiley's works *The Life of Billy Yank* and *The Life of Johnny Reb: The Common Soldier of the Confederacy* (Baton Rouge, LA, 1943) are extremely informative, and have been supplemented by James I. Robertson, *Soldiers: Blue and Gray* (New York, 1988). There are no works which explicitly compare Civil War soldiers to their contemporaries or to other soldiers, although John R. Elting, *Swords around a Throne: Napoleon's Grande Armée* (London, 1989), and J. G. Fuller, *Troop Morale and Popular Culture in the British and Dominion Armies, 1914–1918* (London, 1990), provide useful material for general comparisons.
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 27. William J. Miller, *The Training of an Army: Camp Curtain and the North's Civil War* (Shippensburg, PA, 1990), p. 13–18.
 28. General Orders, No. 62, Fifth Division, Army of the Tennessee, July 24, 1862, *War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, DC, 1880–1901), Series 1, Vol. XVII, Part 2, p. 119. (All subsequent references to Series 1.)
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 30. Grady McWhiney and Perry D. Jamieson, *Attack and Die: Civil War Military Tactics and the Southern Heritage* (Tuscaloosa, AL, 1982), p. 48 and passim.
 31. McWhiney and Jamieson, *Attack*, pp. 141–91. For a critical appraisal of the figures and argument in *Attack* see Richard E. Beringer et al., *Why the South lost the Civil War* (Athens, Georgia, 1986), pp. 458–81. On the alleged Celtic heritage in the Southern states, see David Hackett Fischer, *Albion's Seed: Four British Folkways in America* (Oxford, 1989), and the symposium which considered Fischer's thesis the following year and was published in *William and Mary Quarterly* 48 (1991), pp. 223–309.

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33. Circular, Army of the Potomac, April 19, 1864, *War of the Rebellion* XXXIII, p. 908.
34. Thomas Vernon Moseley, "The Evolution of American Civil War Infantry Tactics," Ph.D. dissertation, University of North Carolina at Chapel Hill (1968), pp. 383–99 and passim.
35. Moseley, "Infantry Tactics," p. 334–8. See also the various battle studies that have been produced on the battles of 1862–63, and the battle reports of Union and Confederate commanders in *War of the Rebellion*.
36. Cozzens, *No Better Place to Die*, pp. 81–143 and passim.
37. Beringer et al., *Why the South lost the Civil War*, pp. 167–8; McPherson, *Battle Cry*, pp. 538–67.
38. George R. Agassiz, ed., *Meade's Headquarters, 1863–1865: Letters of Colonel Theodore Lyman from the Wilderness to Appomattox* (Boston, MA, 1922), p. 101, and quoted in Hess, *The Union Soldier in Battle*, p. 9.
39. In the Franco-Prussian War many officers found that they could not properly assault enemy lines because their men would go to ground under fire, and, although they continued to return fire, they could not be moved. This does not appear to have been as great a problem in the Civil War, but was instead seen as a valuable tactic in assaulting enemy lines. For observations on tactical problems in the Franco-Prussian War see A. von Boguslawski, *Tactical Deductions from the War of 1870–1871* (1872, repr. Minneapolis, MN, 1996), pp. 47–62; John A. English and Bruce I. Gudmundsson, *On Infantry*, rev. edn. (London, 1994), pp. 1–35.
40. Carroll Henderson Clark memoirs, p. 26, TSLA.
41. McPherson, *For Cause and Comrades*, pp. 77–82. On primary group loyalty as a concept, and its prominence among American soldiers in World War II, see S. A. Stouffer et al., *Studies in Social Psychology in World War II*, 2 vols. (Princeton, NJ, 1949); S. L. A. Marshall, *Men against Fire: Battle Command in Future War* (New York, 1947); Anthony Kellett, *Combat Motivation: The Behavior of Soldiers in Battle* (Boston, MA, 1982).
42. Mitchell, *The Vacant Chair*, p. 25.
43. Mitchell, *The Vacant Chair*, p. 29.
44. Joseph A. Frank and George A. Reeves, "Seeing the Elephant": *Raw Recruits at the Battle of Shiloh* (Westport, CT, 1989), passim. This is generally regarded as one of the best monographs on combat motivation in the Civil War, and is handicapped only by its limitation to a single battle. See Marvin Cain's review in *Civil War History* 36 (1990), pp. 351–2.
45. Wiley, *Life of Johnny Reb*, p. 210.
46. Samuel J. Watson, "Religion and Combat Motivation in the Confederate Armies," *Journal of Military History* 58 (1994), pp. 31–55; McPherson, *For Cause and Comrades*, pp. 62–76.
47. There are examples of the influence of leadership on combat motivation throughout the official records of the war. For some examples see the report of Colonel George C. Porter, 6th Tennessee Infantry (Confederate), October 16, 1862, *War of the Rebellion*, XVI, Part 1, pp. 1114–15; report of Major G. W. Kelsoe, 9th Tennessee Infantry (Confederate), October 12, 1862, *ibid.*, XVI, Part 1, p. 1116; report of Brigadier General Joseph B. Carr, commanding First Brigade, Second Division, III Corps, Army of the Potomac, August 1, 1863, *ibid.*, XXVII, Part 1, p. 544; report of Captain L. R. Stegman, 102nd New York Infantry, July 6, 1863, *ibid.*, XXVII, Part 1, p. 865.
48. Connelly, *Army of the Heartland*, pp. 98, 166.
49. Peter Cozzens, *This Terrible Sound: The Battle of Chickamauga* (Chicago, IL, 1992), pp. 422–3.
50. Michael C. C. Adams, *Our Masters the Rebels: A Speculation on Union Military Failure in the East, 1861–1865* (Cambridge, MA, 1978), p. 6 and passim.
51. Linderman, *Embattled Courage*, p. 134 and passim.
52. Edward Hagerman, *The American Civil War and the Origins of Modern Warfare: Ideas, Organization, and Field Command* (Indianapolis, IN, 1988), pp. 243–98; Beringer et al., *Why the South lost the Civil War*, pp. 236–335; Albert Castel, *Decision in the West: The Atlanta Campaign of 1864* (Lawrence, KS, 1992), passim; Bruce Catton, *Grant Moves South* (Boston, MA, 1960), p. 119 and passim; Joseph T. Glatthaar, *The March to the Sea and Beyond: Sherman's Troops in the Savannah and Carolinas Campaigns* (New York, 1985), pp. 156–74.
53. Nolan, *The Iron Brigade*, pp. 263–82; Larry J. Daniel, *Soldiering in the Army of Tennessee: A Portrait of Life in a Confederate Army* (Chapel Hill, NC, 1991), p. 132.

54. Robert Graves, *Goodbye to all That* (London, 1931), p. 176.
55. Wiley Sword, *The Confederacy's Last Hurrah: Spring Hill, Franklin, and Nashville* (Lawrence, KS, 1992), p. 377.
56. Beringer et al., *Why the South lost the Civil War*, pp. 424–42; for a contrasting interpretation see Gary W. Gallagher, *The Confederate War* (Cambridge, MA, 1997).
57. Peter Parish, *The American Civil War* (London, 1975), p. 128.

Command and Leadership in the Civil War, 1861–1865

BRIAN HOLDEN REID

Command, and a proper sense of the duties that belong to the commander, are central to the conduct of war. Without a central directing brain, armies degenerate into violent mobs or apathetic hosts, and are unable to achieve the political and military objectives set for them. This chapter, therefore, concentrates on the structures and systems of command during the American Civil War, rather than on the personal qualities needed to be an effective commander, although these are hardly unimportant. The emperor Napoleon, who inspired a cult in the United States in the years before 1865, was of the opinion that centralization of command in war was essential and that one bad general was better than two good ones. In war, he repeated, it is the *man* who counts. The experience of the Napoleonic Wars was to cast a spell over the American imagination before 1861, the full consequences of which have yet to be investigated by historians. The simple, dramatic, and rather glamorous appeal of the great individual in battle—the great captain—overlooked the important fact that Napoleon waged war before the full effects of the industrial revolution had made themselves felt in Continental Europe.

The American Civil War was the greatest conflict waged during the first (steam-driven) phase of the industrial revolution. Some of its features were anticipated in the Crimean War (1854–56), but during the great American civil conflagration they were magnified, mainly because of its scale and intensity. The broad developments that were to become so important in the first half of the twentieth century were the impact of the immense productiveness of the American economy, that could clothe and equip large

numbers of men, the increased reliance on technology and machinery (especially the railways), the improvement of weapons, the growth of the power of the tactical defense, the spread of the “empty battlefield” (as each side resorted to entrenchments, with a vacant space in between), and the lengthening of an army’s “tail” (its support echelons) in proportion to its “teeth” (the fighting elements). All of these developments greatly complicated the duties of the commander in a technical sense during the mid-nineteenth century, and made his job more difficult.¹

Paradoxically, a number of American social developments tended to conceal the significance of these structural changes in the art of war. The cult of Napoleon in the United States—the belief in the “man of destiny”—experienced a transmutation that gave it a different character from similar cults in Europe. Napoleon’s brother, Joseph Bonaparte, a former King of Spain, lived in Bordentown, New Jersey, while Marshal Grouchy (whom many blamed for Napoleon’s defeat at Waterloo) was a resident of Philadelphia. Their presence gave the cult a boost. The political ambitions of General Andrew Jackson, the victor of the battle of New Orleans (1815) over the British, were presented by his Democratic publicists with a distinctly Napoleonic hue. His enemies claimed that Jackson was “a military chieftain” intent on establishing a military dictatorship; he was also alleged to nurse regal ambitions, and was known as “King Andrew.” But the Democrats themselves stressed Jackson’s homespun frontier background. The egalitarian aspects of the Napoleonic legend were stressed: how a man who had sprung from comparatively humble roots could command the destiny of nations. Jackson, the untrained son of the frontier, had crushed regular soldiers commanded by the Duke of Wellington’s brother-in-law, Sir Edward Pakenham.² Jackson’s example encouraged the widespread assumption throughout the antebellum period that command in war was something simple that could be undertaken successfully by anybody of spirit or intelligence. If one looked further back in American history, the Revolution had shown how citizen soldiers, led by the ineffable (former colonel of militia) General George Washington, could defeat regular armies. Washington himself became the exemplary model of the patriot-general.

The military experience of the Mexican War (1846–48) confirmed these views. Mexican soldiers were individually brave, but were no match for American armies composed mainly of volunteers. American forces were commanded by men of civilian distinction, mostly Democratic allies of President James K. Polk, including his former law partner, Gideon J. Pillow. However, the most senior army commanders, Zachary Taylor and Winfield Scott, were both Whigs, and Polk toyed with the idea that he should place Senator Thomas Hart Benton over them both with the rank of Lieutenant General. Consequently, by the 1850s the notion had firmly taken root in the American imagination that warfare was a short and decisive thing, as the

Mexican War had been, involving rapid and dramatic movements directed by charismatic personalities. Such simplistic views, that emphasized the romantic appeal of war, were to be contradicted by the Civil War.³

Moreover, this outlook tended to elevate the leaders rather than the commander. The infusion of large numbers of politically ambitious civilians into the U.S. Army's ranks in 1846–47 meant that a good number of senior officers had already revealed a strong measure of skill as leaders: volunteer leaders were often fine public speakers, could rouse their men to follow them, and bind them to the cause and to themselves. A good example of such a figure is the lawyer Colonel Alexander W. Doniphan, who took 856 men of the 1st Missouri Volunteer Regiment, composed mostly of “unwashed and unshaven” frontiersmen, on a 3,500 mile march comparable to Xenophon's *anabasis*, from Fort Leavenworth, Kansas, to Santa Fé, New Mexico, to Monterey, Mexico, winning two victories en route.⁴

Throughout the era of the Civil War, command and leadership were confused. Few able commanders were bad leaders, but a good leader could sometimes make a poor commander, especially at the higher levels. Stress on the leader as moral exemplar, furthermore, resulted in military attitudes which praised nerve and imagination at the expense of intricate preparation, and often ignored logistical reality. Enthusiasts for a Napoleonic style of warfare also failed to take into account that movement over the huge expanses of North America was just as likely to lead to disaster (as in Russia in 1812) as to crowning triumph (as at Austerlitz in 1805 or Jena–Auerstadt in 1806).

Early Difficulties

At the end of 1860 the U.S. Army consisted of 16,215 officers and men. In April, 1861, after the bombardment of Fort Sumter, almost all the men remained loyal to the Union, although 313 officers resigned. The army was organized into 198 companies, 183 of which remained on the frontier, divided among seventy posts. Over the next four years the U.S. Army grew twenty-seven times its initial strength, raising 1,696 regiments of infantry, 272 of cavalry and seventy-eight of artillery. These forces were deployed in sixteen Union armies, which were administered by fifty-three territorial departments. Each of the armies was based in a department, and the commander of the army doubled as the departmental commander. This basic structure was replicated in the Confederacy. On both sides, if an army commander moved out of the geographical confines of his department, he was still expected to administer its garrison affairs; nor did he automatically command the forces of the department into which his troops moved. This was a geographical rather than a formation system of command; generals commanded areas rather than forces; there was no real concept of

army group-level command, although, for convenience, by 1864–65 more than one Union army was combined under the direction of Grant and Sherman.

The main challenge facing the commanders of both Union and Confederate armies in 1861–62 was making the conceptual leap from commanding companies (or, at most, battalions) to commanding sizable field armies, sometimes exceeding 100,000 men. This demanded a certain kind of character. Major General J. F. C. Fuller, who pioneered the modern system of analyzing Civil War commanders, has written that “Discipline makes soldiers, but it is personality which makes, and, sad to say, sometimes unmakes, generals.”⁵

Given its small size in peacetime and a military role protecting the Indian frontier—in effect performing the duties of an imperial constabulary—the command philosophy of the U.S. Army was formulated amidst a range of what the British army calls “small wars.” Consisting of tiny units scattered over huge distances, separated from the headquarters by inhospitable terrain, or impenetrable forests, as during the Seminole Wars (1835–41), the American army evolved a practice of devolving a lot of responsibility on to the shoulders of quite junior officers, who, in any case, were not permitted by the constraints of geography to consult their superiors. This practice was accentuated by the American staff system, which was still in its infancy. Regular officers were essentially administrators, and there was no conception of modern staff officers, acting as the representative of the commander, giving orders in his name. Winfield Scott had put together the first truly professional U.S. army in Mexico. He welded his headquarters into an efficient decision-making apparatus, but the staff did not take decisions on Scott’s behalf; in one sense, this was unnecessary because Scott commanded an army of only 7,000 men. Although officers like Robert E. Lee, P. G. T. Beauregard, and George B. McClellan became Scott’s protégés, they lacked a sense of the staff as a cohesive grouping sharing a common operational ethos and training. There was, of course, no staff college to provide such training. Regular officers were educated at the U.S. Military Academy at West Point. If officers entered the Artillery they would receive a further year of specialized training at the Artillery School of Practice at Fortress Monroe, Virginia.

The limitations of a West Point military education have often been remarked upon by historians. West Point provided an excellent technical education, but cadets received only one week’s instruction on the higher levels of war, like strategy. Richard Ewell complained after the Civil War that officers in the “old” army learned everything there was to know about commanding a company of dragoons on the western plains, but nothing else. In truth, this criticism tells us more about the deficiencies of postgraduate education in the U.S. Army than about the West Point system itself. It is

not the function of cadet academies to equip generals to command armies. But in the 1830s and 1840s West Point came under sustained attack as an anti-egalitarian nest of “aristocratic” martinets. It was feared that such smug and narrowly educated men would stamp out the spontaneous “genius” of the American people, which if untrammelled would produce those moral qualities that had brought victory in earlier American wars. Such a legacy of mistrust of West Point graduates would continue to exert its influence during the Civil War. It is therefore not surprising that this major gap in officer training and education was not filled until 1875 with the founding of the U.S. Command and General Staff College at Fort Leavenworth, Kansas.

As the staff system was crude, so the command functions of the upper levels of the U.S. Army were rather vague. The heads of the staff bureaux based in the War Department in Washington, DC, the Adjutant General, Quartermaster General, Judge Advocate, Chief Engineer, Inspector General, Paymaster General, Commissary of Purchases, etc., presided over their own separate domains. They tended to report directly to their political superior, the Secretary of War, and were appointed by dint of strict seniority. Consequently, by the end of the 1850s, many were septuagenarians and had sometimes directed their bureaux for up to thirty years. The system was hardly a dynamic one; indeed, it had become fossilized. Moreover, the role of the commanding general, the general-in-chief, had not been worked out, and this would have serious consequences. The general-in-chief commanded nothing; he did not direct a general staff responsible to him. His position was not acknowledged in the Constitution, as the President was commander-in-chief. Neither was his relationship with the Secretary of War defined. If the latter chose to assert himself, the general-in-chief was pushed to the sidelines, and this often led to unseemly squabbling. Moreover, the authority of the general-in-chief was weakened by the universal assumption in the United States that command in war equated to the field command of armies.⁶

Winfield Scott was the dominant personality of the “old” army, and he still remained general-in-chief, at the age of seventy-five, until November 1, 1861, having been first appointed on July 5, 1841. His first reaction on the outbreak of the Mexican War in 1846 was to secure for himself a field command, which he gained on November 24, although his authority was confined by President Polk to that sole command (he was not reappointed general-in-chief until 1851). In 1861 Scott was the only officer in the United States who had commanded an army successfully in the field. By his military methods, promotion of military professionalism, and the sheer strength of his personality as general-in-chief for nearly twenty years, Scott bequeathed a huge legacy to the Civil War generation, and it is appropriate to review it briefly.

Scott's military outlook had been developed out of the challenges of the "small wars" waged by the U.S. Army before 1861. His methods were refined and taken forward by Civil War generals in an entirely different environment. Scott favored offensive military action, and disliked the defensive; however, in battle, he preferred to avoid the main body of the enemy's strength and sought to strike an exposed flank. This led to an emphasis in all his plans on envelopment—moving around the side of the enemy's army to strike his rear and cause the maximum fear and dislocation. Scott also made effective use of waterways to gain strategic mobility. Once his army had attained freedom of maneuver, Scott displayed a taste for dividing his army in the face of the enemy, not only to bewilder him, but to attain the initiative, which he hoped never to relinquish.⁷ Scott had adopted the motto "Be governed by circumstances," yet he sought to establish opportunism on the firm basis of detailed planning, and attempted to foresee every contingency, so that opportunities could be exploited as they arose. Consequently, he was sometimes criticized for slow and excessively methodical planning. But Scott retorted that if a durable plan was formulated that enjoyed the confidence of all, then a large measure of responsibility for its execution could be delegated to subordinates.⁸

The main disadvantage of Scott's approach was that his insufferable vanity and pomposity led him to make hasty or foolish judgments. Although he was not a graduate of West Point, he supported it enthusiastically and indeed tended to personify, in the eyes of the academy's critics, its worst faults: rigidity, neurotic elitism, snobbery, hostility to American egalitarianism, and inability to act speedily. Moreover, Scott was querulous in the extreme, and feuded with every other senior American general of his generation, Andrew Jackson, Alexander Macomb, Edmund P. Gaines, and Zachary Taylor. His tactless and petulant behavior set a peevish and quarrelsome example to be followed by the U.S. officer corps.⁹

In 1861 Scott remained a dominant figure. He had attempted unsuccessfully to persuade Robert E. Lee to accept an invitation to command Union troops assembling around Washington. Eventually this was accepted by Irvin McDowell, a protégé of the Secretary of the Treasury, Salmon P. Chase. McDowell recommended himself to Scott because he had served in France and observed the French army's staff procedures at first hand. During the spring of 1861 Scott was considering the scheme that the newspapers would later dub the "Anaconda Plan." His correspondence with other generals, but especially with George B. McClellan, then commanding the Department of Ohio, reveals the difficulties the new generation of generals experienced in adjusting their thoughts from the level of the captains they once had been. McClellan was inexperienced in high command and was excited by the chance of emulating Napoleon, directing operations of great sweep and dynamism. McClellan urged an advance up the Great Kanawha

Valley from Ohio with 80,000 volunteers, which should push on to Richmond “with the utmost promptness”: his schoolboy essay in Napoleonic strategy concluded by advocating thrusts on Charleston, Pensacola, Mobile, and New Orleans. In reply, Scott pointed out soberly that logistics, lack of training, and neglect of water transport rendered McClellan’s scheme hopelessly unrealistic.¹⁰

Similarly, in June, 1861, the Confederate general P. G. T. Beauregard, commanding forces around Manassas Junction, Virginia, urged on the Confederate President Jefferson Davis (a former West Point graduate and U.S. Secretary of War, 1853–57) a plan embodying “bold and rapid movement” that would combine his forces with those of Joseph E. Johnston in the Shenandoah Valley, either before Washington, seizing Alexandria, or, withdrawing southwards and acting on interior lines, attempt “to crush successively and in detail the several columns of the enemy.” Here is an example of an imaginative captain playing at being Napoleon, supposing that the enemy would do what he wanted, and neglecting not only logistics, but the capabilities of the troops under his command.¹¹

As for McDowell, the plan he formulated for the summer campaign that the Lincoln administration insisted on was much more sensible. Yet the government still hoped that rebel forces would be defeated, the city of Richmond occupied, and the rebellion suppressed. His plan depended on a movement towards Manassas, Confederate forces in the Shenandoah would be distracted, and those isolated at Manassas would be enveloped. Yet it proved beyond the capability of his troops. The lack of organized, sizable armed forces in 1861 made it enormously difficult to deal an overwhelming blow against Confederacy. The command system at McDowell’s disposal was very crude. William Howard Russell, the *Times* war correspondent, met McDowell in Washington, DC, on July 16 looking for two batteries of artillery. Russell observed, “I was surprised to find the General engaged in such a duty, and took leave to say so.” McDowell’s reply was illuminating: “. . . I am obliged to look after them myself, as I have so small a staff, and they are all engaged out with my headquarters.”¹² The Confederates labored under comparable (perhaps greater) disadvantages, as they had to create a military system from scratch. Yet it was certainly more difficult to organize offensive operations than muster for the defensive. Even McDowell’s substantial qualities as an administrator and planner could not overcome the structural weaknesses—especially lack of training—necessary to gain a Union victory in the first stage of the war.

Such frustrations raise the question of the moral dimension of command. As Union forces, in order to suppress a flagrant defiance of federal authority, had to move forward, take the offensive, and occupy Southern territory, Northern generals faced a psychological burden not encountered by Confederates, who simply wished to remain in control of their own territory

and institutions. Many northerners were despondent at having to undertake such a distasteful duty. Major General Ethan Allen Hitchcock, who in 1862 briefly advised the Secretary of War, Edwin M. Stanton, complained at the war's outbreak, "Many friends urge my return to the Army. But I have no heart for engaging in a Civil War . . . If fighting could preserve the Union (or restore it) I might consider what I could do to take part—but when did fighting make friends?" When after the defeat at Manassas a number of politicians demanded that the generals responsible should be shot, William T. Sherman complained that "civilians are more willing to start a war than military men and so it appears now." Sherman himself, later to emerge as one of the most resolute of Northern generals, suffered what amounted to a nervous breakdown in October and November, 1861. The issue of putting down a rebellion was complicated by the social and political conservatism of a number of generals who believed that the Civil War should be waged for the restoration of the Union and not for the destruction of slavery. The way such generals interpreted war aims had an important influence on the command style they adopted.¹³ The most important conservative military figure was Major General George B. McClellan.

McClellan and Limited War

When McClellan was called to Washington, DC, on July 26, 1861, he was treated like a conquering hero and feted by all. During the next six months his reputation would be gradually eroded. Nonetheless, during this period he built up a record of substantial achievement. He proved himself a brilliant trainer of troops, an effective organizer, a tireless administrator, and a charismatic leader. He built the Army of the Potomac, impressed his personality on the command, and was adored by his troops. However, these qualities in themselves did not guarantee success in high command, and once he moved into the field McClellan revealed a number of significant deficiencies that were to contribute to his downfall. In November, 1861, McClellan replaced Scott as general-in-chief. This promotion represented the apogee of McClellan's formal authority, but only served to weaken his position.

McClellan was a fitting heir to Scott, even though he had intrigued to bring about the latter's downfall. Although McClellan was a Democrat (while Scott had been a Whig) they both shared conservative views about the war's nature. McClellan believed that operations under his command should be undertaken in a gentlemanly spirit with a minimum of interference in civilian affairs and property. He intended to insulate Southern civilians from the movement of his armies. The aim was the restoration of the Union and a reconciliation of the sections, and this was to be achieved in the shortest possible time. Scott's Anaconda Plan had envisaged moving the main Union

strategic thrust away from the political core of the Confederacy towards the Mississippi basin. McClellan's plan brought Virginia (which was Scott's native state) firmly into focus as the primary theater. McClellan argued that all other operations were subsidiary to the Virginia campaign. He intended to make this truly decisive. It would demonstrate the futility of secession and the "utter impossibility of resistance": his great army would advance on the Confederate capital and, in siege operations comparable to those at Sevastopol (1854–55) during the Crimean War, seize Richmond, and then the Confederacy would collapse, as Russia had shortly after the fall of Sevastopol. It was within the context of this outlook that McClellan's concern with increasing the professionalism of his army should be understood. While Lee would latch on to Scott's offensive outlook, McClellan developed Scott's interest in detailed planning and took it a stage further. Preparations would be so intricate, staff procedures so perfect, and the men so well trained, that his advance would be irresistible. McClellan would be able to control the battlefield and the object for which he was fighting: there would be no foolish temptation to consider any revolutionary steps such as the abolition of slavery, and the status quo would be restored with a minimum of destruction, discomfort, and death.¹⁴

The only problem with this elegant scheme and stately view of the war's progress was that McClellan did not have the time necessary to put it into practice. McClellan was under considerable political pressure to defeat the Confederacy at the earliest possible moment. In addition, McClellan reflected and shared some of the widespread illusions about the nature of the Civil War. For instance, he could never shake off the misconception that the war could be brought to an end by one strategic thrust. Here was an example of how his operational and tactical preferences were shaped by his political views or aspirations. The policy of conciliation could succeed only if McClellan and those like him (such as Don Carlos Buell, the commander of the Army of the Ohio) were able to win rapid and complete victories. However, they were both temporarily incapable of seizing the opportunities that were offered to them on the battlefield.

In short, McClellan's tenure of command experienced a continuing tension between his role as general-in-chief and his role as field commander which was exploited by his enemies. The most important critical forum established by his critics was the formation in December, 1861, of the Congressional Joint Committee on the Conduct of the War. This served as a focal point for all the discontent with McClellan's performance that had bubbled up during the previous months. Harnessed by congressional (and administration) critics, it blew towards McClellan like a hurricane by January and February, 1862. It was clear that politicians of both parties had little sympathy with McClellan's efforts to impose professional standards on his army. Yet his problems were accentuated by the command structure that

he had inherited from Scott. When Abraham Lincoln, the President, had queried whether McClellan could undertake the simultaneous duties of both field command and general-in-chief, the latter had replied confidently, “I can do it all.”¹⁵ Time would show that he could not.

The organization of an army is an immensely intricate task, and McClellan became absorbed in its detail. He neglected his duties as the government’s principal strategic advisor. He produced no plans, and the President, dissatisfied with the general-in-chief, claimed that the war effort was “stalled on dead center.” McClellan’s health suffered because of overwork and he succumbed to typhoid. Lincoln convened councils of war and issued general orders in January and February, 1862, in an attempt to get the Army of the Potomac to move, but to no avail. Nonetheless, McClellan’s refusal to discuss his plans on the grounds of operational secrecy was high-handed and his credibility was damaged in the resulting controversy.¹⁶

In truth, McClellan was not acting as a general-in-chief should, but it is difficult to see how he could concentrate on these important duties when he was distracted by his tasks as a field commander. Everybody (including the President) persisted in judging him by his performance as commander of the Army of the Potomac—and it was this latter consideration that brought him the most criticism. Nevertheless, McClellan had the intellect and vision to propound a grand strategic view and work out an operational method for fulfilling it. When eventually in February, 1862, he drew up plans for the administration’s perusal, they were impressive. He sought to launch “combined and decisive operations” and not “waste life in useless battles.” He argued in favor of an indirect approach on Richmond by shifting the Army of the Potomac to the peninsula between the James and York Rivers, and advancing on the Confederate capital from the east. By avoiding the bulk of the Confederate main body in northern Virginia, he hoped to “demoralize the enemy” and force him to come out of his defenses and attack the Army of the Potomac. While standing on the defensive, McClellan hoped to inflict an “American Waterloo” on the rebels. Yet it is noteworthy that McClellan hoped that such a decisive outcome could be produced with a minimum of fratricidal bloodshed. He seems to have unconsciously reflected anxieties among some Northern generals about the casualties resulting from any move into Southern territory because his plans are couched in and justified by sound military reasoning. But McClellan’s cool military analysis was underwritten by looming fears that denote both a nervous lack of confidence in Northern troops compared with a romanticized notion of Southern martial ability and a lack of self-esteem which transformed an avoidance of defeat into a triumph. McClellan’s limited expectations of his army reinforced the limited aims he set himself both strategically and politically. Certainly, the compound of technical military reasoning and personal predilection lent a distinctly *defensive* tenor to his plan.¹⁷

McClellan did not gain any credit for the successes achieved on other fronts during his tenure as general-in-chief. These seemed to augur that the Confederacy would collapse by the summer. McClellan himself shared this ambivalence. His reaction to criticism was to further centralize the system, and thus to add to the burdens weighing on himself; it took longer to get decisions on urgent matters. He declined to appoint corps commanders, hoping to be able to direct twelve divisions himself, unaided, and these appointments were eventually forced on him by the President. He neglected to appoint a commander of the Washington garrison, and Lincoln moved to install James S. Wadsworth, one of McClellan's critics. This dithering reduced McClellan's influence as general-in-chief, and Lincoln removed him on March 11 in Presidential War Order No. 3 on the grounds that he should concentrate on directing the Army of the Potomac.¹⁸

The Confederacy had experienced problems comparable to those of the Union. Jefferson Davis had resolutely refused to appoint a general-in-chief. His experience with Scott, when Secretary of War during the Pierce administration (1853–57) had not been a happy one, and he believed that the powers of the general-in-chief were an unconstitutional encroachment on the presidential war powers. The Confederacy's senior general was the Adjutant General, Samuel Cooper, whom Steven E. Woodworth accurately judged as the President's "chief military clerk." Davis thus dealt with Confederate generals himself without an intermediary. The commander of the Confederate forces in Virginia, Joseph E. Johnston, resembled McClellan in his uncommunicativeness and unhelpfulness to politicians. If he had any plans, he did not divulge them. That Union generals were not alone in failing to comprehend the intricacies of offensive operations was shown in June, 1862, in Johnston's overelaborate, poorly coordinated and thoroughly muddled counter-offensive at Seven Pines (Fair Oaks). Johnston was wounded and was replaced by the President's military advisor, Robert E. Lee. Lee had only ever held staff positions before and had never commanded troops in battle.¹⁹

The essential difference between Lee and McClellan was that the former established cordial relations with his political masters, and that Lee's military outlook was offensive, not defensive. Although his methods have often been compared by historians to those of Napoleon, Lee was essentially Scott's pupil. He took the latter's methods and developed them further in scale and intensity. Given the Confederacy's overall strategic, industrial, and logistical weakness when compared with the Union, Lee appreciated that time was not on its side. He was therefore prepared to accept great risks, was keen to disperse his force (sometimes for logistic reasons) and then concentrate at the decisive point, making the most of mobility. He would maneuver near the enemy to demoralize and confuse him rather than withdraw, as Johnston invariably did. Consequently, Lee was prepared

to fight for the initiative, not wait for the inevitable accumulation of massive Union numerical and material superiority that, McClellan calculated, would overwhelm weaker Southern armies. Lee sought a *decision* in the Confederacy's favor; he did not believe the Confederacy could enjoy the luxury of attempting just to avoid defeat.

These dynamic methods imposed great physical and psychological strain on Lee. His chief of staff, Colonel R. H. Chilton, who had served under Lee on the Great Plains, was an amiable nonentity who simply issued orders. This placed more work on Lee's shoulders, and it is perhaps not surprising that he relied heavily on oral orders. He never shied away from taking decisions, placed himself at the most convenient point where he could take them, and disdained councils of war. He had inherited Scott's view that, once the commanding general had issued orders, subordinates should carry them out in their own way. Over the next year he would modify this approach. For instance, in September, 1862, he personally directed Confederate tactics at the battle of Antietam. Soldiers largely responded to his cool leadership and record of success; aware of the effect of his presence at the front, he tended to ration his appearances to increase their tonic effect during dire emergencies. But, unlike McClellan, Lee actually enjoyed the intellectual and moral challenges posed by field command.

The contrasting fortunes of Lee and McClellan indicate how important field command was for contemporaries in estimating the abilities of a commander. McClellan, for all his talents, was temperamentally unsuited for the moral challenges posed by the command of an army. He could plan but not carry through his ideas into practice. He was timorous and hesitant and was gripped by an obsession that he was greatly outnumbered by the Confederates; such a misconception led to the greatest possible misappreciation of the potential of his army by comparison with the Confederate, and fatal misjudgments about the current of battle. Certainly, the view that he was outnumbered was an important self-justifying link in the circular argument that underwrote his defensive schemes. In a very real sense, McClellan did not command. His interpretation of Scott's methods was simply to abandon his subordinates to fight their own battles. During the Seven Days' battles (June 26–July 1, 1862) Fitz-John Porter's Fifth Corps was left unsupported to bear the main burden of the fighting. Moreover, McClellan absented himself from the battlefield. While the battle of Malvern Hill was raging, it was rumored that he was on board a river steamer on the James River. His admirers dismissed rumors circulating in Washington, DC, to this effect as a vicious calumny. Yet although he was not relaxing (as critics claimed), he had virtually abandoned the battlefield, abdicated any semblance of responsibility for its movements, and was preoccupied with administrative trivia. During the Seven Days' battles Union forces won a number of tactical successes, notably at Mechanicsville

and Malvern Hill, but, lacking a directing intelligence which could relate them to an overarching operational design, the result was a major strategic defeat for the Union cause, and the dashing of the high hopes for McClellan's "grand campaign."

Nor did McClellan learn from experience. In the Antietam campaign in September, 1862, he enjoyed the inestimable advantage of discovering Lee's entire plan and the distribution of his forces from the famous "lost order." Yet, due to laggard movements, overcaution and wasted time—not least the unaccountable waste of an entire day before McClellan launched his attack at Antietam on September 17—Lee was allowed to concentrate his army and prepare for the Union attack. McClellan's disjointed efforts were repulsed and the opportunity to destroy Lee's army was frittered away through inertia. McClellan simply lacked the moral qualities of decisiveness and faith in his own judgment that contribute to dynamic action. He failed to harness the fighting power at his disposal and employ it to secure his military objectives. As a battlefield commander McClellan still remained an ambitious captain bewildered by his weighty responsibilities; field command was not as easy as Scott had made it look in 1846–47. McClellan's two campaigns neither restored his fortunes nor resulted in his re-appointment as general-in-chief. On July 11, 1862, that position had been offered by Lincoln to Henry W. Halleck after the fall of Memphis, Tennessee. Halleck accepted, but admitted that he did not know what his duties involved.²⁰

Lee's experience was exactly the opposite. Success at field command resulted in the Army of Northern Virginia enshrining the hopes of the Confederacy, and Lee became influential as a result. The reason for his success was simple; he commanded confidently, although not as effortlessly as he sometimes made it look. He is sometimes criticized by historians for a certain meekness, yet Lee was a skillful manager of men. His loose leadership style suited the strong personalities of his subordinates. Although tensions existed within his army, for instance between his two corps commanders, Stonewall Jackson and Longstreet, and between Jackson and his subordinates (especially with A. P. Hill), Lee managed to persuade his rather vain subordinates to work together. The Army of Northern Virginia was not crippled, as the Army of Tennessee had been throughout 1862, by petty and factious disputes between the commanding general, Braxton Bragg, and his subordinates, Leonidas Polk and William J. Hardee. In October, 1863, most of the army's generals signed a petition asking for Bragg's dismissal. This curious affair prevented the Army of Tennessee from benefiting from the success of the Chickamauga campaign, and demanded the personal attention of Jefferson Davis to sort out, which he did by siding with Bragg, who began an ill advised purge of his critics. Southern generals—and here the experience of Scott's many quarrels was salutary—needed to be directed with tact. Lee had tact

in abundance, but Bragg (and Stonewall Jackson, for that matter) sorely lacked it.²¹

Lee's force of character, and determination to secure the objectives he set himself, demonstrated that Scott's system could be made to work even with untrained staffs and much larger armies (that were more difficult to command) than the small force that Scott himself had directed in Mexico. Nevertheless, Lee would modify it. In June, 1862, Lee briefed his subordinates on his plans to relieve Richmond by striking at McClellan's lines of communications by a turning movement that would involve a junction with Jackson's troops from the Shenandoah Valley on the battlefield, among a number of other complex movements. Having outlined this concept, Lee then left the room so that his subordinates could discuss his plan and work out the movement details among themselves without reference to him. The errors that frustrated Lee's scheme to destroy McClellan's army proved to him such a degree of latitude was excessive, and Lee never repeated the exercise.²²

Moreover, the campaign indicated (despite an uncharacteristic lassitude) that Lee had found in Jackson an executive officer of incomparable talent. If McClellan had found a subordinate of similar energy his generalship might have prospered, but McClellan's protégés tended to mirror his own weaknesses. Jackson thrived when given responsibility and a long rein. Although very different in character from Lee, Jackson shared his military outlook, and the conviction that daring, deception, and demoralizing maneuvers that resulted from surprise could splinter Union numerical strength, and allow much more skillful Confederate forces to achieve local operational superiority and defeat Union forces in detail. In 1862 Confederate forces commanded by Lee and Jackson had the nerve to undertake operations based on calculated risks. Throughout the Seven Days Lee never once convened his subordinates in council. Such councils tend to take a cautious view and expend precious time, as Jackson discovered when he convened his only council of war in the Shenandoah Valley. "That is the last council of war I will ever hold!" he exclaimed. Jackson could have spoken for Lee when he once snapped at an anxious staff officer, "Never take counsel of your fears."²³ In 1862–63 Lee was able to frame audacious plans, guessing (correctly as it turned out) that Union commanders invariably took such ill advised counsel.

The results for the Confederacy were a string of operational successes in the East but these could not be translated into a strategic dividend. The command system was part of the reason for this failure. Lee's victories increased his influence (which reached its height in May/June, 1863) but not his power within the circles of the Davis administration. (His suggestion, for example, that Beauregard command a new force on his right was ignored.) By 1863 and 1864 Davis came to rely on his advice; and needless

to say, it was heavily influenced by his perspectives and responsibilities as an army commander. The appointment of Braxton Bragg as Davis's advisor "Commanding the Armies of the Confederate States" in February, 1864, only accentuated the muddle and ambiguity of the Confederate command system. Bragg's power did not extend to Lee (who was his senior) or the Army of Northern Virginia.²⁴

Lee was not general-in-chief, and Davis's informal methods of working while retaining all powers of decision in his own hands meant that Lee did not have the time to devote to matters outside his department. Davis's requests could also be importunate. For instance, at the height of his anxieties as to whether Grant had crossed the James River on June 15, 1864, Davis asked Lee to recommend a successor to Leonidas Polk, who had been killed at Pine Mountain, Georgia, the day before. Lee declined, pleading lack of knowledge. Such opinions, expressed in his correspondence, used to be adduced by some historians as evidence of Lee's parochialism.²⁵ But it was the system that was at fault. It overemphasized field command and expected too much of its practitioners, and neglected to provide for the coordinating duties of higher levels of command. Significantly, neither Joseph E. Johnston nor P. G. T. Beauregard did more than Lee (in many ways did much less) when given command of the Department of the West in 1863 and 1864 respectively. They assumed that their duties were purely advisory. Given such constraints, Lee could not fulfill a role that the system was not designed to carry out.²⁶

The Rise of Grant

Yet if the command system was crude, and in some important respects ineffective, how was victory gained in the Civil War? A successful system emerged in the West, and it is now appropriate to turn to consider how and why the solution reached here was so effective.

The huge expanse of the Western theater accentuated a number of problems faced by commanders in 1862. The spreading out of forces to cover these expanses led to enveloping fogs of war billowing over their campaigns. It became more difficult for commanders to know what was going on; they needed to exert themselves more energetically in order to grip more firmly the operations continuing under their control. Consequently, there was an increase in what military theorists used to term "encounter battles," or, in contemporary parlance, "meeting engagements." Such actions occur when armies collide into one another, each unaware of the other's presence.²⁷

Meeting engagements and surprise attacks were common by 1862. On April 6, despite a chaotic approach march, Albert Sidney Johnston's Army of Mississippi surprised Ulysses S. Grant's troops at Shiloh. Even though at least two of Grant's divisions (those of William T. Sherman and John A.

McClelland) were aware of the presence of Confederate troops, and a third (that of Benjamin M. Prentiss) was formed in line when the Confederates attacked, Grant's army was surprised operationally and psychologically. Grant was thinking more in terms of attack than defense, and had neglected to carry out an order of his superior, Halleck, to entrench his position.²⁸ Fortunately, Johnston then lost control of the battle, and rode around like a brigade commander, directing regiments and siting cannon, showing a flair for leadership and exposing himself recklessly until he was mortally wounded.

Johnston thus lost the initiative and allowed Grant to galvanize himself and his command. He was handicapped by having to direct all of his six divisions himself rather than through two corps commanders. He spent much time "passing from one part of the field to another, giving directions to division commanders." But Grant did not lose control. On the second day of the battle, April 7, he personally "gathered up a couple of regiments, or parts of regiments, from troops near by and formed them in line of battle and marched them forward, going in front myself to prevent premature or long-range firing." At Shiloh Grant displayed powers of leadership *and* the qualities of a first-rate commander. He ensured that his defensive line was not pierced, and then launched a counter-offensive in tandem with Don Carlos Buell's Army of the Ohio, which crossed the Tennessee River in his support. Grant also saw for the first time that Sherman displayed a comparable degree of confidence and aggressiveness.²⁹

In his *Memoirs* Grant praised Buell for his intelligence and bravery,³⁰ but during the campaign in Kentucky in the autumn of 1862 Buell showed that he lacked Grant's drive. In some ways, he conducted the campaign skillfully. Buell deftly shielded his supply base at Louisville and his lines of communication. When he advanced it was in strength and he was well supplied, unlike Braxton Bragg's Confederates, who found foraging difficult. But Buell was more interested in driving Bragg back than in crushing him. His military outlook was essentially defensive. Like McClellan, Buell was more fearful of the enemy's moves against him than confident that his own moves would dispose of any threat. Freeman Cleaves judges correctly that Buell "was willing to accept any alternative to tangling with the enemy."³¹ On October 8 Buell's Army of the Ohio in three "wings" (really corps but not yet designated as such) collided with Bragg's troops at Perryville. Bragg attacked Buell's left under Alexander D. McCook, whose parched troops were searching for water.

The Union command system arranged before the battle was rather muddled. The week before, on September 29, the Lincoln administration became so frustrated with Buell's slow progress that he was relieved of command. George H. Thomas, a stolid and stubborn loyal Virginian, was offered it but declined to accept it. So Buell remained in command for the

duration of the campaign, with Thomas as his second-in command. Thomas was a kind of executive officer, but lacked authority. Even under this pressure, Buell failed to grip the operations and impose himself on them. He did not go forward to see things for himself, and thus relied too heavily on the staff, who he complacently assumed would inform him of “intelligence of serious import.” He was wrong. The staff, taking their cue from their rather languid master, returned to headquarters for their lunch, leaving McCook to fight his own battle. Buell did not learn that a battle had commenced until after 4.00 p.m. The “wing” of Thomas L. Crittenden, faced by only 1,200 Confederate cavalry, remained idle. The same fate seemed to face Bragg as the Confederates at Shiloh, but he was given time to disengage and withdraw back safely to Tennessee via the Cumberland Gap. Further orders for Buell’s removal soon followed.³²

Buell’s successor, William S. Rosecrans, seemed more dynamic, and indeed he worked tirelessly on logistics and organization. His real skill was in strategic maneuver. Despite difficulties in coordination—signaling with flags was not easy in the wooded valleys of central and eastern Tennessee—he caught Bragg by surprise at Murfreesboro (December 31, 1862–January 2, 1863). Yet he, too, was at his best in defense, allowing Bragg to attack first. Rosecrans did not like fighting battles. Moreover, his technique of directing strategic maneuver over great distances risked dispersal and the destruction of his corps piecemeal. In September, 1863, Rosecrans only just concentrated his corps in time before Bragg attacked at Chickamauga.

Rosecrans resembled McClellan in being well prepared and methodical. Yet he also believed that the North’s enormous material superiority rendered battle somehow obsolete. He assumed that, if his management was meticulous enough, he could undertake strategic advances and win great battles bloodlessly. This was a delusion: intellect could not serve as a substitute for battle. Under the strain of operations, when in contact with the enemy Rosecrans neglected simple precautions. He did not take enough rest, and became overwrought through lack of sleep. It was a muddle over confused orders at Chickamauga, caused by Rosecrans losing his temper, that resulted in the gap opening in the Union line that led to Rosecrans’s serious defeat. Rosecrans had also revealed a lack of confidence by continually convening councils of war to seek the advice or the approval of his corps commanders.³³

Grant’s style of command was the opposite of that adopted by McClellan, Buell, and Rosecrans. After his first action at Belmont in November, 1861, Grant learnt that his opponent was just as nervous of his moves as he was of the enemy’s. From this experience stemmed Grant’s confidence and aggressiveness. He realized that it was more important to concentrate on what he was going to do to the enemy than worry about what the enemy was going to do to him. Moreover, Grant concluded after Shiloh that “I gave up

all idea of saving the Union except by complete conquest.” Although later writers, such as his former military secretary and semi-official biographer, Adam Badeau, tended to exaggerate the “totality” of his strategic ideas,³⁴ there can be no doubting Grant’s commitment to the complete military defeat of the Confederacy. Also, he showed a taste and flair for confronting his enemies, using a combination of maneuver *and* battle. He evolved this successful technique during the Vicksburg and Chattanooga campaigns.

The pivot of Grant’s system was, of course, his own personality. He was modest, taciturn, and of a tranquil nature. He could be very blunt, but rarely raised his voice. Unlike Rosecrans (or Sherman) he was not volatile or highly strung. He appeared flat and uninspired, but the opposite was true. He adjusted his thoughts to meet the demands of the levels of military activity over which he rose to preside; he took decisions swiftly and assumed responsibility effortlessly. He spent much of his time in quiet contemplation. “He talked less and thought more than any one in the service,” wrote Horace Porter, a former member of his staff. From this capacity for reflection, free from routine and petty distraction, grew Grant’s overall grasp of the campaign.³⁵

There was one feature of Grant’s system that was unusual. He relied on a chief of staff. Lee had a chief of staff in 1862 but could not make much use of him. During the Peninsular campaign McClellan’s chief of staff was his father-in-law, Brigadier General Randolph B. Marcy, and he had a negligible impact on operations. Throughout the Kentucky campaign Bragg acted as his own chief of staff, which exacerbated his tendency to overwork and bad temper. In December, 1862, Colonel George W. Brent became Bragg’s acting chief of staff; but he lacked formal military training; his orders did nothing to clarify Bragg’s instructions, which simply listed units and their destinations without detailing tasks or their relative importance. During the Chancellorsville campaign in April–May, 1863, Hooker had hoped to make effective use of his chief of staff, Daniel Butterfield, in coordinating the two wings of his army while Hooker went to the front. However, the experiment failed because the telegraph broke down and Butterfield became swamped. He was, in any case, much disliked and inspired confidence in no one save Hooker himself.³⁶

Grant remained fresh by delegating urgent—but not operational—duties to his staff, headed by his family lawyer, John A. Rawlins. Because of their specialist knowledge, Grant “always invited the most frank and cordial interchange of views, and never failed to listen particularly to the more prominent members of his staff.”³⁷ Rawlins was forthright, impetuous and articulate. He tended to complement Grant, but lacked formal military training; he was certainly no Gneisenau, Blucher’s brilliant chief of staff in 1813–14. His real significance was political. Rawlins dealt skillfully with politicians and journalists. These included Charles A. Dana, the Assistant

Secretary of War, and Sylvanus Cadwallader of the *Chicago Tribune*, both of whom became powerful allies of Grant. Rawlins also served as a liaison with Grant's political mentor, Congressman Elihu B. Washburne, who had the ear of the President. Grant did not meet Lincoln until 1864. Rawlins also claimed that he served as a kind of moral guardian, protecting Grant from the evils of drink. The value of this function was probably exaggerated.³⁸

Rawlins was not a chief of staff in the Prussian sense of enjoying real operational control. Sometimes Rawlins presented the staff view, which Grant often ignored. Rawlins, in short, had a limited role to play. One of Grant's finest skills was as a writer. During the Vicksburg campaign, Grant's span of command grew enormously and he could not travel with his corps because they were so spread out. So he stayed behind the front line, going forward (like Lee) only when necessary, which increased the morale effect of such appearances.³⁹ The separation of the commander from the battle required that he supply precise written orders. Grant wrote fluently in lucid, unvarnished prose—his meaning was never in doubt. Grant was thus a commander, and he increasingly fulfilled Americans' expectations of what a commander should do. By the end of 1863 Grant had also forged a strong partnership with Sherman, based on close friendship. Yet it is indicative of how the Civil War system of command was based on personality rather than staff networks that some of Grant's critics thought his limited use of Rawlins indicated that he was in thrall to his staff.

Grant as General-in-Chief

On October 19, after the Union setback at the battle of Chickamauga, Grant was made commander of the Military Division of the Mississippi, directing all forces in the West. He was told by Halleck not to spend too much time on administration, because the command was designed to exploit Grant's skill at operations. In 1864 he moved to Washington, DC, to become general-in-chief, with the rank of lieutenant general. Grant was the first officer to hold this rank since George Washington. (Scott's had been held by brevet, that is, he enjoyed the rank but not the pay.) Grant also interpreted this position to mean that he should take the field personally, rather than merely coordinate the movement of armies from a distance.

His predecessor, Halleck, had interpreted his position quite differently, and acted as a bureaucrat. He had played a major role in organizing and supplying the Union victories of 1863. But he acknowledged the centrality of army command in the American system; he made suggestions, briefed commanders on administration policy, but he did not command—let alone lead. He interpreted his role in the same way as the Confederates Johnston and Beauregard had done in 1863–64. Even this minimal role had been resented by some army commanders. Before Chancellorsville, Joseph Hooker

had got permission to write direct to the President. After his defeat, when the privilege was removed, Halleck's relations with Hooker deteriorated, until the latter was replaced by the more co-operative George C. Meade.⁴⁰ By the spring of 1864 Halleck was the butt of universal ridicule. When he was reassigned as chief of staff, he continued to do what he had always done. This was an important contribution to the Union war effort, because it allowed Grant to concentrate on what he did best—and what public opinion expected of him—namely, take an army into the field.

Grant's power was based on the close coincidence of his strategic views with President Lincoln's, and the unprecedented authority he was allowed to issue orders direct to the heads of staff bureaux without reference to the Secretary of War. This was a power that no previous general-in-chief had ever enjoyed.⁴¹ Moreover, as Grant did not have to prove himself as a field commander, he was almost immune from harassment by congressional bodies like the Joint Committee on the Conduct of the War. He enjoyed a moral authority that previous commanders in the East had lacked.

Yet Grant did not allow himself to be overborne, as McClellan had in 1862. He understood the nature of the latter's difficulties. Experienced at army command—and, after Chattanooga, at directing three separate forces drawn from three different field armies—he appreciated the difficulties that arise from the movements of disparate forces. Consequently, he decided not to command the Army of the Potomac himself, and left Meade in post. Nonetheless, he would travel with it as a kind of superior army commander, and issue orders through Meade. Such a decision threatened to introduce duplication of effort and muddle into what was already a rather slack structure. Yet Grant and Meade cooperated well considering the circumstances. (Rawlins became a great admirer of the latter.) Grant's method was a pragmatic response to peculiarly American conditions, and was based heavily on the personalities involved. Grant was not an army group commander, because he directed the movement of armies far distant. But Grant's brisk and dynamic presence did something to increase the priority given to operations by Union commanders, rather than logistics and organization. As his friend Sherman commanded the Military Division of the Mississippi, Grant could count on a man he could trust.

The staffs were small. Grant's consisted of fifteen officers. Halleck, when general-in-chief, had twenty-four officers at his disposal. Meade had his own staff, directed by Major General A. A. Humphreys. Relations between these bodies were not warm. Yet, despite antagonism, the system worked, although in operational terms it was not efficient, and its success was not as great as Grant had hoped. The great strength of the Union war effort remained in organizing and bringing to bear the greater resources of the North. Sherman eventually won a number of important victories in the West, but his success was facilitated by John B. Hood's quixotic decision to vacate the

theater of operations in Georgia and advance to the Ohio River. As Halleck had struggled, and failed, to coordinate simultaneous advances in 1863, Grant's personal contribution the following year was substantial. But Grant's methods failed to rectify widespread misconceptions about war. On the contrary, because Grant behaved like a superior army commander, he tended to reinforce them.

It is thus an error to claim, as T. Harry Williams did, that "During the winter months of 1863–64, the United States created a modern command system." Herman Hattaway and Archer Jones echo this judgment, claiming that "The contemporaneous Prussian general staff closely approximated that of the Union."⁴² It did not. Grant did not preside over a general staff responsible to him rather than to their respective commanders. Some commanders like Sherman (and to a lesser extent Meade) enjoyed his confidence, but many did not. Grant could not ensure that his less competent commanders carried out his instructions through the good offices of members of a Prussian-style general staff. In any case, such a body of trained staff officers imbued with a common ethos could not be created until the United States set up a staff college. Grant had put in place a system that was superior to the Confederate, but it was not modern, and it bore scant resemblance to the Prussian. As many American staff officers were drawn from business, they made excellent logisticians—better than the Prussians—but they were operationally inferior because they failed to understand the need for a true general staff revolution. Even McClellan, consciously the spokesman for American military professionalism, had failed to think this problem through to its logical conclusion.⁴³

Yet the Union system, for all its imperfections, was much superior to the Confederate. The Confederate command system underwent hardly any modification during the war, except in terms of the generals that tried to direct it. The failure to appoint a figure like Grant to provide some central direction led to a series of rather piecemeal approaches, and an excessive centralization around Jefferson Davis, with a resultant splintering of military effort. As Frank E. Vandiver summarizes, "Richmond, to which all looked for guidance, was the nerve center of the Confederacy, but a nerve center lacking the power of co-ordination." The only response of the Davis administration to military catastrophe in the winter of 1864–65 was to make Robert E. Lee general-in-chief while still remaining commander of the Army of Northern Virginia. Confederate leaders seemed to learn little from the military setbacks which the Confederacy endured.⁴⁴

The command system that brought a Union victory relied on three related elements. First, the delegation of duties. Grant gave great latitude to his subordinates. He took the ethos of the "old" frontier army and made it work under the quite different circumstances of a war of mass involvement and great battles. Second, personal friendship was a vital lubricant for efficiency,

especially between Grant and Sherman, and between Sherman and Halleck. Sherman directed his three (rather small) field armies as a superior army commander, as Grant did in Virginia. Third, Grant's system worked because of the telegraph. While travelling with the Army of the Potomac, his headquarters remained in the rear so that he could communicate with the other commands. But Grant's direction was minimal. After he had finally given permission to Sherman to undertake his "March to the Sea," he knew nothing of the details of the operation, nor did he want to know. However, the telegraph could make committing errors easier. Grant had never been an admirer of George H. Thomas, directed by Sherman to guard his rear at Nashville, Tennessee, as Hood advanced recklessly northwards. In December, 1864, Grant lost patience with Thomas's sluggish movements, especially as John M. Schofield was telegraphing privately that "Many officers here are of the opinion that General Thomas is certainly to slow in his movements." Fortunately, the final order for Thomas's dismissal arrived after his stunning victory at the battle of Nashville, 15–16 December.⁴⁵

Towards a "Modern" System?

Initially the Civil War was fought by North and South with command systems that were mirror images of one another. Both sections shared similar illusions about the nature of command, not least an overemphasis on field command. So strong was this notion that Grant and Sherman were able to galvanize the Union command system in 1864 only by directing forces in the field themselves. Yet the Union system did develop, though not far enough to be accurately described as a modern command system. Although Grant and Sherman succeeded in organizing and directing the Northern war effort, their methods relied heavily on personalities rather than institutional innovation. Indeed, they relied more on the traditional methods of the U.S. Army than is sometimes acknowledged.

The stress on the cooperation of key personalities is not surprising, as the Union army lacked a trained great general staff which owed its allegiance to a chief of staff rather than to individual field commanders. Grant and Sherman made the existing system work more efficiently and over a greater span than it was ever designed to operate. Once the exigencies of Civil War were no longer pressing, the system over which they presided could easily mutate back to meet the needs of Indian fighting on the Western frontier. Perhaps this explains why, in command terms, the Civil War seems to have had little impact on the remainder of the nineteenth century.

Notes

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3. Marcus Cunliffe, *Soldiers and Civilians: The Martial Spirit in America, 1775–1865*, 3rd. edn. (1968, repr. London, 1993), pp. 307–12; Brian Holden Reid, *The Origins of the American Civil War* (London, 1996), pp. 187–8.
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8. *Ibid.*, pp. 47, 56, 113, 207.
9. *Ibid.*, pp. 103, 187, 192.
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12. William Howard Russell, *My Diary North and South*, ed. Eugene H. Berwanger (New York, 1988), p. 250.
13. E. A. Hitchcock, *Fifty Years in Camp and Field*, ed. W. A. Croffat (New York, 1909), p. 430; Lloyd Lewis, *Sherman: Fighting Prophet* (New York, 1929), p. 142; John F. Manszalek, *Sherman: A Soldier’s Passion for Order* (New York, 1993), pp. 158–67.
14. T. Harry Williams, *Lincoln and his Generals* (New York, 1952), pp. 67–72; Stephen W. Sears, *George B. McClellan: The Young Napoleon* (New York, 1988), pp. 95, 99.
15. *Lincoln and the Civil War in the Diaries and Letters of John Hay*, ed. Tyler Dennett (1939, repr. New York, 1988), p. 33. Lincoln then urged him to “enlarge the sphere of his thoughts and feel the weight of the occasion.”
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17. McClellan to Stanton, February 3, 1862, *The Civil War Papers of George B. McClellan: Selected Correspondence, 1860–1865*, ed. Stephen W. Sears (New York, 1989), pp. 163–9; Michael C. C. Adams, *Fighting for Defeat: Union Military Failure in the East, 1861–1865* (1978, repr. Lincoln, NE, and London, 1992), pp. 92–103, 129–31.
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Abraham Lincoln, the Presidency, and the Mobilization of Union Sentiment

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To experience war is to experience force, and Americans of the Civil War era knew that raw truth better than any other generation in their nation's history. If the Confederacy was subject to the greater devastation of its physical landscape, and the greater proportionate loss of life, the Union suffered its own grievous human agonies. Victory, the Lincoln administration gradually learned, would come only as the North's superiority in manpower and material resources expressed itself in the force of bullet, bayonet, and shell, and in the physical destruction of the enemy—and that would mean unprecedented bloodshed on both sides.¹

Military coercion of the Confederacy demanded political coercion on the Union home front. Few aspects of Abraham Lincoln's presidency have attracted more discussion than his use of emergency executive powers. Responding swiftly to the Confederates' attack on Fort Sumter in April, 1861, he called up the militia, proclaimed a blockade, and ordered the use of Treasury funds for war supplies, all before he called Congress into special session in July. He subsequently suspended the writ of Habeas Corpus and sanctioned arbitrary arrests throughout the country, abolished slavery by presidential proclamation, and began his own program of national reconstruction. Here was an agenda sufficient to elicit cries of dictatorship both from Confederates and from Northern political foes. Whatever the justice of that charge—and recent scholarship has not wholly exonerated the sixteenth President²—there is universal agreement that the nation's unprecedented crisis spurred Lincoln and the executive branch into forceful, interventionist, and even coercive leadership. Earlier generations had

expressed fears for the future of republicanism—whether from the executive “usurpation” of federalists in the 1790s or from the tyranny of “King Andrew” Jackson four decades later—but no previous administration had deployed political and military power as energetically as did the Union government during the Civil War. Moreover, the earnestness with which the civilian and military agents of the administration set about their task suggests how far they believed Union success depended upon coercion. These included government control of the telegraph, suppressing newspapers careless with confidential military information, seizing presses, arresting deserters, detaining those who encouraged opposition to the draft, prosecuting and banishing pro-Confederate editors, and deploying provost marshals and troops to police the polls or intimidate opponents. Maryland and other contested border areas were transformed into armed camps, while Peace Democrat (“Copperhead”) strongholds in the Northwest and Middle Atlantic states felt the firm hand of Union commanders behind the lines.

But for all that, what is remarkable about Lincoln’s success in sustaining support for the Union’s formidable four-year war effort is just how little it depended on executive coercion, repression, and the long arm of the War Department. The main task facing the Union administration was not how to coerce or dragoon an unwilling population into an unwanted conflict; rather it was how best to encourage, nurture, and sustain a potent Union patriotism. The North’s superiority over the Confederacy in manpower and matériel gave hope of eventual victory, but this would count only if the enthusiasm for war that immediately followed the bombardment of Fort Sumter were consolidated into a longer-term appetite for the fight. Given that Lincoln secured a handsome reelection in 1864, and that Union voluntary enlistments remained extraordinarily high throughout the conflict, it might seem that a resilient popular Unionism needed little nurturing from above. But without clear articulation of the war’s purpose by the Union leadership in general, and the President in particular, it is doubtful whether the people of the North would have retained their collective will to continue so grueling and expensive a conflict. Neither James Madison in the War of 1812 nor James K. Polk in the conflict with Mexico had been entirely successful in harmonizing national sentiment behind his leadership, and by definition these had been less divisive struggles than an internecine civil war. The burden of what follows is that one of Lincoln’s greatest achievements was his articulation of a rationale for the war and its sacrifices; that its formulation and reformulation were shaped in terms which, from his shrewd reading of public opinion, he judged would resonate with mainstream Unionists and cement the war coalition; that for its dissemination he and his administration imaginatively exploited a formidable network of governmental and voluntary agencies; and that the keynote of his presidential leadership of the Union was persuasion, not coercion.

Lincoln and the Union

There are a number of strands in the rope which bound Lincoln resolutely to the Union, “this favored land,” as he described it in his First Inaugural Address.³ These included his profound faith in the nation’s material potential: by temperament an “improver,” he watched with pleasure the Union’s galloping economic progress, to which his political career in the 1830s and 1840s had been chiefly devoted.⁴ More commonly, however, Lincoln addressed the moral and political purposes of the Union. Central to his faith were the Revolution’s remarkable legacies, and the republic’s cornerstones: the Declaration of Independence, with its philosophical celebration of equality, and the Federal Constitution, the guarantor of freedom. Thanks to the Founding Fathers, the United States enjoyed a unique and unprecedented liberty, whose distinctive features included self-government, or government by the consent of the governed, a Bill of Rights which guaranteed a variety of religious and civil freedoms, and a commitment to meritocracy.⁵

Lincoln shared in the widespread sense of American exceptionalism, or uniqueness. “Most governments have been based, practically, on the denial of equal rights of men . . . ; ours began, by *affirming* those rights.” The American Union had a special role in world history, a duty to act as a beacon of liberty to all. When the South Carolinians turned their guns on Fort Sumter they pressed an issue which had cosmic, not just local, meaning:

It presents to the whole family of man, the question, whether a constitutional republic, or a democracy—a government of the people, by the same people—can, or cannot, maintain its territorial integrity, against its own domestic foes. . . . It forces us to ask: . . . “Must a government, of necessity, be too strong for the liberties of its own people, or too weak to maintain its own existence?”⁶

In his First Inaugural Address and his special message of July, 1861, Lincoln played the political philosopher, the historian and the pragmatist to show why the Union had to be perpetual. The political philosopher declared that “no government proper, ever had a provision in its organic law for its own termination.” Acquiescence in secession was acquiescence in anarchy, the acceptance of minority rule, an invitation to repeated secessions that would balkanize North America. Lincoln the historian insisted that the Union was “much older than the Constitution” of 1787, having been formed even before the Declaration of 1776. The object of the Federal Constitution had been “*to form a more perfect union.*” And then there were the practical constraints of geography: “Physically speaking, we cannot separate. . . . A husband and wife may be divorced, and go . . . beyond the reach of each other; but the different parts of our country cannot do this.”⁷ Ultimately,

though, Lincoln's vision of the Union drew less on a calculation of practicalities than on a romantic, even spiritual, feeling. Alexander H. Stephens, Lincoln's Whig associate from Georgia, and the Vice-president of the Confederacy, later reflected that Lincoln's Unionism assumed the character of religious mysticism.

The prewar Lincoln celebrated the Union as a matchless instrument of liberty even though it simultaneously tightened the shackles and manacles of the slave. As the war progressed he came to see that, to preserve the freedoms honored by the Declaration of Independence and the Constitution, he had to embrace emancipation. But he moved cautiously. He made no mention of slavery when he defined the administration's purpose in his message to Congress early in the conflict. During the first twelve months or so of the war he overturned the military emancipations of Generals John C. Frémont and David Hunter; he sacked his Secretary of War, Simon Cameron, for publicly proposing the arming of black soldiers; he continued to cherish cautious schemes of compensated emancipation and the colonizing of free blacks in overseas settlements. He was unenthusiastic about the two Confiscation Acts passed by Congress. When Horace Greeley of the New York *Tribune* published his "Prayer of Twenty Million," calling on the President to grasp the nettle of emancipation, Lincoln's reply appeared only to confirm his cautious pragmatism. The Emancipation Proclamation, when finally issued on New Year's Day, 1863, freed only those slaves over whom the proclamation could have no immediate influence.

Over the next two years, however, Lincoln followed through the logic of that proclamation, by arming black troops, refusing to renege on the promise to emancipate, invoking "a new birth of freedom" in the majesty of the Gettysburg Address, incorporating in the Republican Party's platform in 1864 the promise to secure a constitutional amendment ending slavery, and using presidential patronage after his reelection to ensure that Congress voted for that very amendment. On the eve of his death, Lincoln was even proposing that certain categories of freedmen be given the vote. The circumstances of war had allowed Lincoln legitimately to redefine the purpose of the Union so as to give freer rein to his own natural antislavery instincts.⁸

Lincoln refused to compromise that vision of the Union. For as long as he was President, and while the nation remained sundered, he would continue the fight. The photographic portraits of Lincoln, aged and fatigued, in the final months of the war are a measure of the personal cost of that resolve. There is no clearer statement of his determination than his words in the summer of 1864, as the Union armies under Grant suffered battle-field slaughter on an unprecedented scale. "We accepted this war for . . . a worthy object, and the war will end when that object is attained. . . . [It] has taken three years; it was begun or accepted upon the line of restoring the

national authority over the whole national domain. . . . I say we are going through on this line if it takes three years more.”⁹

Reading the Public

Lincoln openly acknowledged that the steps by which he redefined the war for the Union as a war against slavery were guided by his reading of public opinion, and that he feared too early an embrace of emancipation would shatter the Union consensus. This sensitivity to popular mood was entirely in keeping with the conviction of the prewar Lincoln that “public sentiment is everything. With public sentiment, nothing can fail; without it nothing can succeed.” By this he did not mean pandering to popular prejudice, nor brazen demagoguery, nor compromising his fundamental principles, but rather molding public opinion for the better within the inevitable constraints that “a universal public feeling” necessarily imposed.¹⁰ This respect for the people was entirely understandable in a politician whose first years in public life coincided with the advent of mass democracy and whose natural environment was the small, face-to-face communities of the West, where individual citizens felt close to those who governed them. Growing up among the farmers of Kentucky and Indiana, Lincoln had an empathy for common folk that ensured a continued rapport with the rural and small-town electorate of Illinois, and kept him alert to nuances in public sentiment, even as his success as a lawyer and office holder put social distance between him and them: only once in his career, and that early on, did he lose a popular election.

The influential newspaperman, John W. Forney, came deeply to admire Lincoln’s feel for what the public would tolerate. “Lincoln is the most truly progressive man of the age,” he judged, “because he always moves in conjunction with propitious circumstances, not waiting to be dragged by the force of events or wasting strength in premature struggles with them.”¹¹ Specifically, Lincoln’s wartime concern not to push mainstream Union sentiment towards emancipation faster than it wanted to go meant turning a deaf ear to the impatient appeals of antislavery radicals while simultaneously nudging border-state conservatives towards a more realistic appraisal of events. But the question arises: how could he be sure what that mainstream opinion was? As a state politician, the Illinois circuit lawyer and aspiring politician had enjoyed a face-to-face relationship with his constituents, but the nation’s President and commander-in-chief was mostly restricted to the executive mansion. Remote from his roots, surrounded by office holders, ever more exhausted by the unremitting burden of directing the war, bombarded by conflicting advice, and rarely straying from the nation’s capital, how could he know and track the turbulent thoughts of ordinary Americans?

Election returns offered a series of snapshots of political opinion. On average a significant congressional or state election occurred in the North every other month during the four years of war. Lincoln, whose grasp of electoral topography and arithmetic was second to none, spent many an hour in the telegraph office (located in the War Department, just a short walk from the White House) awaiting and analyzing outcomes. Broadly speaking, election results allowed the administration to plot the course and strength of Union opinion throughout the war. Thus Republicans' success in New England in spring, 1861, appeared to endorse the new administration's policy of coercion of the Confederacy. Winning various state contests outside New England later that year only with the support of War Democrats seemed to vindicate its conciliatory approach towards border-state conservatives. In the congressional and state contests in the fall of 1862, the most serious electoral test of the war to date, Lincoln's administration suffered a serious popular rebuff, especially in the Midwest and the lower North, though the extent to which this represented the electorate's hostility to the policy of emancipation and the assault on the South's social system, as opposed to a critical commentary on the Union army's lack of energy and success, was not so easy to gauge.¹² Using voting figures as a commentary on matters of national policy could be like reading Braille with a gloved hand.

Dealings with political leaders at national and state level held out for Lincoln opportunities for more nuanced analyses of popular mood. From his deliberately broad-based and inclusive cabinet he heard often dissonant voices advancing a range of views which ran the gamut of Unionist opinion—disharmony, in this case at least, acting as a source of presidential strength not weakness. More sensitive still to public feeling were those in elective office, notably state governors and U.S. Congressmen, whom Lincoln considered his eyes and ears in each constituency. From Andrew G. Curtin of Pennsylvania, Richard Yates of Illinois, Oliver P. Morton of Indiana, John A. Andrew of Massachusetts, and other loyal governors, the President received commentaries on the general management of the war, on electoral prospects, and on the public's view of particular administration policies across a range of salient issues: confiscation, colonization, emancipation, black troops, the draft, reconstruction. But, as Lincoln discovered to his cost, though they were closer than he to the grass roots, their judgments were not infallible. Thus, taking William Dennison's advice in the spring of 1861 to heed popular will and convert the ninety-day militiamen into three-year volunteers, Lincoln was forced into retracting his approval in the face of the men's anger and threat of mutiny.¹³ Governors and other state politicians had their own axes to grind, of course, and Lincoln had always to remain on the lookout for self-interested pleading disguised as objective testimony. His grasp on the slippery confusion of events in Missouri, for instance, was undoubtedly weakened by the ambiguities and defectiveness of his

information. Unsurprisingly, he sent his own White House secretaries, John G. Nicolay and John Hay, on a variety of missions to establish the state of local political feeling.

Newspapers, the lifeblood of the American political system, provided Lincoln with another means of keeping his finger on the pulse of opinion. In his days as an aspiring Illinois politician he had been an insatiable reader of the party political press, but the rigors of office gave the harassed President far less time to indulge this appetite. Francis Carpenter, the portrait painter who observed his daily routine over a six-month period, recalled only one instance when he saw Lincoln casually browsing through a newspaper. Actually, papers abounded in the White House. In addition to the three Washington dailies (the *Morning Chronicle*, *National Republican*, and *Star*) which were laid out on Lincoln's study table, a variety of the Union's leading papers provided his secretaries with the materials from which they could mine the interesting editorial matter and items of political importance they judged they should bring to the President's attention. When for a brief interlude early in the war events conspired to interrupt the daily flow of papers, a sense of isolation and even desperation seized the occupants of the executive mansion. Lincoln had a healthily skeptical attitude to press criticism, which rarely moved him to anger and which he commonly dismissed as "noise" and "gas," generated by ignorance and editorial self-importance. Still, he could not afford to ignore editors as conduits of opinion. When, in the dark days of the summer of 1864, those whom he trusted anxiously brought him reports of opinion hardening against the administration, he came as close as he ever did to abandoning the high ground of antislavery Unionism.¹⁴

Loyal editors also bombarded the President with unsolicited advice in hundreds of private letters. These represented only a small fraction of the mail that at times threatened to submerge the White House secretariat. Nicolay handled Lincoln's huge correspondence before his inauguration; subsequently the responsibility fell on Hay's young shoulders. As the volume rose, to reach a peak of two mailbags (some 500 letters) daily during the midpoint of Lincoln's reelection year, an additional secretary was required. Much of the correspondence comprised requests for civil jobs and military commissions. There were diatribes and hate mail, too, from which Lincoln was generally shielded. But many letters came from those whom one secretary described as "good and true men," often unlettered and humble, pouring out their "deepest heart sorrows" and offering their advice on the conduct of affairs. Of course, Lincoln had time to handle only a fraction of what arrived, perhaps a dozen or so letters a day; according to Hay, the President personally read no more than one letter in fifty. But those he did review, together with the summaries and annotations provided by his secretaries, gave him a chance literally to read public opinion. Each phase of

the conflict prompted earnest suggestions about the best policies and strategy for victory.¹⁵

Many wrote to the President as an alternative to paying the personal call that the constraints of geography, time, and expense prevented. Yet the most remarkable feature of Lincoln's tenure of office was the throngs of ordinary citizens who came to the capital to pour through the White House doors, intent on a private interview on one of the President's regular public days. Lincoln never lost his determination to remain accessible—to be “the attorney of the people, not their ruler.” William H. Seward remarked that “there never was a man so accessible to all sorts of proper and improper persons”; the President himself described his office hours as “the Beggars’ Opera.” He never lost his keen sense of his own ordinariness and his kinship with common folk. He cherished republican simplicity, shunned the imperial style, and protested strongly when the general-in-chief, Henry W. Halleck, detailed a cavalry detachment, clattering along with sabers and spurs, to guard the presidential carriage.¹⁶

In consequence of what Henry J. Raymond called Lincoln's “utter unconsciousness of his position,” ordinary men and women regarded him more as a neighbor to be dropped in upon than as a remote head of state. “Mr Lincoln is *always* approachable and this is greatly in his favor,” explained the Washington correspondent of the *New York Independent*. “The people can get at him and impress upon him their views without difficulty.” Though his visitors included, in the words of one observer, “loiterers, contract-hunters, garrulous parents on paltry errands, toadies without measure, and talkers without conscience,” Lincoln was adamantly opposed to restricting access. “I feel—though the tax on my time is heavy—that no hours of my day are better employed than those which bring me again within the direct contact and atmosphere of the average of our whole people.” Each meeting, he maintained, served “to renew in me a clearer and more vivid image of that great popular assemblage out of which I sprung. . . . I call these receptions my ‘*public-opinion baths*’; for I have but little time to read the papers and gather public opinion that way.” Sometimes he felt himself bombarded and besieged but, even so, these encounters with ordinary folk worked to invigorate his “perceptions of responsibility and duty.”¹⁷ Probably more than any other single agency, they provided the down-to-earth oxygen lacking in the rarefied political air of wartime Washington.

Reaching the Public: the Power of Language

Listening was only one part of the business of leadership. Communicating the aims and rationale of war was just as essential to Union victory. Lincoln's authority as a democratic politician in antebellum America derived very largely from his campaign oratory. Though physically awkward, he was a

natural and fluent speaker, with a clear, pleasing, penetrative tenor voice, and his speeches combined clarity, logic, moral force, substance, spontaneity, wit, and good humor. Yet after his nomination for the presidency in May, 1860, he never took to the stump again and, once in the White House, he made only very limited use of a weapon that had done so much to win him the high regard of Republicans nationally. As President he spoke in public nearly 100 times. Mostly these were not full-blown speeches but modest remarks, often unscripted; they included short addresses to troops passing through Washington, impromptu responses to musical serenaders, and statements to visiting delegations—of clergymen, border state representatives, free blacks and others. Almost all were made in the capital. His two inaugural addresses and the speech at Gettysburg were rare set-piece exceptions to this general picture.¹⁸

We may wonder about Lincoln's reluctance to speak in public, given his proven rhetorical abilities, his confidence in the power of language, and his reiterated certainty that Americans responded well to the truth when it was logically and clearly presented. The explanation lies partly in his conventional attitude that it was not quite proper for a President to make speeches at all, and certainly not during election campaigns, when stump-speaking would smack of partisanship, not statesmanship. No less influential was the pressure of presidential business, whose schedule gave Lincoln little of the time he felt he required to prepare an effective speech. Almost all his great addresses, as at Springfield in June, 1858, and at the New York Cooper Union in February, 1860, followed careful deliberation, even sustained research. His First Inaugural was the product of protracted thought, meticulous preparation and several drafts. Once the war began, the competing demands on the President and commander-in-chief left little time for speech writing, or for travelling outside Washington. Since, unlike modern Presidents, he used no ghost writer (though the Secretary of State wrote the words that Lincoln spoke when Foreign Ministers were presented), and since he feared he might be led into careless, offhand remarks (which explains why he fretted at the approach of musical serenaders, who always expected a few words), we should not be surprised that he spoke so little in public and that the two most celebrated speeches of his presidency, the Gettysburg Address and the Second Inaugural, were as short as they were sweet.

Some have considered Lincoln's reticence a probable mistake, a damaging and self-inflicted wound, to be contrasted with Jefferson Davis's recourse to speaking tours to bolster Confederate morale.¹⁹ But this judgment should be qualified, not least because of Lincoln's alternative and sometimes brilliant use of the written word to communicate the purposes of the administration. The most formal of the President's documents, his annual and special messages to Congress (which were forwarded from the White House, to be read out by a clerk in the legislative branch, and were subsequently published

in the press), naturally consumed much of his time and blended routine information, analysis of events, explanation of the administration's course, and occasionally soaring rhetoric. Then there were the published accounts of many of Lincoln's interviews with White House visitors, including his scripted responses. Probably most effective of all were his carefully crafted public letters to particular individuals, designed to rally Northern opinion or prepare it for imminent changes in policy, and each addressing issues crucial to the conduct and outcome of the war: notably emancipation and racial issues in his letters to Horace Greeley (August, 1862), James C. Conkling (August, 1863) and Albert Hodges (April, 1864); conscription policy, to New York Governor Horatio Seymour (August, 1863); and treason, military arrests and the suspension of Habeas Corpus, to Erastus Corning (June, 1863).

Lincoln perhaps regretted being unable to give voice to his own words: he was keenly alert to matters of intonation and emphasis (evident in his private recitation of Shakespearean soliloquies and in his canny advice to an actor playing Falstaff on how to get the best out of a line); significantly, he accompanied his letter to Conkling, designed to be read out at a Union rally, with guidance on how it should be delivered.²⁰ His enforced near-silence made him all the more attentive to the quality of his prose, which he sought to imbue with color, life, and energy. When, in his intended message to the special session of Congress in July, 1861, Lincoln described the rebellion as "sugar-coated," the government printer objected to what was then judged an undignified expression. Lincoln was unimpressed by the distinction his critic drew between the racy language appropriate for a mass meeting in Illinois and the prose of a historic, formal document: "that word expresses precisely my idea, and I am not going to change it. The time will never come in this country when the people won't know exactly what *sugar-coated* means!"²¹ Sometimes Lincoln's lively metaphors got the better of him: even the adoring Hay judged the letter to Conkling, with its allusion to the navy as "Uncle Sam's web feet," to be scarred by "hideously bad rhetoric . . . [and] indecorums that are infamous."²² But in the main the President's prose was arresting, lucid, and strikingly economical.

Reaching the Public: the Agency of Party

In practice, it made no great difference whether Lincoln spoke or wrote. What really counted was that his words and opinions reached and moved the widest possible audience. Lincoln's personal exertions in defining the administration's objectives were only part of the overall strategy by which the federal government harnessed Union sentiment. In seeking out the most potent agencies to mobilize that opinion the government had to look beyond its official mechanisms, for governmental institutions in the early republic

had been chronically weak. The most powerful and extensive networks in the nation were voluntary associations. Preeminently these were twofold: the political parties—their voluntarism supplemented and compromised by the rewards of government patronage—and the churches, with their associated philanthropic agencies. Through these networks, energetically exploited, a President tied to the White House was able to project himself and his cause into the heartland of the Union and beyond. The historian David Donald has emphasized Lincoln's essential passivity in the face of events, but there is little evidence of this in the President's efforts to mobilize opinion behind the war effort.²³

Lincoln needed no lessons in how the power of party might promote a cause.²⁴ His presidential victory in 1860 had depended far less on his personal appeal than on the skill with which Republican organizers had projected him as the embodiment of the party's philosophy and platform; despite limited funds and a still developing organization, they yet managed to sustain a stunningly effective "hurrah" campaign, marked by swarms of speakers, enthusiastic meetings, "Wide Awake" marching clubs, high expectations, and crusading energy. But Lincoln's election to the presidency and nominal leadership of the party did not mean that the organization, whatever its potential for war mobilization, would effortlessly fall into line behind him. The Republicans were a fragile, decentralized coalition with no experience in national office. There were few established Lincoln loyalists in Congress. Organizationally the party was in practice little more than an agglomeration of local and state bodies. Philosophically, too, it was divided, as internal conflicts over emancipation, the conduct of the war, and reconstruction would show. Many of the President's most querulous and vociferous critics throughout the war were Republicans. Lincoln's essential task, if it were to become a truly effective rallying force for the administration, was to bind it together and impose his authority on it.

For these purposes he had at hand a potent weapon: presidential patronage. There was nothing new in a President fusing his roles as party leader and chief executive by distributing government jobs to the party faithful. But Lincoln had the added bonus of controlling appointments to the thousands of new offices occasioned by the wartime expansion of the army and government departments. An experienced and skillful party manager, who possessed a potent combination of tenacity, patience, and command of detail, he devoted an enormous slice of his time to disposing of these posts. It was a wearisome and even draining exercise, as he sought to avoid gratuitously upsetting the competitors for office while yet remaining even-handed towards the various party factions, including his critics. But his attentiveness and refusal to be bullied undoubtedly paid off. He built up a bank of congressional indebtedness, by meeting the patronage requests of interceding Congressmen, and created such highly effective cadres of

supporters at state level that he easily outmaneuvered those who had hoped to prevent his running for a second term. Lincoln's complete mastery of the party's nominating convention at Baltimore in June, 1864, was a measure of the skill and diligence with which he had attended to the minutiae of internal party affairs.²⁵

The spontaneous demonstrations of Union patriotism that immediately followed hostilities at Fort Sumter meant Lincoln's call to arms scarcely needed reechoing by grassroots Republicans, though in fact local party leaders leapt to beat the martial drum, and mobilize men and resources, in unyielding response to secessionist defiance.²⁶ However, as the early enthusiasm gave way first to frustration and then to war-weariness, it grew increasingly urgent to remind people of the Union's meaning. Lincoln looked to his Congressmen, governors and local leaders to spread within their constituencies the themes of his formal addresses, and to sell each new development of policy as it was defined: the Emancipation Proclamation, the use of black troops, the unacceptability of peace on the terms of "the Union as it was." It was an expectation by no means realized in every case, as Republican conservatives jibbed at emancipation, while radicals, criticizing Lincoln's caution, articulated more ambitious objectives in less emollient language. But an influential core of party loyalists, notably among the Republican governors, persistently proved their worth to Lincoln as interpreters of the administration's purpose.

All Northern governors in 1861 were loyal party men. They owed their office to the party; they had been energetic and essential agents of national victory in 1860. As the war progressed they encouraged the President to take more power into federal hands, and became themselves increasingly dependent on Washington: without War Department funds Governor Morton of Indiana would have had to recall a Democratic legislature which, bitterly opposed to an emancipationist war, had refused appropriations; in the critical state elections of 1863, especially in Connecticut, Ohio, and Pennsylvania, Lincoln's interventionism included dispensing patronage, getting troops furloughed home to vote, and ensuring that government clerks were given leave (and free railroad passes) to reach the polls. Thus the demands and protectiveness of party increasingly bound state and national governments together, and their mutual dependence had huge implications for Washington's communication of the Union's purpose. For one thing, it made possible political stage management in cultivating public confidence. After McClellan's retreat from Richmond in the summer of 1862, Lincoln feared that a call for a further 100,000 men, though badly needed, would provoke "a general panic and stampede . . . so hard it is to have a thing understood as it really is." Instead, in a scheme involving Seward, Thurlow Weed, and Republican governors Edwin Morgan of New York and Curtin of Pennsylvania, Lincoln got the loyal governors to sign a

memorial ostensibly emanating from them but in reality drawn up by the administration.²⁷

The interdependence of state and national administrations, as Eric McKittrick has shrewdly argued, became even more salient after the midterm electoral setbacks of 1862: Democratic gains led state Republican organizations into energetic defense of national policy—notably in justifying emancipation as essential and consistent with the original purpose of the war—and into lambasting their opponents, now encouraged to bolder calls for peace, as traitors. In this context, Republicans read their victories in the state elections of 1863 not simply as local successes but as a triumph for Lincoln’s administration. Candidates for even the lowest local offices, in asking people to vote Republican, were urging an endorsement of the war, its purposes, and its leaders. Wartime elections provided the arena, and the Republican Party the means, for “continual affirmation and reaffirmation of [national] purpose.”²⁸

One of the most powerful ligaments of party, and its most ubiquitous instrument of political persuasion, was the newspaper press. Lincoln’s experience in Illinois had taught him its value in developing among subscribers a common understanding and intent. He had written occasional articles, provided financial subsidies, and indeed bought one paper—the *Illinois Staats-Anzeiger*—to promote Republicanism within the German immigrant community. Those editors and correspondents who helped him into the presidency in 1860 soon found themselves the beneficiaries of a clutch of lucrative foreign appointments, postmasterships, customs house posts and other jobs in his gift. At about the same time, the ridicule that a hostile press heaped on him for arriving for his Washington inaugural secretly, in disguise, and by night, was a salutary reminder of the power of the press to shape opinion for the worse as well as the better.²⁹

Cultivating a sympathetic press became a wartime priority. Persuasion, not constraint, was the watchword. Lincoln was generally hesitant about gagging hostile papers, urging military forbearance in response to the irritations offered by the *Chicago Times* and other “Peace Democrat” sheets; he bore no direct responsibility for the War Department’s censoring of military information. Systematic news management and the modern press conference were, of course, developments of the future, and even a loyal press was not necessarily biddable: Lincoln was apparently furious when his letter to Conkling, despite restrictions, appeared word for word in the trusted *New York Evening Post* two days before it was due to be first read at a Union meeting in Springfield, Illinois. Still, the President—and his White House secretaries—had available a variety of means to reward loyalty and broadcast the administration’s unbending Unionism. Lincoln allocated lucrative government printing contracts to selected Republican papers; composed a few articles specifically for newspaper circulation; and carefully

placed his public letters to Greeley, Hodges, and others in the most appropriate journals, from where they were later copied by others across the Union. Unsurprisingly, loyal correspondents made up the presidential trainload to Gettysburg in November, 1863, their place on the platform assured; hundreds of local papers subsequently printed and celebrated Lincoln's speech, in repudiation of Democratic ridicule of a "silly, flat and dish-watery utterance." Probably most important of all, Lincoln, though not dependably accessible to reporters, made sure his office door was open when the issue demanded it. Editors he trusted, including the young Noah Brooks of the *Sacramento Daily Union* and Simon P. Hanscom of the *Washington National Republican*, were quite frequent visitors. A number were rewarded with government posts at home and abroad.³⁰

No editor was more loyal to the administration than James W. Forney, a Philadelphia ex-Democrat whose admiration for what he termed Lincoln's "unconscious greatness" was no doubt underscored by the President's part in getting him elected as secretary of the Senate and in securing commissions for his sons. The undeviating Unionism of his Philadelphia *Press* gave it every appearance of a White House organ. It not only defended the President against the charge of violating civil liberties, but in July, 1862, made a remarkable volte-face to support emancipation (the same month that Lincoln first raised a change of policy with his cabinet)—a shift which, in hindsight, suggests Lincoln's blessing. We can also see Lincoln's handiwork in Forney's establishing a new daily paper in Washington towards the end of 1862. With the editorial stance of the influential, mass-circulation New York *Tribune* increasingly uncertain, as Horace Greeley oscillated nervously between support for the administration and alarmed defeatism, the President had suggested to Forney that he turn his *Sunday Morning Chronicle* into a daily. Supported by government funds (in payment for printing federal notices and advertising) and given easy access to the White House, Forney developed a newspaper which carried a message of uncompromising Unionism daily to thousands of troops in the Army of the Potomac. His papers would set the tone for the pro-administration press in 1864 by being the first to endorse Lincoln's renomination, when many other Republican editors doubted his ability to win. The President's opponents called Forney "Lincoln's dog."³¹

Cheap newspapers provided Lincoln with one vehicle for propagandizing the Union, cheap pamphlets another. Civil War Americans witnessed an unprecedented torrent of polemical and exhortatory pamphlet literature. At first many titles were individually financed and produced, but from the early months of 1863 pamphlet and broadside publishing achieved extraordinary levels of coordination and activity under the direction of several new publication societies. These bodies grew naturally out of existing Union Leagues and Loyal Leagues, those extraparty associations set up to rally

Union morale in the bleak winter days of 1862–63. Their models included the most impressive of all prewar publishing and distribution agencies, the American Tract Society. In New York, Boston, and Philadelphia distinguished professionals and intellectuals like Francis Lieber joined with representatives of the business classes to raise huge sums for the free distribution of Union propaganda, with the intention of combating defeatism amongst troops and civilians, and countering the “disloyal” effusions of Democratic presses. The Philadelphia Union League’s Board of Publications, the largest and most efficient of these societies, raised tens of thousands of dollars towards the wartime production of well over 100 different pamphlets and broadsheets, and distributed over a million items of literature in army camps and on the home front.³²

Naturally enough, Lincoln’s own words formed part of this loyalist torrent. But he was more directly involved, too. A measure of his attention to the Union’s propaganda machinery lies in how he responded to Democratic criticisms of the suspension of Habeas Corpus. His public letter of June, 1863, to Erastus Corning in defense of “strong measures . . . indispensable to the public Safety” was not merely reproduced in friendly newspapers. Lincoln had it printed and sent to Republicans across the country on the frank of his private secretary. As Mark Neely has noted, this kept the chief executive personally immune to charges of squalid electioneering but indicated the importance he attached to the letter’s circulation. The recipients included Francis Lieber, who wrote to assure the President that the Loyal Publication Society of New York would run off 10,000 copies. Around half a million of what another New Yorker described as “the best Campaign document we can have in this state” were produced for voters and for soldiers in the field.³³

The role of the New York, Philadelphia, and other publication societies in the fall elections of 1863 (notably in securing Curtin’s gubernatorial victory in Pennsylvania) leaves no doubt that at bottom they were adjuncts of the Republican Party, and formidable ones at that. But their association with the Union Leagues also reflects Lincoln’s and the Republicans’ efforts to widen their coalition by incorporating as many Union Democrats as possible. Pertinent here was the anonymous article that Lincoln (“an Illinoisian”) wrote for the *Daily Morning Chronicle* during the crisis over General Ambrose Burnside’s suspension of the *Chicago Times* in the summer of 1863: the President was at pains to remove the slur that Forney had unfairly cast on the paper’s previous editor, James Sheahan, a loyal Union Democrat and now editor of the *Chicago Post*. Lincoln’s intervention revealed both his sure grasp of the newspaper scene and his determination to do nothing to alienate actual and potential supporters on the middle ground of politics. Here was the key to many of the developments of 1864: the renaming of the Republicans as “the Union party”; the publication societies’

carefully targeted distribution of unprecedented quantities of materials to wavering voters; and Lincoln's overtures to independent Democrat-inclining editors like James Gordon Bennett of the *New York Herald*.³⁴

Lincoln's reelection triumph in November, 1864, as much as the Union victory sealed at Appomattox itself, was proof positive of how magnificently the Republicans' networks of speakers and publicists could mobilize opinion. Of course, there were also contingent elements at work in McClellan's defeat: notably, the Union commanders' roster of late summer successes (Mobile Bay, Atlanta, the Shenandoah) and the Democrats' myopia in adopting a peace platform at their Chicago convention. But it was the Republican Party itself which constituted Lincoln's most potent weapon. Controlling its patronage, enjoying the personal support of enough of its key editors, and living by his wits, Lincoln secured his renomination in June. Thereafter the party, despite political wobbles in July and August, cranked up a formidable campaigning machinery. Lincoln himself, according to Francis Carpenter, declared, "I cannot run the political machine; I have enough on my hands without *that*. It is the *people's* business,—the election is in their hands." This was technically correct, but the statement is silent over not only the President's deep desire for reelection (he liaised closely with Henry J. Raymond, chairman of the national committee) but also the unflagging efforts of party managers to show the people what their business actually was.³⁵

Whatever the frictions between the powerful state committees and the Union Congressional Committee, between the localities and the center of a mainly decentralized party, the organizers' passion for the Union generated literally millions of printed items and ensured an insistent chorus of political speakers—all in addition to the routine appearance of hundreds of daily papers. Lincoln had been by no means the unanimous choice of Republican editors and publicists earlier in the year. But from early September onwards the alternatives for the party's thousands of activists were clear enough. Better Lincoln, whatever his failings, than a Democrat whose platform effectively wrote off the sacrifices of war. Thanks to the cumulative efforts of the party's publicists during the President's first term, even Lincoln's Republican critics knew that the President—whatever they asserted about his errors in judgment, his lack of vigor in executive action, and his enfeebling kindheartedness—was still a tenacious defender of the Union, honest and unbendable in purpose, lacking in airs and graces, and a man of unimpeachable integrity. He was also widely regarded as morally upright and God-respecting—characteristics which, as we are about to see, had important implications for engaging a second cluster of national networks in the cause of Union.

Reaching the Public: Churches and Philanthropic Organizations

The churches and the benevolent organizations they sustained can claim to have been the first truly effective national networks in the United States. More consistently than any other governmental or voluntary agency in the early republic they drew ordinary people into an arena extending beyond their locality and state. Being a member of a church usually meant being part of a denominational connection whose preachers and press gave members a taste of the world beyond, mobilizing them in pursuit of ambitious benevolent causes, national and international in scope. At the outbreak of civil war this network of churches and related philanthropic reform societies presented the North with a potent weapon. Recruiting their ministerial and lay leaders as active advocates of the Union cause would allow the administration to broadcast directly to the nation's largest complex of subcultures. In particular, it would harness the forces of evangelical Protestantism—the millions of Methodists, Baptists, Presbyterians, Congregationalists, and others, who formed the most formidable religious grouping in the country.

The American experiment of separating church and state had done little to blunt the political appetites of religious leaders or church members. In the antebellum years, despite a minority strain of political quietism, not only were most male church members deeply involved in politics, but Protestant ministers themselves were among the most active partisans. Whigs and Democrats annexed the support of different religious clusters, with the anti-Catholic, moral reforming nativist elements of the former leading it to claim the title of “the Christian party.” But it was the Republican coalition of antislavery Whigs and third-party remnants of Libertymen and Free Soilers that more properly deserved the name. The party that put Lincoln into power drew much of its moral energy from the distinctive “Yankee” religious culture of New England and its diaspora. The Republicans’ collective conscience was shaped by an optimistic millennialism, a modern or “New School” Calvinism (chiefly located in Congregational, New School Presbyterian, and some Baptist churches), and a strain of Methodist social activism influenced by Calvinist ideas of citizenship. Though many Northern evangelicals remained true to the Democratic Party in 1860, antislavery (and anti-Catholic) clergy and lay leaders regimented their followers more effectively than ever before in the Republican cause of barring the spread of slavery and emancipating free white men from the tyranny of the slave power.³⁶

Lincoln was fully alert to the value of the unprecedented fusing of religion and politics in the campaign of 1860. He could equally have been in no doubt about the subsequent rallying of the Northern churches to the cause of Union. Bombarded throughout the war by resolutions from ecclesiastical bodies, besieged by religious deputations, and in regular receipt of the New

York *Independent*, the most influential of all religious papers, Lincoln and his White House secretaries were well equipped to gauge the shifts in religious opinion. Northern clergy, divided before the war over slavery, now united in defense of the Union. Much of their analysis, even their words, echoed Lincoln's own. Secession constituted rebellion and treachery when urged, as by Confederates, without good cause. It was an act of national suicide and anarchy, for its underlying principle destroyed all government. To destroy the American Union was to end a unique experiment in political and religious freedom, one revolving around government by the people, "the best form of government on earth." At issue was the question "whether liberty, strength, and permanency are incompatible conditions in the same body politic." To sustain republicanism was to fight for "for free government in our land and in all the lands for all ages to come."³⁷

The Union was not just politically significant. It had a spiritual dimension, too. Protestants prized the Union as the vehicle of God's unique role for America within human history. What the historian James Moorhead has described as the "acute millennial consciousness" of North American Protestants, carried to the New World by the original Puritan settlers and successively passed down to each new generation, gave the new nation a powerful sense of being God's instrument in the coming of His Kingdom. Its physical geography and natural resources indicated the oneness that God had intended for it. For the first seven decades of the republic's existence most Protestants believed that the fusion of evangelical piety and republican government would have such a powerful moral effect that the Kingdom of God would be inaugurated by persuasion alone, without the need for arms. But Southern secessionists, in an act of destruction that challenged God's providence, had changed all that. And whereas in the antebellum generation the call to defend the Union had been the cry of Northern conservatives eager to find common ground with Southern churches, it now became, in Moorhead's words, a cry "infused with a new moral significance. . . . The holy Union that Northerners defended was no longer the compromise-tainted object of earlier years; it was democratic civilization in collision with an alien way of life."³⁸

If the majority of Protestants accepted the government's initial definition of the war exclusively as a struggle to reestablish the Constitution and laws, there were those like Thomas Eddy who predicted from the start that the "logic of events" would transform it into an assault on slavery. He was right. As fugitives and captured slaves began to fill the Union camps the government became further complicit in slavery; as the hopes of early victory dissolved into embarrassing failure and cruel defeat, church leaders increasingly judged slavery the essential cause of the nation's difficulties and saw slaves themselves as a huge resource—"the commissariat of the rebel army"—to be confiscated and freed; as the suffering persisted in defiance of

evangelicals' appeals for Divine assistance, so they convinced themselves that the conflict was a punishment for the sin of oppression. Frémont's proclamation thus elicited a widespread chorus of delight, its revocation bitter disappointment. Through 1862 even previously cautious evangelicals warmed to emancipation and the use of black troops as the only means of restoring the Union. A growing consensus judged that slavery had to die, a conclusion commonly expressed in the language of the Apocalypse. American history, the culmination of world history, would resolve the battle between Antichrist and the Christian order; between Southern slavery, feudalism, and the Cavalier mentality on one side, and freedom—Yankee and Puritan—on the other.³⁹ Lincoln's Emancipation Proclamation was an essential act of purification which would, in cleansing the nation, open the way to victory.

Lincoln worked hard to keep two-way channels open with the leaders of this influential constituency, and to deal sensitively and respectfully with them, aware not only of their power but also of the deep reservoir of goodwill on which he could draw. Here we should note that Lincoln never wore his religion on his sleeve; indeed, his personal beliefs remain an enigma to the historian. His Old School Presbyterian churchgoing in both Springfield and Washington gave him a context congenial to his Calvinist, even fatalist, temperament, but there is no evidence that he ever responded to the evangelicals' demand for immediate repentance from sin. He may well have been drawn to skeptical writers in his youth, but now in later life the responsibilities of leadership, and the burdens imposed by public and personal tragedy, brought him face to face with questions of ultimate reality; the experience appears to have deepened his faith in a divinity from whom he sought inspiration and strength.⁴⁰ It is not clear how far Lincoln's cultivation of the company of religious leaders, especially evangelicals, had to do with his own spiritual quest, but there is no doubt that those contacts provided him with a way of both reading and reaching potent opinion-formers.

The President's overtures to religious men and women took a variety of forms. His private conversations with informal visitors to the White House extended across the full gamut of denominational affiliation; with his life-long aversion to sectarian narrowness, Lincoln offered an inclusive welcome. Some came to lecture, some to deliver homilies, some to seek appointments, others merely to pay respects or renew acquaintance. They included the strategically placed, including editors of mass-circulation papers, denominational leaders, and distinguished abolitionists. There were representatives of the chief wartime philanthropic agencies, particularly the U.S. Sanitary Commission, which bound thousands of local groups into a national soldiers' relief organization. At other times Lincoln met more formally with delegations from particular denominations (Friends, Presbyterians, Baptists, and others), from particular localities (notably the visit of leading

Chicago clergy in September, 1862), and from particular causes (including temperance advocates and the U.S. Christian Commission). Lincoln clearly knew how to squeeze political benefit out of these occasions, commonly responding to their formal addresses with his own carefully crafted words.

Lincoln's use of a visiting deputation of Methodists in May, 1864, provides a fine example. A committee of five leading members of the quadrennial General Conference of the Methodist Episcopal Church meeting in Philadelphia had been appointed to deliver an address to the President, to assure him of the denomination's continuing support for the Union and its war aims, including emancipation. One of the party, Granville Moody, knew the President quite well. His colleagues sent him ahead to arrange a meeting at the White House. Lincoln, with the Union party's nominating convention only weeks away, seized the chance to stage-manage the occasion. He asked Moody to leave a copy of the address and invited the committee for the next day. On admission the members were received "with great courtesy" by the President and senior members of his cabinet. Lincoln stood "straight as an arrow" as he listened to their address. He then took from his desk the brief response that he had prepared overnight. In five short sentences he thanked them, endorsed their sentiments, ensured that other churches would take no offense by his singling out Methodists for praise, and then flatteringly described them as "the most important of all" denominations: "It is no fault in others that the Methodist Church sends more soldiers to field, more nurses to the hospitals, and more prayers to heaven than any." After a brief conversation the ministers withdrew, much impressed with Lincoln's generous, high-toned remarks. Returning to their conference the next morning, proudly clutching a signed copy of the President's words to show their colleagues, they were taken aback to discover that a full account of the meeting had already been published in the daily papers. The White House had telegraphed the news the previous day; the story had gone into type in Philadelphia even before the committee had left Washington.⁴¹ Lincoln's reply was designed not just for his five visitors but for the other 7,000 ministers and nearly one million members of the largest, most influential denomination of the land. Nothing would be left to chance.

There were other ways of reaching out to the influential religious element, not least through presidential patronage, which offered a means of stroking the institutional egos of churches. But Lincoln's most powerful weapon was the spoken and written word. In speeches designed specifically for religio-philanthropic audiences, as with his addresses to Sanitary Fairs and denominational groups; in documents intended for a specifically religious purpose, as with his calls for national fasts and days of thanksgiving; and in his setpiece speeches, which might not be cast in expressly religious language but which were evidently rooted in a moral understanding of America's meaning and future (as at Gettysburg) and appealed to the better,

deeper side of human nature—in all of these ways Lincoln used words, often biblical, which persuaded the public that the administration was under the guidance of a man who recognized his dependence on Divine favor. A perceptive commentator remarked that both President and people “seem . . . to imagine that he is a sort of half-way clergyman.”⁴² In fact, as Lincoln’s remarkable Second Inaugural Address revealed, the President’s understanding of the Almighty’s role in Union affairs was far more subtle and tentative than that of many professional theologians.⁴³ It also showed a President capable of a meaningful engagement with the nation’s Christian leaders.

The administration’s efforts achieved their reward. Mainstream Protestants translated their full-blooded Unionism into a form of patriotic politics that encouraged even some previously apolitical clergy to become the arm of the Republican Party. Silent prayers for the President were necessary but in themselves inadequate: vociferous support for the administration became a duty. Church meetings consciously yoked the sacred and the secular: congregations sang “America” and the “Star-spangled Banner” and cheered the sanctified stars and stripes that fluttered over their buildings. A minority of dissident radical voices within evangelical Protestantism (including George B. Cheever, Charles G. Finney, Theodore Tilton, and—intermittently—Henry Ward Beecher) criticized the administration; at the other pole were hostile pockets of conservative, even Southern-oriented, churches, mainly in the lower North. But the heartland of evangelicalism was aggressively and dependably loyal to Lincoln and his party. The most widely circulating Protestant newspapers in the Union, especially the cluster of regional *Christian Advocates* that gave Methodist editors such a commanding platform, remained staunch supporters of the government. A network of potent clerical speakers took to the rostrum and pulpit for the Republicans. Bishop Matthew Simpson, who crisscrossed the country as an “evangelist of patriotism,” was unsurpassed in his power to melt an audience to tears, or rouse it to the heights of passionate enthusiasm for the wartorn flag.⁴⁴ There was nothing coincidental about the President’s engaging Simpson to substitute for him in opening the Philadelphia Sanitary Fair in June, 1864.⁴⁵ Lincoln had no need to take the stump himself when he could rely on a ready-made army of speakers willing to act for him.

Collectively evangelicals worked to prepare the nation for sacrifice in an extended and gigantic war. Press and pulpit steeled women to the knowledge that victory would cost the lives of thousands of sons, brothers and husbands; reassured young men that there was a sweetness in dying for their country and its noble, millennial cause; and prepared all for a protracted war that would impose a massive financial burden. They speculated on God’s likely purposes in allowing battlefield defeats. They boosted popular morale during the lowest ebb of Union fortunes, in 1862 and 1863. They

echoed the government's calls for troops, endorsed the introduction of conscription, and became recruiting agents themselves. They defended the administration's suspension of Habeas Corpus, and welcomed strong-arm action against draft resisters and dissenters who overstepped the limits of legitimate opposition. Border evangelicals like Robert J. Breckinridge and William G. Brownlow stiffened the spines of middle-state Unionists. Chaplains and agents of the Sanitary and Christian Commissions ensured that the serving men of the federal armies did not lose sight of the high purposes of the Union administration.⁴⁶

The political engagement of evangelical Protestant networks was no more vividly demonstrated than in the presidential canvass of 1864. Even before Lincoln saw off his Republican critics and secured his renomination in June, all the evidence indicated that he enjoyed the support of the majority of the nation's active Christians. A minority of radicals looked hopefully at running Salmon P. Chase, but when that movement collapsed even fewer thought well of the Frémont boom and the gathering of his disparate supporters at Cleveland. Splitting the Union vote seemed at best a risky experiment. The widespread Protestant reading of the President as God's agent was only underscored by the Union party's platform, endorsing a constitutional amendment that would forever remove slavery from the republic, and by Lincoln's subsequent confirmation that acceptance of a slave-free Union was the only acceptable basis for peace negotiations. Throughout spring and summer various gatherings across the denominational spectrum cried out for the passage of the amendment, and declared (as a deputation of the Baptist Home Missionary Society told Lincoln) that "God had raised up His Excellency for such a time as this." The Union victories in early September seemed to confirm that at last the nation was truly moving in harmony with the Almighty's wishes. The Democrats' Chicago platform so alarmed the residual rump of radical critics of the administration that they hurried back into the Union party fold, angered by the threat of a compromise peace, and emphasizing cause before candidates, platforms before men. They joined mainstream evangelicals, Quakers and liberal Protestants to form a broad front of political activists.⁴⁷

The final two months of the campaign witnessed the most complete fusing of religious crusade and political mobilization in America's electoral experience. Baptist and Congregational associations, Presbyterian synods, and Methodist conferences more or less explicitly told their members to vote the Union ticket. Hundreds of clergy took the stump and (after the fashion of Robert Breckinridge, who had chaired the Baltimore convention in June) became organizational activists. Henry Ward Beecher was employed as a speaker by the National Republican Committee. Religious Tract Society agents distributed literature. Religious newspapers called on churches to become Republican clubs. The election was in no sense an exercise in

acclamatory politics, let alone the cult of personality. Yet Lincoln was presented as an Old Testament prophet and leader of his people. A common theme was the President's integrity. John Gulliver, the Congregational minister of Norwich, Connecticut, praised him for his antislavery resolve throughout the turns and twists of war: "Slow, if you please, but *true*. Unimpassioned, if you please, but *true*. Jocose, trifling, if you please, but *true*. Reluctant to part with unworthy official advisors, but *true* himself—*true as steel!*" The campaign wrapped Lincoln, the Southern-born Westerner of unorthodox belief, in the mantle of high-principled New England Puritanism.⁴⁸

Instrumental here was Lincoln's shrewd use of national fasts and days of thanksgiving throughout his presidency. Simply by calling them he won credit as a leader remorseful for the sins of the nation and alert to his and his people's dependence on God; it reinforced a view of the President as the Almighty's particular agent in the Union's struggle; it did him particular good among those who believed the nation's Constitution defective in not acknowledging the sovereignty of God. Equally important, the services themselves gave ministers a special opportunity to offer thanks for victories achieved, to identify the public sins that occasioned national humiliation, and to rally support for future struggle. They gave the millions who attended them a consciousness of belonging to a single community united in sacrifice and aspiration. We are mistaken if we see the meetings as emptily routine. By a short proclamation Lincoln could use one of his most supportive networks to secure a national charge of adrenaline. He chose his occasions with careful deliberation, as his political opponents understood. When he selected Sunday, September 10, 1864, as a day of thanksgiving for recent victories he was effectively encouraging every minister to wave the Union-Republican flag in his pulpit. Opposition Democrats, sensing low political campaigning, cried foul when Union clergy used their pulpits to read out the proclamation and attribute the turn of events to God's intervention. Then, on October 20, Lincoln issued a further Proclamation of Thanksgiving: with the election under three weeks away, he pointedly wrote of the Union's hope, under "our Heavenly Father," of "an ultimate and happy deliverance" from the trials of war, and the triumph of "the cause of Freedom and Humanity."⁴⁹

"There probably never was an election in all history into which the religious element entered so largely, and nearly all on one side."⁵⁰ We lack hard statistical proof to sustain this judgment of the *Christian Advocate and Journal*, the chief Methodist newspaper, on the outcome of the 1864 campaign. But the impressionistic evidence is very powerful that the big evangelical denominations, and the small, radical antislavery churches, together with the Unitarians and other liberal Protestant groups, swung behind Lincoln in even greater proportions than they had in 1860. McClellan

appears to have retained the Democrats' hold on Catholic voters. He may also have won a majority of Episcopalian and Old School Presbyterian voters. But the Protestant center of gravity was firmly within a Republican/Union party that seems to have won over many Baptists and Methodists, and even Old School Presbyterians, who had previously been Democrat in loyalty.⁵¹ In a celebratory editorial, written in the grey dawn after election day, Theodore Tilton attributed the Union victory to "nothing less than an overruling Divine Hand outstretched to save the Republic."⁵² More prosaically we can see it as the result of an extraordinary mobilization of Union opinion by those who saw themselves as God's servants: the leaders of the Protestant churches.

Limitations of space preclude considering other networks of moral or non-coercive influence that contributed to this energizing of Unionism. They included (paradoxical as it may seem) the North's most potent physical force, the Union army. Federal troops constituted a mighty weapon whose informal operations on the home front were less easily measured than the battlefield impact of their bullets and bayonets but which in their own way worked to stiffen patriotism. Most troops were staunch republicans, loyal, even devoted, to Lincoln, and remained convinced of the political and moral values symbolized by the flag under which they served; they generally voted the Union ticket at elections and exercised an unquantifiable but indisputable influence over their families and home communities. That influence reached its apogee in the election that brought an extraordinarily high proportion of voters to the polls, returned Lincoln to the White House, and opened the way to a reconstituted Union free from slavery.⁵³

The Union leadership's chief means of mobilizing wartime opinion, however, were the Republican Party and the Protestant churches. Lincoln used them concertedly to articulate the moral purposes that underpinned the material concerns of northern Unionism. Constrained by popular racism and a persisting Democratic opposition, Lincoln could not ignore conservative, loyalist public sentiment. But there was more to the President than the shrewd manager who went only as fast as the ambitions of conservatives would allow. What kept the Union going, both on the home front and on the battlefield, was a sense of purpose and republican vision that owed much to the more radical perspectives of New England and its cultural diaspora. Lincoln's fluctuating relations with the most radical in his party, those who sought to effect a social and racial revolution, were scarcely easy. But his steadfastness of purpose and his skill in handling the instruments of communication, allied to a firm moral perspective, made him the architect and anchor of an ethically renewed Union.

Notes

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3. Roy P. Basler, ed., *The Collected Works of Abraham Lincoln*, 9 vols (New Brunswick, NJ, 1953–55) IV, pp. 270–1.
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7. Basler, *Collected Works of Abraham Lincoln* IV, pp. 264–5, 269.
8. LaWanda Cox, *Lincoln and Black Freedom: A Study in Presidential Leadership* (Columbia, SC, 1981).
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12. Mark E. Neely, "The Civil War and the Two-party System," in James M. McPherson, ed., "We cannot escape History": *Lincoln and the Last Best Hope of Earth* (Urbana, IL, 1995), 88–92; David Homer Bates, *Lincoln in the Telegraph Office: Recollections of the United States Military Telegraph Corps during the Civil War* (New York, 1907); William B. Hesseltine, *Lincoln and the War Governors* (New York, 1955), pp. 141–3, 221–8, 265–9.
13. Hesseltine, *Lincoln and the War Governors*, p. 178.
14. F. B. Carpenter, *Six Months at the White House with Abraham Lincoln* (New York, 1866), pp. 230–1; Robert S. Harper, *Lincoln and the Press* (New York, 1951), pp. 96–7, 184–7, 308.
15. Harold Holzer, comp. and ed., *Dear Mr. Lincoln: Letters to the President* (Reading, MA, 1993), pp. 5–35; Dennett, *Diaries and Letters of John Hay*, pp. 19, 47.
16. Carpenter, *Six Months at the White House*, p. 245; Mark E. Neely, *The Abraham Lincoln Encyclopedia* (New York, 1982), p. 220; Dennett, *Diaries and Letters of John Hay*, p. 143.
17. Carpenter, *Six Months at the White House*, pp. 95–6, 281; *Independent*, 20 October 1864; Holzer, *Dear Mr. Lincoln*, p. 12.
18. Waldo W. Braden, *Abraham Lincoln: Public Speaker* (Baton Rouge, LA, 1988).
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21. Carpenter, *Six Months at the White House*, pp. 126–7.
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27. Hesselstine, *Lincoln and the War Governors*, pp. 198–200, 314–15, 319–39.
28. McKittrick, “Party Politics and the Union and Confederate War Efforts,” pp. 148–9, 151.
29. Harper, *Lincoln and the Press*, pp. 76, 87–91; Neely, *Abraham Lincoln Encyclopedia*, pp. 223–4.
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31. Of the 30,000 copies of the *Morning Chronicle* printed daily, 10,000 went to the Army of the Potomac. Dennett, *Diaries and Letters of John Hay*, p. 146; Harper, *Lincoln and the Press*, pp. 109–12, 175, 179–84.
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38. James H. Moorhead, *American Apocalypse: Yankee Protestants and the Civil War, 1860–1869* (New Haven, CT, 1978), pp. x, 39.
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Stephen L. Hansen, *The Making of the Third Party System: Voters and Parties in Illinois, 1850–1876* (Ann Arbor, MI, 1978), pp. 142–3.

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Jefferson Davis and the Confederacy

MARTIN CRAWFORD

Despite the publication of several modern biographies, Jefferson Davis's status in the Civil War pantheon shows little sign of improvement. Davis revisionists must surmount a number of serious obstacles, not the least of which is what the historian Clement Eaton—a confirmed supporter—called the Mississippian's "self-defeating personality."¹ Above all, as we reach the two hundredth anniversary of both men's birth, the Confederate president's reputation continues to suffer by comparison with that of his Federal rival, Abraham Lincoln. This is the result not merely of Davis belonging to the wrong side, but also because of the uninspiring manner in which he characteristically expressed himself. Nothing that Davis said or wrote during his four years as Confederate leader resonates in the way of countless Lincoln utterances. As David Potter memorably concluded, Jefferson Davis "seemed to think in abstractions and to speak in platitudes."²

Yet Jefferson Davis was a pivotal actor in the political and constitutional drama of nineteenth-century America, a leader whose "broad consistency of purpose," to borrow a phrase from Bruce Collins, establishes him as an indispensable guide to the practical and ideological vicissitudes of the movement for Southern independence that culminated in four years of civil war.³ Whatever his individual failings, and those of the cause over which he presided, Davis was, we should never forget, the first and only elected leader of the putative Southern nation, the Confederate States of America. Like all American presidents, Davis combined the dual functions of chief executive and head of state, charged both with the efficient running of the government and with embodying and articulating the values and aspirations

of the people who had elected him. He also served as the commander-in-chief of his new country's armed forces, a job which, as a West Point graduate and Mexican War veteran, he arguably approached with the greatest enthusiasm of all.

Davis and Confederate Nationalism

Between February, 1861, and April, 1865, the fate of Southern slaveholding nationalism ultimately rested on Jefferson Davis's pained shoulders. But how appropriate a choice was Davis as the Confederacy's leader? The question is usually answered by highlighting the formal qualifications that he brought to the presidential office. Undoubtedly, experience in both the executive and legislative branches combined with a distinguished military record should not be dismissed lightly. And indeed popular expectations of the new Confederate leader were high in 1861. Touring the Southern states in the early summer of that year, the British journalist William Howard Russell was repeatedly bombarded with the same question: "Have you seen our President, sir? Don't you think him a very able man?" Russell interviewed Davis in Montgomery on May 7 and found him a somewhat unprepossessing figure. But, if skeptical of the secessionist ship of state Davis captained, Russell could not fail to be impressed by the universal admiration and confidence with which southerners regarded their new leader; this, the celebrated war correspondent felt, might prove of "incalculable value" in the troubled days ahead.⁴

Jefferson Davis of Mississippi had been elected the provisional President of the newly founded Confederate States of America on February 9, 1861. A former senator, cabinet member, and soldier with an unimpeachable record as a defender of Southern rights, his election nonetheless represented a significant dilution of the radical political energies of the secession movement. Yet, as Paul Escott has noted, Davis's reluctant conversion (or reconversion) to the secessionist cause made him a more representative southerner than fire-eaters such as Albert Gallatin Brown, his Senate colleague and perennial political rival, who had recently opposed him.⁵

Like all leading nineteenth-century Southern politicians, Jefferson Davis paid regular homage at the altar of states' rights. The doctrine of states' rights, which was based upon the compact theory of the Constitution, derived its continuing authority from a combination of idealistic and pragmatic appeals to popular reason, and by the secession period it had become, in E. Merton Coulter's phrase, the southerner's "deepest political passion."⁶ After the death of John C. Calhoun in 1850 it was Jefferson Davis's responsibility, as the leading Southern Democrat, to maintain the fight for the political and constitutional integrity of the states over the issue of slavery's extension into the western territories. Yet, by the end of the decade, during which his

own political fortunes fluctuated considerably, Davis had shifted from his earlier states' rights radicalism towards a more nationalist vision of how the South's interests could best be protected; in Escott's words, he became "a man struggling to protect the South within the Union."⁷ Throughout the secessionist winter Davis stayed firmly in the "cooperationist" camp, and it was with feelings of genuine sadness that he delivered his valedictory speech to the U.S. Senate on January 21, 1861. "Had he been bending over his father, slain by his countrymen," his wife later recalled, "he could not have been more inconsolable."⁸

Jefferson Davis's nationalism embodied a profound respect for the Union and the Constitution which transcended the specific circumstances within which the slave South found itself. "If I have a superstition, sir, which governs my mind and holds it captive, it is a superstitious reverence for the Union," he admitted in June, 1850.⁹ For Davis, as for Webster, Lincoln and other mid-nineteenth-century political leaders who had been nourished upon the founding mythology of the Revolution and its aftermath, the Union had come to represent a powerful emotional commitment, the abandonment of which could be contemplated only under the most dire circumstances. It is surely no coincidence that Davis's hero, and the man who largely inspired his early political endeavors, was Andrew Jackson, whose uncompromising nationalist stance against the South Carolina nullifiers Davis had endorsed, even as he rejected the coercive means Jackson would have employed to bring the Palmetto state to heel. (According to his wife's memoir, Davis, as a serving officer, claimed he would have resigned his commission rather than be employed in military action against a sister Southern state.)¹⁰ As Brian R. Dirck has argued, the question of whether or not the future Confederate President was "fundamentally an early states' rights enthusiast or an early nationalist is moot: he was both."¹¹

There is a second, often unremarked aspect to Davis's antebellum nationalism. Throughout the 1840s and 1850s the Mississippian's strongest political enthusiasm next to defending Southern rights was undoubtedly the expansion and development of the American West. As a product of the westward movement himself—his family had moved from Kentucky to Mississippi in pursuit of new cotton land—Davis consistently supported proposals to encourage western expansion both within and beyond the United States' existing territorial borders. Unlike his great mentor Calhoun, Davis apparently saw little to fear in the annexation of Mexican land, even though he opposed the All Mexico movement and, like the South Carolinian, warned against the mixing of the races that such expansion could encourage.¹² Indeed, so enthusiastic was Davis about the Mexican conflict that in 1846 he resigned his seat in Congress in order to pursue the issue at first hand as the colonel of the 1st Mississippi regiment of volunteers. The following decade, first as Secretary of War in the Pierce administration and

subsequently in the Senate, Davis fought passionately for the construction of a transcontinental railroad. He also played an instrumental role in the Gadsden Purchase Treaty of 1853, which added a further 45,000 square miles to the territory of the United States, and in the unsuccessful movement to acquire Cuba.¹³

Throughout the late antebellum period Davis's expansive nationalism did not come into conflict with the regional interests which, as a leading Southern politician, he was pledged to protect. In most instances the two commitments plainly complemented one another: in advocating the transcontinental railroad, for example, Davis clearly hoped that the preferred Southern route would help compensate for the slave states' increasing economic disadvantage within the Union; it would also encourage slave-holding migration to the West, thus further promoting the South's regional influence. For Jefferson Davis, as for the vast majority of his contemporaries, regional economic and political interests were best advanced within an expanding national Union in which the distinctive rights of all communities were recognized and protected. Speaking in Newark, New Jersey, in July, 1853, Davis gave full rhetorical rein to this vision of a broadening union of compatible interests and liberties. Although there are many different states, the Mississippian argued, "we have but one history, one pride, one destiny," under which the Union can go on "expanding wider and wider until its great temple reaches not only from sea to sea, but from pole to pole."¹⁴

By the end of the 1850s, as John McCardell has described, the South's defense of its regional or sectional interests had metamorphosed into a movement for Southern nationalism. The ideological and cultural underpinnings of this movement were clearly revealed during the nullification crisis of the early Jacksonian period, but it was not until after the secession of the slave states in the winter of 1860–61 that Southern nationalism achieved concrete realization in the establishment of the Confederacy. In one respect, therefore, white southerners' choice of Jefferson Davis as Confederate president would seem to have been an ideal one, in that he, perhaps unusually among his planter-statesman contemporaries, combined a traditional states' rights commitment, with its implied protection of local interests, with a dynamic vision of national progress through which the South's economic and social resources could be harnessed for the common good. At the same time, it was not immediately clear how Davis's antebellum expansionism could be yoked to the cause of establishing a Southern national identity. The question remains: what distinctive national identity did Jefferson Davis envisage as he sought to persuade ordinary southerners to abandon long-held loyalties in return for the uncertain benefits of Confederate citizenship?

In his inaugural address, delivered to a large and enthusiastic crowd in the provisional capital Montgomery on February 18, 1861, Jefferson Davis

attempted to give tangible expression to the new Confederate nationality.¹⁵ Davis's address, which was generally well received in the South, has invariably been overshadowed by that of his Northern counterpart, but it remains a highly significant speech, albeit a characteristically prosaic one. The speech followed the general pattern of nineteenth-century inaugurals, which, as Jeffrey K. Tulis has observed, were more concerned with articulating the President's understanding of republican principle than with outlining specific policies or initiatives.¹⁶ There was a familiar preoccupation with constitutional issues, again in conformity with prevailing practice, as well as the predictable invocations to the "virtue and patriotism of the people" and to Davis's "humble distrust" of his own abilities to perform the duties assigned to him.

No amount of rhetorical convention could disguise the critical situation faced by the new republic and its leader in February, 1861. "We are without machinery, without means, and threatened by a powerful opposition," Davis wrote to his wife a few days after the inaugural.¹⁷ In his speech Davis was concerned to stress both the innate justice of the Confederate cause and the peaceful and responsible manner in which his government's domestic and international duties were to be discharged. At the same time he was determined that such sentiments would not be misunderstood as either a sign of weakness or, perhaps more likely, an indication that the South might voluntarily reenter the Union. Although recognizing that the provisional constitution allowed for the admission of new states to the Confederacy, Davis nonetheless suggested that "a reunion with the States from which we have separated is neither practicable nor desirable."¹⁸

At the heart of Davis's dilemma was the problem of defining the true character of the Southern nation. In February, 1861, the self-styled Confederate States of America consisted of a mere seven states: South Carolina, Mississippi, Alabama, Florida, Georgia, Louisiana, and, most recently, Texas. The people of these states, through their secession conventions, had reclaimed the sovereign powers originally delegated to the federal Union and voluntarily reorganized themselves into a new confederation. But what distinguished them from those states that remained in the old Union, and upon what common foundation would popular allegiance to the new constitution and government be established? Unless such questions could be answered, the future of the Confederate states as a separate and independent nation could hardly be guaranteed.

In his inaugural address, therefore, Jefferson Davis was forced not only to confront the practical (and frightening) implications of the new Confederate nationalism, but also, more fundamentally, to give texture and meaning to the founding process itself. The people of the Southern states, after all, were being asked not merely to support a new administration, but to transfer their loyalties from the old Union, which had nourished and protected them

since 1789, to a new and untried confederation whose very existence was threatened by the federal government's refusal to admit the legality of secession. As a reluctant secessionist himself, Davis was acutely aware of the fragile political foundations of the new nation. The vote for delegates to the secession conventions had revealed significant divisions in the Deep South states, and only in Texas would secession be ratified through popular referendum. Moreover, in the upper South there were few positive signs in February, 1861, that secession would ever be consummated, and without such politically and economically strategic states as Virginia and Tennessee the Confederacy's independence was likely to be shortlived.¹⁹

Jefferson Davis's solution to the problem of defining the South's incipient nationalism involved two distinct themes. First, he attempted to ease the transfer of national loyalties from the old Union to the new Confederacy by invoking the founding spirits of 1776 and, perhaps a little more surprisingly, of 1787. According to Davis's explanation, the secession movement had been based upon the same constitutional principle as that underpinning the colonial separation from the British Empire nearly a century earlier. It illustrates, he said, in the familiar language of the revolutionary architect after whom he was named, "the American idea that governments rest on the consent of the governed, and that it is the right of the people to alter or abolish them whenever they become destructive of the ends for which they were established."²⁰ Southerners were, after all, exceedingly proud of their role in the Revolution, and Davis's invocation was a persuasive ideological and emotional appeal to the patriotic instincts of a conservative and tradition-minded people. But it was also an attempt to sustain a much needed social unity in the South by reminding white southerners of all classes of their shared revolutionary heritage.

Similar motives also dictated an appeal to the wisdom of 1787, although here Davis's logic was necessarily more circumspect. After all, the federal Union had not only overseen the South's political and material progress, but it was also the source of the region's greatest anxiety and the catalyst, through takeover by hostile political forces, of the secession crisis itself. The touchstone of Davis's argument was the new Confederate constitution, the provisional form of which had already been agreed prior to the inauguration. As Davis explained it, the new constitution was a faithful reflection of the original document, "differing only from that of our fathers in so far as it is explanatory of their well-known intent."²¹ Here again, as with the appeal to the southerner's revolutionary heritage, Davis was attempting to reassure his people that the extraordinary steps that were now being taken implied no radical discontinuity with prior experience. The new Confederate government was to be the pure constitutional and political expression of America's founding wisdom, cleansed of the destructive ambitions which had forced the breakup of the old Union.

Davis's second appeal was if anything even more ambitious than his first: it involved nothing less than an attempted fabrication of a Southern social identity. Although the new President admitted that the South's actions, like those of the American colonists, had been taken out of "necessity" and not "choice," he was adamant that the Confederate nation would be based, not upon some artificial division of sovereignty, but upon genuine social, economic, and cultural differentiation between North and South. Unlike the manufacturing and navigating communities of the Northeastern United States, Davis claimed, southerners were an "agricultural people," whose long-term interests would best be served through the establishment of an independent, unified nation. "To increase the power, develop the resources, and promote the happiness of the Confederacy, it is requisite that there should be so much of homogeneity that the welfare of every portion shall be the aim of the whole," he insisted.²²

As a piece of presidential exhortation at the founding of a new state Davis's address had much to recommend it; as an accurate representation of Southern social reality, it left a good deal to be desired. Despite its undeniably agrarian character, the South by 1861 was a far more complex and diverse society than Davis was apparently willing to admit. Throughout the antebellum period, Southern capitalists had sought to liberate the region from its commercial dependence upon the North, and although the movement had largely failed—in great part because of the continuing success of cotton and the agrarian tenacity of the planter class—the initiatives did at least demonstrate that the forces of economic modernization had not completely bypassed the slave states.²³ A prominent member of the Southern planter establishment with strong trading links to urban centers such as New Orleans, Davis was undoubtedly sensitive to the changes that his society was already experiencing and that in the long term would reduce the cultural divide between North and South, but in his early presidential rhetoric he gave few signs of articulating a dynamic nationalist vision within which such evolution could be accommodated. Nor—crucially for the new republic's future—did Davis give any indication of how the communities of the upper South could successfully be incorporated into a Confederate nationalism whose cultural, economic, and political wellsprings were located so manifestly in the states of the lower South.

Yet Davis's vision was unmistakably nationalist. Despite his constitutional sermonizing on the origins of secession, there is little indication, from the inaugural address at least, that the new President was about to preside over a government in which the rights of the individual states would be paramount. As Paul Escott has noted, the reassuring degree of social homogeneity that Davis recognized within the South undoubtedly led him to believe that an effective central government would be highly appropriate, especially since the new constitution, like its Federal counterpart, made the laws of the Confederate government the supreme authority.²⁴

A strict constructionist with strong nationalist tendencies, Jefferson Davis undoubtedly felt that here was a real opportunity to forge a workable relationship between the states and the central government in which the legitimate needs of both would be adequately protected. As it turned out, this new federalism was only partially successful, and for four years an intense political rivalry developed between Davis and various of the state political leaders—notably governors Joseph E. Brown of Georgia and Zebulon Vance of North Carolina—which scholars such as Frank L. Owsley used to consider as *the* determining factor in the Confederacy's defeat. However, as historians now acknowledge, the states' rights controversy, strictly defined, was less damaging to the South's war effort than formerly conceived and that on few, if any, occasions did state obstructionism prevent Davis actually implementing Confederate military or civil authority.²⁵

But, viewed in other, less narrowly legalistic, ways, the relationship between the central government and the people of the various states was a far from creative one, and overall the Confederate leadership, and Jefferson Davis in particular, failed to articulate a credible national or federal vision, comparable to that of Abraham Lincoln in the North, through which the cause of Southern independence, with all its implied sacrifices, could effectively be sustained. This deficiency embraced all aspects of Confederate policy and activity. Historians have noted, for example, the impressive strides taken by Southern entrepreneurs to narrow the gap with the industrializing North. But, as Mary A. DeCredico and others have shown, efforts to achieve greater national coordination met strong resistance from those who feared that government encroachment would erode their sovereign rights. It was not until February, 1865, for example, that the Richmond government took steps to establish central authority over the Confederacy's railroads—vital to the republic's war effort—and by then it was too late.²⁶

The political arguments also affected popular morale in the Confederacy. Already, by the second year of the war, their resentment fueled by the imposition of military conscription, many people in the South were beginning to regard Confederate nationalism as potentially destructive of the ends for which the conflict was being waged. After 1863 popular discontent increased throughout the Confederate states. Although such dissent rarely coalesced in any politically coherent form, the actions of men such as William W. Holden, the Raleigh editor who saw threats to liberty around every corner, undoubtedly contributed to the South's loss of confidence in the independence struggle. As one disillusioned (and hungry) North Carolina soldier observed from his mud-spattered winter quarters near Petersburg on New Year's Eve, 1864, "we have trampled our own Liberties under our feet in attempting to establish a Nationality that was not intended for us."²⁷ In an important study, Gary W. Gallagher has argued persuasively that by the midpoint of the war the principal agency for sustaining Confederate

nationalism—and with it the military struggle—was not the Davis government but the Army of Northern Virginia. Gallagher concludes that, as faith in Jefferson Davis and the political structure weakened, “belief in Lee and his army grew, countering the divisive effects of politics, suffering, and defeatism.”²⁸

In the final analysis, Jefferson Davis’s defensive nationalism was neither one thing nor the other: too powerful an instrument in the eyes of states’ rights southerners, who were naturally fearful of a renewed onslaught on their freedom, it also proved inadequate to the task of resituating southerners’ larger patriotic instincts and obligations, with perhaps predictable consequences for the long-term establishment of Confederate independence. The root of Davis’s difficulty, and of the society he had been elected to govern, was its conservatism. As we have seen, in his inaugural address the President attempted to justify the secession movement and to facilitate the transfer of Southern loyalties from the old to the new union, invoking, among other things, the founding spirit of 1776 and 1787.

The right solemnly proclaimed at the birth of the United States, and which has been solemnly affirmed and reaffirmed in the Bill of Rights of the States subsequently admitted into the Union of 1789, undeniably recognizes in the people the power to resume the authority delegated for the purposes of government. Thus the sovereign States here represented have proceeded to form this Confederacy.

At this point, however, Jefferson Davis appeared to undermine his own argument by specifically dissociating the secession movement from the radical tradition from which its legitimacy ostensibly derived, concluding, “it is by abuse of language that their act has been denominated a revolution.”²⁹

Throughout his founding address Davis had been particularly concerned to locate the South’s actions within the American revolutionary tradition, even to the point of appropriating the language of the Declaration of Independence itself. Yet within a few sentences he explicitly denies that a revolution was actually taking place. Such inverted logic, as Emory Thomas has noted, was probably disregarded by the mass of Davis’s audience;³⁰ nevertheless, there can be no doubting the precise distinction that the President was seeking to enforce. By denying the revolutionary character of the new nation the Confederate leader was attempting to ensure that the founding process was not accompanied by any alteration in the existing social, economic, and political fabric. By 1861 the word “revolution” had acquired dangerous insurrectionary overtones for conservatives in both Europe and America, and Davis was bound to be concerned lest the radical

enthusiasms of the secession winter should metamorphose into a genuine movement for change within Southern society. The Confederate president took the rhetorical point further in February, 1862, in his second inaugural address, observing that secession had been undertaken to “save ourselves from a revolution which, in its silent but rapid progress, was about to place us under the despotism of numbers. . . .”³¹

The Role of Slavery

Jefferson Davis, it should be remembered, was not only the constitutional head of the Confederate states but also a wealthy Mississippi cotton planter and thus, in a more general sense, the elected guardian of the dominant economic and political interests within Southern society. For the conservative planter class, the secession movement had promised both liberation from Northern tyranny and also the less welcome prospect of unbridled popular challenges to the established order. In the event, radical control of the secession process had already been superseded, and by February, 1861, it was the political moderates such as Davis himself who were firmly in charge. Yet the potentiality for domestic upheaval had by no means disappeared, particularly since the Confederacy quickly became embroiled in a disruptive and largely internal war for national survival. Adjourning the Confederate Congress in February, 1862, another leading planter-statesman, Howell Cobb of Georgia, who had presided over the constitutional deliberations in Montgomery twelve months earlier, argued that the South’s “revolution” was unique in its conservatism. “Usually revolutions are the result of the excited passions of the people whose patience is exhausted, and hence their popular tendencies have too frequently degraded them into anarchy and discord,” Cobb concluded.³²

Jefferson Davis’s instinctive fear of revolution not only embraced potential challenges to the political and economic power of the planter class from the white majority but was also based upon fears of a radical subversion of the Southern racial order. It is a telling fact that both in the inaugural address and in subsequent speeches during the war’s first year, Jefferson Davis avoided any mention of black slavery, the one aspect of Southern society which fundamentally distinguished the region from the rest of the American Union. On one level, Davis’s aversion to discussing slavery can be said to reflect the continuing and widespread apprehensions over the possibility of slave rebellion; however, it also demonstrated the profound difficulty that the President faced in attempting to fashion a legitimate national identity, based upon the existing realities of Southern life. Slaveholders formed only a minority of southerners, and Davis was surely aware of the potential social fragmentation—and therefore the collapse of his vision of national “homogeneity”—that would arise if substantial numbers of whites

(not to mention their black neighbors, slave and free) sought to dissent from the region's dominant labor and caste system.

As scholars have now begun to insist, black slavery was the Confederacy's true Achilles heel. As he toured the Deep South in the immediate aftermath of Fort Sumter, William Howard Russell found reassurances about the security of the slave system increasingly hard to swallow. "There is something suspicious in the constant never-ending statement that 'we are not afraid of our slaves,'" the British correspondent reported from Montgomery.³³ Fears of insurrection arguably played a key role in determining the Confederacy's destiny from the outset, and, as the war bit deeper, the regime's waning control over its 3.5 million black slaves proved decisive to its outcome. Approximately 600,000 slaves abandoned their plantation and farm homes during the war and entered the Union lines; nearly a quarter of the fugitives enlisted in the federal army.³⁴ Davis himself was not immune from slavery's erosions: in May, 1862, a number of his slaves robbed the plantation house at Brierfield, Mississippi, before running away; the same month his Richmond coachman, William Andrew Jackson, also escaped. (Jackson subsequently traveled to England, where he took a leading part in arousing pro-Union opinion. Jefferson Davis's biographers omit all mention of his slave coachman's exploits, despite the fact that the escape to Union lines at least was well publicized.)³⁵

To argue that the antebellum South's most distinctive feature was black slavery is hardly novel, but it is important to acknowledge how fundamentally committed this society—especially the cotton states of the Deep South from where Jefferson Davis's legitimacy and authority primarily emanated—had become to maintaining the existing racial order. As the South's vital labor force, black slaves were subjected to a unique form of racial and class subordination. Yet we should also acknowledge how instrumental a role race played in maintaining the stability of white society. Although the social, economic, and cultural bonds that linked the yeoman farmer to his wealthy planter neighbor were complex ones, it was race that in so many ways provided the final and secure basis for class stability in the nineteenth-century South. In no other part of America did race play such a vital role in structuring relationships between the various social groups than in the uniquely biracial society of the Southern states.³⁶

The planter class did not survive the war intact; new men came to govern in the South. But the redeemer leadership of the post-Reconstruction era continued to employ race as the most effective means of ensuring that neither the newly emancipated blacks nor the lower orders of white society would mount any serious political challenge to governing class authority. African-American political subordination in the rural South in the late nineteenth century was facilitated by new forms of economic dependence, while the majority of Southern whites continued to believe that their liberty could

be secured only by resisting black progress in any meaningful form. When in the Populist revolt impoverished white farmers threatened to break out of the traditional patterns of class dependence and even to suggest limited cooperation with their black counterparts, the response from the Southern Democratic leadership was swift and brutally efficient. By the beginning of the twentieth century black and, to a lesser extent, lower-class white disfranchisement had helped reestablish the traditional relationship between race, class, and power which the Populists and, by different means, the invading Yankees had threatened to subvert.

Jefferson Davis's conscious avoidance of the "central theme" of Southern history, therefore, provides an important clue to the ultimate bankruptcy of Confederate nationalism.³⁷ Ironically, by failing to confront the issue of black slavery in his founding rhetoric, Davis implicitly undermined his own argument for a distinct Southern nationality. And as the conflict progressed, and Confederate military deficiencies were cruelly exposed at Gettysburg, Vicksburg, and elsewhere, the President's ideological appeal to southerners became founded on little more than resisting the barbaric Northern conduct of the war, now made more barbaric by what was seen as Lincoln's incitement to servile insurrection.³⁸ As the war took a dramatic new course following Lincoln's emancipation decree in January, 1863, Jefferson Davis showed how few ideological resources he now had at his disposal. "Every crime which could characterize the course of demons has marked the course of the invader," the President told an impromptu crowd at the Confederate White House a few days after the decree came into effect. "By showing themselves so utterly disgraced that if the question was proposed whether you would combine with hyenas or Yankees, I trust every Virginian would say, give me the hyenas."³⁹

Davis's Conservatism

And finally, in order to win the war, Jefferson Davis had not only to commit the South to creating a more centralized state and to initiate a programme of rapid industrialization, both in defiance of the region's tradition (as he himself had articulated it), but also, the deepest irony of all, to consider abandoning slavery itself. In November, 1864, faced with an acute manpower shortage reflective both of declining popular enthusiasm for the war and of the tremendous human losses suffered by the Confederacy's armies, President Davis called for "a radical modification in the theory of the law" regarding black slavery and contemplated arming the South's servile population in order to resist the Northern troops who were attempting to set them free.⁴⁰ This limited and ambiguous emancipation proposal, which was passionately resisted throughout the South, was the final admission of the inadequate and ultimately unsustainable character of Davis's nationalist

vision, the defects of which had already been apparent in his founding address in Montgomery nearly four years earlier. The South may have been a distinctive society in 1861, as its new President had insisted, but the most vital element in its distinctiveness—the relationship between race, class, and power—was also its greatest burden, and for Davis to have challenged it openly would have conceded the very argument the Confederacy had been founded to defend.

Confederate nationalism failed, therefore, because, as Drew Gilpin Faust has argued, it sought to prescribe change in the service of continuity, and then proved unable to contain or to explain the social, economic, and political transformations generated by civil war.⁴¹ The extent to which this deficiency could have been overcome through a more creative application of Confederate federalism remains open to question. Much has been written about the structure and style of Confederate politics, and especially about the failure to develop a party system through which, it is argued, principle and practicality could more effectively have combined. As George Rable has noted, however, the suggestion that the absence of parties in itself proved harmful to the Confederate war effort “rests more on assumptions than evidence . . .”⁴² Parties in some shape may conceivably have developed had the war lasted beyond the spring of 1865, but rebuilding a competitive party system in a region, the lower South, from whence they had disappeared a decade before would have proved a Herculean task.

Yet, by comparison with the federal states, where Abraham Lincoln was able to deploy partisanship to crucial advantage, Confederate politics was a conspicuously disputatious art, a cacophony of voices ill tuned to the harmonious needs of wartime nation-building. And here Jefferson Davis must share responsibility. Too much of Davis’s energy during the war was dissipated in querulous argument, in warding off political enemies real or imagined, too little in shaping, articulating, and promoting the policies needed to defeat the real foe. “I am no stranger to the misrepresentation of which malignity is capable, nor to the generation of such feeling by the conscientious discharge of duty; and have been taught by disagreeable experience how slowly the messenger of truth follows that of slander,” he characteristically complained in August, 1863.⁴³ Similar behavior obtained in his relations with his senior military commanders and advisors. As Frank E. Vandiver noted over a half-century ago, before the war Davis had been a progressive, an innovator in military matters, but as President he found these same qualities unacceptable in his subordinates. This led, among other things, to a lack of trust on Davis’s part and a reluctance to relinquish control in an area in which, after all, the West Point-educated leader believed he was as well if not better equipped than most of those around him.⁴⁴ Fiercely loyal to his friends, equally intolerant of his enemies, Davis’s temperamental rigidity contrasts sharply with Abraham Lincoln, the master pragmatist.

As William J. Cooper has commented, Davis's absolute identification with the Confederacy led him to demand "the same full measure of selfless devotion" in others. Those who questioned or disagreed with him became for Davis "a challenge to the cause" itself.⁴⁵

Finally, what other aspects of Jefferson Davis's character and beliefs proved inhibiting after 1861 and potentially helped to dilute his effectiveness as the South's leader? Several historians have analyzed, for example, the religious component of Confederate nationalism; yet Davis himself, notwithstanding his regular calls for public fasting (nine times during the Confederacy), was not a particularly devout man and joined a church only after the Civil War had begun—and then only at the insistent urging of his wife, Varina. Significantly, Davis became a member of the Southern Episcopal Church, whose conservative philosophy could only serve to distance him further from the daily concerns of his increasingly suffering citizenry.⁴⁶

We might also wish to return to the issue of slavery, the "cornerstone" of the Confederacy, in his vice-president's celebrated phrase. What were Davis's real feelings about the South's peculiar institution? Jefferson's elder brother, Joseph, ran one of the most benign plantation regimes in the South, and at Brierfield the President's own slaves experienced a similar regime, including the establishment of a court system with slave jurors. Yet it is possible to overstate the Brierfield effect. After a thorough review, William J. Cooper, Jr., concludes that Jefferson Davis was "a reasonably humane master, but no evidence presents Brierfield as unique or as some idyllic garden for its enslaved inhabitants."⁴⁷ Although, in his first important Senate speech in July, 1848, Davis had explicitly denied that slavery was a permanent condition for black southerners, he also confirmed his belief in white supremacy and in the ultimate separation of black and white in any post-emancipation South, a position he would consistently uphold. As William C. Davis has observed, the Mississippian retained his fundamental distrust of the intellect, reliability, and "humanity" of the black man.⁴⁸ In this matter, as in so many others, Jefferson Davis was the representative Southern slaveholding patriarch, unwilling or unable to free himself from his region's racial and class prescriptions.

New research and fresh perspectives may shed more light on these and other issues, although the absence of a substantial corpus of private correspondence for the war years will limit revisionism. Whether they will provoke greater sympathy for the man or, less likely, for the cause he represented is unclear. Jefferson Davis came to Montgomery in 1861 better equipped than any of his planter-statesman contemporaries to head a new Southern slaveholding republic. Admittedly, the Confederate States of America was no ordinary experiment in nation-building. Barely had Davis assumed office when the fuse of war was ignited. Plagued by illness and personal tragedy—his young son Joseph fell to his death while at play in May, 1864—his tenure

of office proved as demanding as that of any American chief executive before or since. Jefferson Davis was a determined and capable man, a man of principle, but his history tends to confirm the old adage that societies get the leaders they deserve. For all his qualities, Davis remained bound to the South's reactionary ideal, his values, and those of the class he represented, conspicuously at odds with the modern world.

Unlike his federal rival, Jefferson Davis survived the violence of civil war and for the rest of his long life—he died in New Orleans in 1889 at the age of eighty-two—he could reflect on his role as Confederate leader. The New South proved less than kind to the ex-president. After his release from federal prison in May, 1867, Davis spent his remaining years in vain attempts to repair his economic fortunes, and in preparing his memoir of the sectional struggle, finally published in 1881 as *The Rise and Fall of the Confederate Government*. Accurately described by Robert Penn Warren as a work of “legalistic and constitutional apologetics” (biographer William C. Davis bluntly calls it a “terrible book”),⁴⁹ there are precious few signs in its 1,500 pages that the lessons of defeat had been learned. In the opening chapter Davis insisted that the “opinions and sympathies of the world” had been misled by the antithetical use of the terms “freedom” and “slavery” but, in a revealing moment, he accepted that the misunderstanding was natural, given that the idea of freedom was so “captivating,” that of slavery so “repellent,” to the moral sense of mankind. “Southern statesmen may perhaps have been too indifferent to this consideration—in their ardent pursuit of principles, overlooking the effects of phrases,” he concluded.⁵⁰ It was probably the closest Jefferson Davis ever came to an admission of failure.

Notes

1. Clement Eaton, *Jefferson Davis* (New York, 1977), p. 273. The modern biographical studies are William C. Davis, *Jefferson Davis: The Man and his Hour* (New York, 1991); William J. Cooper, Jr., *Jefferson Davis, American* (New York, 2000; paperback edn. 2001); Felicity Allen, *Jefferson Davis: Unconquerable Heart* (Columbia, MO, 2000); and Herman Hattaway and Richard E. Beringer, *Jefferson Davis, Confederate President* (Lawrence, KS, 2002). The most comprehensive of the earlier studies is Hudson Strode, *Jefferson Davis*, 3 vols. (New York, 1955–64).
2. David M. Potter, “Jefferson Davis and the Political Factors in Confederate Defeat,” in David Donald, ed., *Why the North won the Civil War*, paperback edn. (New York, 1962), p. 103. Among the many comparisons made between Davis and Lincoln as war leaders, perhaps the most favorable to the former is provided by Rembert W. Patrick, who argues that Davis “was able to get proportionately more from his people, resources of the South considered, than was Abraham Lincoln from his.” Patrick, *Jefferson Davis and his Cabinet* (Baton Rouge, LA, 1944), p. 45. For an insightful comparison of the two men’s lives, careers and beliefs, see Brian R. Dirck, *Lincoln and Davis: Imagining America, 1809–1865* (Lawrence, KS, 2001).
3. Bruce Collins, “The Making of Jefferson Davis,” *Journal of American Studies* 18 (December 1984), p. 439.
4. William Howard Russell, *My Diary North and South*, 2 vols. (London, 1863) II, pp. 376–7. Russell’s first impressions of Davis are revealed in Martin Crawford, ed., *William Howard Russell’s Civil War: Private Diary and Letters, 1861–1862* (Athens, GA, 1992), p. 52.

5. Paul D. Escott, *After Secession: Jefferson Davis and the Failure of Confederate Nationalism* (Baton Rouge, LA, 1978), p. 18.
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Capitalism and the Civil War

JOHN ASHWORTH

Without doubt the Civil War stands as the severest political crisis, the primary single event in the history of the American Republic. Of equal importance, nevertheless, was a long and slow process which was occurring over the entire nineteenth century: the growth of the American economy to a position of world leadership. The frail and internationally insignificant economy of 1800 had by 1900 become the greatest economic power the world had yet seen. In the midst of this process, however, the United States had been convulsed by sectional agitation, the secession of the Southern states, war on an unprecedented scale, and the emancipation of 3 million slaves—a sequence of events that occurred with bewildering rapidity. An obvious question thus arises: What was the relationship between the process and the events, between the economic transformation and the political cataclysms, in short between American capitalism and the Civil War?¹

Although apparently simple, this question is in reality complex and subtle. Several sets of problems should be noted at the outset. First, it is important to determine which years and which parts of the country are being considered. Is it claimed that the war years themselves witnessed a transformation of the national economy? Or rather that they set in motion or continued trends which, over many years, would more gradually alter the trajectory of American capitalism? And is it the economic effects upon the North, the South, or the nation as a whole which are to be measured? Clearly there is no reason to assume that the impact of the war was geographically uniform.²

Even more fundamentally, it is not clear what is meant by American capitalism. Are we concerned merely with the economy in a narrow sense? Such an approach has the attraction of (relative) simplicity but in actuality the war's impact was much larger. For the struggle had major political consequences in that a class of slaveholders, dominant in the antebellum republic, saw its national power shattered; the economic consequences would be of some significance. Similarly the war years generated a set of ideological changes or shifts which, although frequently ignored by economic historians, also had an impact upon the American economy. It is therefore appropriate, in considering the war's effects upon the economy, to separate them into the more narrowly or directly economic and the political/ideological, recognizing that a capitalist economy necessarily has an ideological underpinning as well as a political superstructure. At the same time, however, we should remain alert to the complex and, it is safe to say, not fully understood processes of interaction between politics, economics, and ideology.

An even more basic problem concerns the very term "capitalism," itself the subject of much controversy and debate. While it is not necessary here to consider all the competing definitions, three must be noted. Many historians, economists, and social scientists in effect equate "capitalism" with commerce. On this view production for the market is the key feature of a capitalist economy. This definition has huge implications for our understanding of the United States in the nineteenth century and in particular for the analysis of slavery in the Old South. For it is immediately obvious that plantation slavery in the South was irreducibly commercial. Production of cotton, by far the most important crop in the final antebellum decades, was almost entirely for distant and primarily for international markets. The entire slave system was fueled by the demand for raw cotton and other crops, and the commodification of slaves themselves was an essential feature of the system. In these respects, therefore, the South was at least as "capitalist" as the North.³

An alternative definition, however, casts doubt upon Southern capitalism. Derived essentially from the Marxist tradition, this narrower, more restrictive definition requires the commodification of labor power, in effect the existence of wage labor on a large scale. On this view the antebellum South, many of whose spokesmen trumpeted forth their hostility to what was polemically termed "wage slavery," had a commercial but scarcely a capitalist economy. While some southerners did, of course, work for wages, by almost any criterion wage work on the land came a poor third to slavery and the various forms of farming carried out either by family farmers or tenants. It is true that in the cities and in the manufacturing establishments of the South wage labor was more prominent than on the land or in agriculture but one of the striking features of the Southern economy was its inability to urbanize or industrialize on a significant scale.⁴

It is not necessary here to determine the relative merits of these definitions. Indeed, since the postbellum South was a region in which the wages system was similarly eclipsed—this time primarily by sharecropping and tenant farming—it might seem as though the definitional problem is of little consequence. As we shall see, such is not the case. Instead it is necessary to keep in mind the distinction between capitalism-as-commerce and capitalism-as-wage-labor.

A third definition features most prominently in the work of Charles and Mary Beard and their followers, perhaps the leading advocates of the view that the Civil War promoted American capitalism. Here capitalism is in effect industrialism. This definition also has major implications for our understanding of the Civil War and its economic impact. Before the war both sections were primarily agricultural, although parts of the North could reasonably be described as industrial. In the postbellum decades, although the South continued to lag behind in this process, the nation became an industrial giant, indeed the foremost industrial power on the face of the earth. The Beards themselves argued that the war played a crucial role in this process; for them it facilitated the transformation from agrarianism to industrialism. Alongside capitalism-as-commerce and capitalism-as-wage-labor we must therefore place capitalism-as-industrialism.⁵

The Southern War Economy

When both sides went to war, they expected it to be of short duration and foresaw little economic disruption. Both predictions proved hopelessly wrong. Every significant feature of the Union and Confederate economies was touched by the four years of bitter conflict. This was particularly true of the South, which was driven by economic as well as military necessity to employ ever more drastic measures and even to consider the arming of its slave population, an idea which would have astounded every white southerner a few years earlier. Indeed, for the Confederacy the war years were ones of increasingly severe economic dislocation and, for the overwhelming majority of its white citizens, of unwontedly severe hardship.⁶

The Confederate economy was plagued by problems from the outset. Although the Northern embargo and blockade were not entirely successful, they reduced the cotton trade by perhaps as much as 90 percent. (A further difficulty arose since 1860 had seen a bumper cotton crop and the British market was all but glutted.) As a result, and since southerners had, on the outbreak of war, repudiated at least \$300 million in debts to Northern banks and merchants, the Confederacy was starved of credit and capital. This made imports the more difficult to finance. Except in New Orleans, banks suspended specie payments for the duration of the conflict. Faced with declining revenues and mounting expenditure, the Confederate government

had little choice but to issue paper money in the form of treasury notes, which eventually totaled well over a billion dollars. Inevitably the money depreciated with the declining economic and military fortunes of the Confederacy so that rapid inflation and hoarding of foodstuffs occurred on an ever greater scale. Indeed, a vicious cycle was created as the Confederate government authorized army officers to seize foodstuffs and pay for them at confiscatory prices; the result was yet more hoarding and a still deeper food crisis.⁷

With military reversals came disruption of supplies. The railroad network, which had in any case lacked trunk lines from the outset, was starved of funds and materials for essential repairs and maintenance, partly because materials could not be imported and partly because they were needed elsewhere for the war effort. Thus even when food and other supplies were available they could not be distributed. Although there was a small shift out of agriculture in the South, with the government itself taking over the operation of factories for the processing of, for example, salt and the production of guns and other armaments, the enormous profits available from successful blockade running probably diverted productive capital out of manufacturing. On the land circumstances dictated a similar shift away from cotton towards grain and meat. This diversification was perhaps in the longer-term interests of Southern agriculture and of the Southern economy as a whole, but, once again, it was on too small a scale to do more than slightly mitigate the full effects of the economic hardship.

Whilst it would be wrong to conclude that all southerners were economically injured by the war—given the windfall gains available to blockade runners and successful speculators—there can be little doubt about its overall macroeconomic impact. It is no exaggeration to say that Southern agriculture, by far the most important sector in the Southern economy, was pauperized by 1865. The value of Southern real estate fell by half, while the value of farms, farm products, and livestock in the older states of the Confederacy (that is, all except Arkansas, Texas, and Florida) did not regain the levels of 1860 until 1900 (by which time the value of farms in the North had doubled). In the decade of the Civil War, Southern per capita output fell by 39 percent.⁸

The combination of the war and the ending of slavery, together with a probable reduction in the world demand for cotton, jointly produced these effects. The abolition of slavery was itself an act of confiscation of revolutionary proportions with catastrophic effects upon aggregate Southern wealth. It is likely that the loss of somewhere between \$1.5 billion and \$2 billion worth of slave property represented about 30 percent of total Southern wealth.

Nor were these effects of limited duration. On the contrary, Southern agriculture, and the Southern economy as a whole, sank into a position of

weakness relative to the nation as a whole from which they would not recover until well after World War II. Despite the shift out of agriculture during the war, the South's share of the nation's manufacturing output, which had been a mere 7.2 percent in 1860, fell to 4.7 percent in 1870 and would not regain even the modest antebellum level until the end of the century. Indeed, a central feature of the Confederate wartime economy—its fatal shortage of credit and capital—persisted as a characteristic and a chronic problem in the postbellum South.⁹

By most criteria, therefore, Southern capitalism was anything but furthered by the Civil War. Commodity output was severely damaged and Southern industrialization, lagging far behind the North in 1860, slipped still further behind. Only if we define capitalism so as to exclude slavery can it be said to have been furthered by the wartime experience. As we shall see later, this effect was of major proportions, though not perhaps primarily in the South. For the ending of Southern slavery did not produce wage labor in the region so much as a bewildering array of labor systems, including sharecropping, tenant farming, the crop lien system, and other contractual agreements generally designed to give as little true freedom to the freedmen and to perpetuate racial inequality throughout the region. Thus the South emerged from the Civil War as a backward economic region, characterized by low wages, low productivity, underdevelopment, and a chronic shortage of productive capital. Most republicans had hoped that the war and Reconstruction would together remake the South in the image of the North. By the mid-1870s, if not earlier, it was apparent that this project lay in ruins.¹⁰

The Northern War Economy

Those who have claimed that the Civil War promoted American capitalism, however, have not based their case on the Southern experience. For the impact of the war upon the North was, of course, very different. The war years gave a great boost to certain industries in the North and produced institutional changes that were beneficial to Northern capitalism during the war itself and for many years thereafter. Nevertheless, and quite apart from the sacrifices entailed by the military struggle, some groups in the North suffered severe deprivation. It is perhaps ironic that under the Republicans, ostensibly the party of "free labor," labor lost heavily. In fact a relatively large number of labor unions came into existence in the war years—at least ten national unions as well as local ones were created between 1863 and 1866—but these were essentially defensive reactions to a deteriorating environment. Although the war effort should have made labor comparatively scarce, this effect was offset by the arrival of some 800,000 immigrants. Wages actually rose by perhaps 50 percent during the war but failed to keep pace

with prices. In the first two years of the war wages rose 20 percent but prices rose by 50 percent. The following year prices rose even faster and the result was the organization of unions and the outbreak of strikes in the winter of 1863–64. By the end of the war prices were perhaps more than two-thirds higher than on the eve of conflict. Meanwhile, federal troops and martial law had been employed to defeat strikers.¹¹

The cause of the price rise was, of course, the emission of paper money. In part the North shared the experiences of the Confederacy. With the disruption of the export trade, cotton now had to be imported, and a large balance of payments deficit quickly emerged. This put pressure on the currency. Simultaneously the government had the problem of financing the war. Increased taxation was one method, and this was indeed adopted, but Lincoln's Secretary of the Treasury, Salmon P. Chase, determined to rely primarily upon the sale of government bonds. (Ultimately about 80 percent of the cost of the war would be funded in this way.) Once again the federal government's experience mirrored that of the Confederacy. Having issued Treasury notes, Chase found that with every military reversal the tendency to hoard specie was strengthened, and by December, 1861, the government lacked the funds to redeem its own notes in specie. Hence when the banks suspended specie payments at that time, the government did likewise.¹²

Released from the obligation to have currency convertible into specie, Chase was now able, after congressional prompting, to issue Treasury notes that would be acceptable for virtually all public and private debts and which would therefore circulate as legal tender. Hence the birth of the famous "Greenbacks." In all, \$450,000 in Greenbacks were issued, and this resulted in a doubling of the prewar stock of money in the United States. Almost immediately the Greenbacks fell in value, and with every military reversal further downward pressure was exerted on them (as a result of the fear that the notes would be repudiated in the event of a Confederate victory). More fundamentally, however, the amount of paper money in circulation had increased far more rapidly than the supply of goods and services in the economy so that there was too much money chasing too few goods, the classic recipe for inflation.¹³

To this extent the Northern experience paralleled that of the Confederacy. But the outcomes were entirely different. Whereas in the South the supply of banking capital fell in the Civil War decade by more than 70 percent, the financial network in the North acquired a new maturity and sophistication. Not only had the government financed the war successfully (if controversially), it had also, through the National Banking Acts of 1863 and 1864, placed the banking system on a far more secure basis than ever before. Once again fiscal crisis had been the midwife of change. The banks chartered were required to accept federal supervision and taxation and to meet clearly

defined specie reserve requirements. Moreover they had to agree only to issue notes against federal bonds. Before long the state banks, whose notes often circulated at rates far below their face value, and who were now increasingly unable to compete with the newer national banks, were under threat and the United States possessed a banking system—and a currency—far more appropriate to the needs of the industrial era.

Thus although the financial changes and innovations of the Civil War era inevitably injured many, the overall impact was probably beneficial to the economic development of the North. Similarly the Union government produced other wartime initiatives. The fiscal crisis gave rise to a revision of the tariff which, although intended to raise revenue, in fact gave considerable protection to American industry. The average rates rose from 19 percent to 47 percent by the conclusion of the war. Lincoln and his party also continued the liberalization of land policy that had been under way in the final antebellum decades, with the passage of the Homestead Act of 1862. Although speculators made windfall gains, the Act did promote the establishment of family farms in the West. The federal government continued to offer land grants not only to railroad companies, as it had done before the war, but also to states that established agricultural colleges. Finally, the war saw the introduction of a federal income tax.¹⁴

This was a bold economic programme and, partly as a consequence, large sectors of the Northern economy experienced significant growth rates in the war years. In addition to the direct and intended effects of the federal government's programme were the unintended consequences of the war: spiralling inflation, a great shortage of cotton, an army of over a million men to feed and clothe. These together inevitably gave a boost to some Northern industries. The iron industry boomed as a result of inflation, wartime needs and the protection afforded by the tariff. Woolen manufacturing also surged ahead as consumers sought to substitute wool for cotton. In agriculture, an additional factor was the poor run of European harvests, increasing the demand for American wheat. Despite the absence of many farmers, more was produced than ever before. The number of sheep reared doubled and the trend towards mechanization in agriculture, already visible in the 1850s, continued in the war years.¹⁵

The war years were thus a time of considerable prosperity for many northerners. Stockholders in railroads and telegraph companies enjoyed high dividend yields, and the merger of some companies created oligopolies or monopolies which, whilst small compared to the corporate mammoths of the late nineteenth century, were large enough to cause considerable disquiet among sections of the Northern public. Moreover new industries, destined to be of enormous importance in the future, like the oil industry, emerged during the war. In dozens of cities streetcars made their first appearance, again anticipating the changes of the Gilded Age.¹⁶

Thus the war years produced an effect on the Northern economy that contrasted sharply with its impact on the South. However, it is important to compare Northern economic performance not merely with that of the Confederacy, where the conclusions are scarcely in doubt, but with that of the North, or the entire nation, before and after the war. Here the picture is far less clear. Although Charles Beard was in no doubt that the exigencies of war were critical in the history of Northern capitalism, some historians have accused him of projecting the experiences of World War I, when the United States boomed, back into the nineteenth century. His claim that the Civil War played a special role is therefore very much open to question.¹⁷

For Beard, industrialization was the key concern. Here the data require careful analysis. It is true that agriculture did decline in importance in the national economy in the 1860s but this was as a result of the collapse of Southern agriculture, not of any absolute, or even relative, decline in the North. Indeed, in the 1860s agriculture in the North expanded more rapidly—in terms of total output—than other sectors. In manufacturing, experience varied from industry to industry. Although the woolen industry expanded, cotton manufacturing, not surprisingly, fell back sharply. In some industries prices and profits rose, while production fell. Should this be viewed as a success for capitalists or a failure for capitalism? In any event the index of manufacturing productivity was almost static for the war years.¹⁸

Moreover, it is important to place the experience of the 1860s in historical perspective. Here it seems that there is little reason to see the war decade as a watershed. Annual growth in commodity output in the two decades before the war was higher than in the two decades after 1870. When value added in manufacturing is considered, no obvious conclusion emerges. The rate of growth was 7.8 percent for the years 1840–60 but 6 percent for the final three decades of the century. On the other hand the per capita rate was somewhat higher in the latter period, though this may have merely represented a catching up after the war decade. As far as the North's absolute growth performance is concerned, between 1840 and 1860 per capita income rose at an average annual rate of 1.3 percent; for the next two decades the figure was 1.75 percent and for the last two of the century 1.9 percent. In sum, either there was no acceleration in growth after the war or, if the rate of growth did increase, it appears to have been part of a longer process. The data do not therefore give obvious support to the claim that the war has a privileged status in the history of American capitalism.¹⁹

It is therefore far more difficult to draw up an economic balance sheet for the North during the war, and for the United States as a whole, than for the South. Whereas the war years were ruinous for large swathes of Southern agriculture and of little benefit to Southern manufacturing, in the North the processes of industrialization and mechanization continued, though probably without breaking sharply with the past. The change in the American

banking system and the raising of the tariff walls were of considerable importance but each decade in the late nineteenth century saw developments that were probably of similar significance. In short there is no obvious reason to single out the war experience or the war decade as critical to the success or the development of American capitalism.²⁰

Effects of the War

Nevertheless, it is important to consider other factors. Among the chief effects of the war was, of course, the ending of slavery in the South. Its effects on the South have already been noted. But it has been argued that slavery was an impediment to Northern capitalism. On this view slavery blocked Northern development because it “strangled the home market for industrial capital.” This effect was attributable to the relative self-sufficiency of the plantations as well as the difficulty that planters allegedly experienced when seeking to introduce labor-saving machinery. Slaves were considered unfit to use such machinery and they lacked the purchasing power to give a boost to the regional economy equivalent to that supplied by Northern free farmers.²¹

Even if these constraints did operate, however, it is important not to exaggerate their importance. First, Southern slavery was, in some respects, beneficial to Northern capitalism. Exports of cotton and other staple crops obviously benefited Northern mercantile interests in the antebellum decades; Northern merchants themselves played a key part in the early stages of industrialization. Equally, Southern (as well as Northern) exports facilitated and underwrote loans into the North, which were then used for capital projects to improve the regional infrastructure. Even if by 1860 these advantages no longer offset the disadvantages entailed by Southern slavery (and this has not been demonstrated) Southern slavery was only a partial, rather than a total, liability to the North. In other words, we are dealing with a net rather than a gross loss.

Second, and more important, it is abundantly clear that Northern capitalism had not come to a grinding halt in 1860, immobilized by the existence of Southern slavery. The experience of the 1850s, probably the very decade when the North was progressing most rapidly, is the strongest possible evidence to the contrary. The Northern economy of 1860 in no sense faced crisis or stagnation. With a huge area of land open—including California—a growing population, and a favorable international environment, it did not need the South Atlantic states to expand into, still less the territory or states in the Southwest.

Finally, and more generally, we must guard against an implicit functionalism, in which changes are assumed to be optimal for the dominant social order. At a practical level, it is surely clear that the postbellum South was

scarcely ideal for the development of capitalism in the South or the North. In other words, after the war one set of suboptimal conditions replaced another.²²

Yet one important possibility remains. It is still conceivable that the war and the elimination of slavery played a key role in the development of American capitalism, at least if capitalism entails wage labor. For the acceptance of wage labor was almost certainly facilitated by the war. This happened to some degree in the South in the obvious sense that some former slaves became wage earners, but more importantly, perhaps, in the North and in the nation as a whole, where an important ideological change or shift took place. This effect is normally overlooked or ignored by economic historians; it therefore merits a closer look.

What was the relationship between the wages system and the Civil War? More than anyone else it was Abraham Lincoln who took responsibility for presenting the war to the Northern electorate, and his views can be taken as representative of the Republican Party, now the dominant political force in the nation. As is well known, Lincoln announced that the war was a test of democracy not merely in the United States but the world over:

And this issue embraces more than the fate of these United States. It presents to the whole family of man the question whether a constitutional republic or democracy—a government of the people by the same people—can or cannot maintain its integrity against its own domestic foes. It presents the question whether discontented individuals, too few in number to control administration according to organic law in any case, can always, upon the pretenses made in this case, or on any other pretenses, or arbitrarily without any pretense, break up their government, and thus practically put an end to free government upon the earth. It forces us to ask: Is there in all republics this inherent and fatal weakness? Must a government, of necessity, be too strong for the liberties of its own people or too weak to maintain its own existence?

But for Lincoln democracy was not simply a form of government. Instead it was the political underpinning of a social system. At the heart of this social system lay mobility:

This is essentially a people's contest. On the side of the Union it is a struggle for maintaining in the world that form and substance of government whose leading object is to elevate the condition of men—to lift artificial weights from all shoulders; to clear the paths of laudable pursuit for all; to afford all an unfettered start, and a fair chance in the race of life. Yielding to partial and temporary

departures, from necessity, this is the leading object of the government for whose existence we contend . . .

If democracy required social mobility then social mobility in turn required the wages system: Lincoln explained the process by which mobility occurred:

The prudent, penniless beginner in the world labors for wages a while, saves a surplus with which to buy tools or land for himself, then labors on his own account another while, and at length hires another new beginner to help him. This, say its advocates, is free labor—the just and generous and prosperous system which opens the way for all—gives hope to all, and energy, and progress, and improvement of condition to all.

Thus it is not too much to claim that Lincoln believed the Civil War was being fought in order to preserve the wages system. As he put it, “this progress, by which the poor, honest, industrious, and resolute man raises himself, that he may work on his own account, and hire somebody else” was “the great principle for which this government was really formed.”²³

At the end of the war the Union cause had received a tremendous boost. Now the ideals expressed by Lincoln and the Republicans had become dominant not merely in the North but in the nation as a whole. Indeed, the entire ideology of Americanism had been redefined so that it stressed mobility and growth with the wages system playing an essential role. Historians have generally ignored or underestimated this effect, perhaps because they have also underestimated the hostility to the wages system that existed in antebellum America, North as well as South. But by the end of the war the values of Lincoln and his Republican Party had become the values of the North, and of the nation as a whole. This is not to say that the South had been converted. It had not. But after the war the power of the South was so reduced that it could not prevent the nationalization, as it were, of Northern values. We should remind ourselves that this had not been possible before the war, where the South had wielded considerable power politically and where Southern thought had played a key role in the formulation and the formation of the American democratic tradition.

How important was this for the future development of American capitalism? Here, once again, it is difficult to be precise. A more willing acceptance of the wages system cannot be given a financial value: one cannot quantify the effect upon per capita or national income and wealth. Instead, however, we may make several tentative observations. The United States since the Civil War has exhibited an extraordinary attachment to capitalist values. Across the political spectrum from right-wing Republicans to the liberal

reformers of the Progressive, New Deal and Great Society eras, the core values of popular capitalism have gone largely unchallenged. Within the political mainstream a social democratic challenge has been rare, a socialist one nonexistent. It is as if the creed that was forged in the 1850s by the Republican Party in opposition to slavery, and which acquired enormous prestige with the victory of the Union armies, has been powerful enough to withstand the challenges to the capitalist system that in many other countries proved fatal or at least highly damaging. Plainly many other factors have been present and it is not possible to establish the proposition firmly but there is still reason to believe that in this sense the war indeed played a major role in establishing and protecting capitalism in the United States.

Notes

1. The classic view of the Civil War as a key stage in the growth of American capitalism is to be found in Charles and Mary Beard, *The Rise of American Civilization*, 2 vols (New York, 1927), esp. II, p. 54, 166, and Louis Hacker, *The Triumph of American Capitalism* (New York, 1940), esp. p. 339. This thesis stimulated a historiographical debate in which two of the major contributions were Thomas Cochran, "Did the Civil War retard Industrialization?" *Mississippi Valley Historical Review* 48 (1961), pp. 197–210, and Stanley Engerman, "The Economic Impact of the Civil War," *Explorations in Economic History* III (1966), pp. 176–99. Both these essays were reprinted in Ralph Andreano, ed., *The Economic Impact of the Civil War*, 2nd. edn. (Cambridge, MA, 1967), which contains many other valuable contributions, some of which are cited below. Special mention should be made, however, of an essay original to that volume by Stephen Salsbury, "The Effect of the Civil War on American Industrial Development," pp. 180–7, which seeks to rehabilitate the Beard–Hacker thesis and defend it from the damaging criticisms of Cochran, Engerman, and others. In this connection see also Harry N. Scheiber, "Economic Change in the Civil War Era: An Analysis of Recent Studies," *Civil War History* 11 (1965), pp. 396–411. Some of the older economic histories, which contain chapters on the Civil War, are still valuable, such as Harold U. Faulkner, *American Economic History*, 8th edn. (New York, 1960), and Reginald C. McGrane, *The Economic Development of the American Nation* (Boston, MA, 1950). One should also refer to more general works by economic historians, some of which include important observations about the Civil War, such as Robert Fogel, *Without Consent or Contract*, 4 vols (New York, 1989–92), and Roger L. Ransom, *Conflict and Compromise: The Political Economy of Slavery, Emancipation, and the American Civil War* (New York, 1989), which contains an excellent discussion of this topic, pp. 253–88.
2. It is probably fair to say that these distinctions have not always been fully taken into account by historians. See, however, Salsbury, "Effect of the Civil War," in Andreano, *Economic Impact of the Civil War*, pp. 184–6.
3. This is the more widely accepted view of the Old South. It received classic expression in Robert Fogel and Stanley Engerman, *Time on the Cross* (Boston, MA, 1974).
4. This view is to be found in the works of Eugene D. Genovese, especially *The Political Economy of Slavery: Studies in the Economy and Society of the Slave South* (New York, 1967). It is also found in John Ashworth, *Slavery, Capitalism and Politics in the Antebellum Republic I, Commerce and Compromise, 1820–1850* (Cambridge, 1995).
5. Beards, *Rise of American Civilization* II, p. 105
6. On the Confederacy see E. Merton Coulter, *The Confederate States of America, 1861–1865* (Baton Rouge, LA, 1950), Emory M. Thomas, *The Confederate Nation, 1861–1865* (New York, 1979), and the excellent essay in William L. Barney, *Flawed Victory: A New Perspective on the Civil War* (Lanham, MD, 1980), pp. 81–120, which is equally valuable on the North during the war.
7. For the topics covered in this and the next paragraph see Eugene M. Lerner, "The Monetary and Fiscal Programs of the Confederate Government, 1861–1865," *Journal of Political Economy*

- 62 (1954), pp. 506–22; Lerner, “Money, Wages, and Prices in the Confederacy,” *Journal of Political Economy* 63 (1955), pp. 20–40, repr. in Andreano, *Economic Impact of the Civil War*, pp. 31–60. An older work is John C. Schwab, *The Confederate States of America: A Financial and Industrial History of the South during the Civil War* (New York, 1901), which is not fully superseded by Richard C. Todd, *Confederate Finance* (Athens, GA, 1954). On the blockade and its effects see William M. Robinson, Jr., *The Confederate Privateers* (New Haven, CT, 1928). James L. Sellers, “Economic Incidence of the Civil War in the South,” *Mississippi Valley Historical Review* 14 (1927), pp. 179–91, is a valuable article, reprinted in Andreano, *Economic Impact of Civil War*, pp. 98–108.
8. Engerman, “Economic Impact,” in Andreano, *Economic Impact of the Civil War*, p. 180; Jeremy Atack and Peter Passell, *A New Economic View of American History*, 2nd. edn. (New York, 1994), pp. 373–4; Eugene Lerner, “Southern Output and Agricultural Income, 1860–1880,” *Agricultural History* 30 (1959), pp. 117–25, reprinted in Andreano, *Economic Impact of Civil War*, pp. 109–22.
 9. Atack and Passell, *New Economic View*, 373–4, 378; Gavin Wright, *Old South, New South: Revolutions in the Southern Economy* (New York, 1986); Stephen Decanio, “Productivity and Income Distribution in the Postbellum South,” *Journal of Economic History* 34 (1974), pp. 422–46.
 10. On economic conditions in the postbellum South see, in addition to works already cited, three by Roger Ransom and Richard Sutch: “Debt Peonage in the Cotton South after the Civil War,” *Journal of Economic History* 32 (1972), pp. 641–67, “The Impact of the Civil War and of Emancipation on Southern Agriculture,” *Explorations in Economic History* 12 (1975), pp. 1–28, and *One Kind of Freedom: The Economic Consequences of Emancipation* (Cambridge, 1977).
 11. Atack and Passell, *New Economic View*, p. 497; Wesley C. Mitchell, *Gold, Prices, and Wages under the Greenback Standard* (Berkeley, CA, 1908); pp. 4, 279; Reuben A. Kessel and Armen A. Alchian, “Real Wages in the North during the Civil War: Mitchell’s Data Reinterpreted,” *Journal of Law and Economics* 2 (1959), pp. 95–113, repr. in Andreano, *Economic Impact of the Civil War*, pp. 11–30; Faulkner, *American Economic History*, p. 451; Philip S. Foner, *History of the Labor Movement in the United States I* (New York, 1947); Clarence D. Long, *Wages and Earnings in the United States, 1860–1890* (Princeton, NJ, 1960); Engerman, “Economic Impact,” in Andreano, *Economic Impact of Civil War*, p. 198.
 12. For the material in this and the following paragraphs see Lance Davis, “Capital Immobilities and Finance Capitalism: A Study of Economic Evolution in the United States, 1820–1920,” *Explorations in Economic History* 1 (1963), pp. 88–105; Bray Hammond, *Sovereignty and an Empty Purse: Banks and Politics in the Civil War* (Princeton, NJ, 1970); Paul Studenski and Herman Krooss, *A Financial History of the United States* (New York, 1952).
 13. Wesley C. Mitchell, *A History of the Greenback* (Chicago, 1903), repr. in Andreano, *Economic Impact of the Civil War*, pp. 85–97.
 14. Leonard P. Curry, *Blueprint for Modern America: Nonmilitary Legislation of the First Civil War Congress* (Nashville, TN, 1968), pp. 244–52.
 15. E. D. Fite, *Social and Industrial Conditions in the North during the Civil War* (New York, 1910); George W. Smith and Charles Judah, eds., *Life in the North during the Civil War* (Albuquerque, NM, 1966); Barney, *Flawed Victory*, pp. 158–94; J. Mathew Gallman, *The North fights the Civil War: The Home Front* (Chicago, 1994), pp. 92–108. Some support for the Beard–Hacker thesis is provided in Jeffrey Williamson, “Watersheds and Turning Points: Conjectures on the Long Term Impact of Civil War Financing,” *Journal of Economic History* 34 (1974), pp. 631–61. Williamson argues that the tariff allowed retirement of the federal debt and stimulated investment. On Northern agriculture see Wayne D. Rasmussen, “The Civil War: A Catalyst of Agricultural Revolution,” *Agricultural History* 39 (1965), pp. 187–95, repr. in Andreano, *Economic Impact of the Civil War*, pp. 68–82.
 16. Paul H. Giddens, *The Birth of the Oil Industry* (New York, 1938).
 17. Beards, *Rise of American Civilization II*, pp. 53–4; Thomas Cochran, “Did the Civil War retard Industrialization?” in Andreano, *Economic Impact of the Civil War*, pp. 167–79.
 18. Atack and Passell, *New Economic View*, pp. 363–4, 373.
 19. Atack and Passell, *New Economic View*, pp. 363–74; Engerman, “Economic Impact,” p. 192.
 20. Engerman, “Economic Impact,” pp. 190–1; Ransom, *Conflict and Compromise*, pp. 257–68.
 21. Charles Post, “The American Road to Capitalism,” *New Left Review* 133 (1982), pp. 30–51,

- esp. p. 37; Saul Engelbourg, "The Economic Impact of the Civil War on Manufacturing Enterprises," *Business History* 20 (1979), pp. 148–62.
22. This is a tendency prominent within certain strains of Marxist writing and also within many of Beard's writings.
23. Roy F. Basler, ed., *The Collected Works of Abraham Lincoln*, 8 vols (New Brunswick, NJ, 1953–55) IV, pp. 426, 438; III, pp. 478–9; Basler, *Supplement to the Collected Works of Lincoln* (Westport, CT, 1974), pp. 43–4. See also *Collected Works of Lincoln* II, pp. 240, 364, 438; III, pp. 24, 459, 462; IV, pp. 240; VII, pp. 512, 528. On Republican ideology see Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party before the Civil War* (New York, 1970), and John Ashworth, "Free Labor, Wage Labor, and the Slave Power: Republicanism and the Republican Party in the 1850s," in Melvyn Stokes and Stephen Conway, eds., *The Market Revolution in America: Social, Political, and Religious Expressions, 1800–1880* (Charlottesville, VA., 1996), pp. 128–46.

PART III

Emancipation

Race and Gender in the Civil War

Fighting for Freedom

African-American Soldiers in the Civil War

SUSAN-MARY GRANT

In 1897, over thirty years after the end of the American Civil War, a very special monument to that war was unveiled opposite the Statehouse in Boston. Designed by the Irish-born sculptor Augustus Saint-Gaudens, it depicted in profile the figure of Robert Gould Shaw, the twenty-five-year-old white officer of the North's showcase African-American regiment, the Massachusetts 54th (Colored), leading his men through Boston on their way to South Carolina in 1863. It was an unusual and in many ways seminal piece of sculpture. Not only was it the first American monument focused on a group rather than a single figure, it was the first example of a monument portraying blacks as central actors in the Civil War. Although Saint-Gaudens had neglected the opportunity to represent the features of the individual soldiers from that regiment—only Shaw's image was a specific likeness—he nevertheless avoided representing the black troops in any kind of stereotypical manner, portraying them instead as noble patriot soldiers of the American nation. Both in its novelty and in its sentiment the Saint-Gaudens monument remains, according to art critic Robert Hughes, “the most intensely felt image of military commemoration made by an American.”¹

Impressive though it was—and indeed still is—the Saint-Gaudens monument in no way reflected the general mood of the American people towards those black troops who had fought in the conflict. By 1897 the American nation had all but forgotten that black troops had ever played a role in the Civil War. Saint-Gaudens completed his monument at a time when segregationist legislation—“Jim Crow”—was beginning to bite in the South, but the exclusion of black troops from the national memory of

the Civil War began long before 1897. In the Grand Review of the Armed Forces which followed the cessation of hostilities very few blacks were represented, despite the fact that many of the black Union regiments had fought longer and harder than some of the white regiments on parade that day. Relegated to the end of the procession in “pick and shovel” brigades, or intended only as a form of comic relief, neither the free black soldier nor the former slave was accorded his deserved role in this most poignant national pageant.² The reasons for this were in part, but only in part, practical ones. Those troops who marched down Pennsylvania Avenue on May 23–24, 1865, represented Northern armies which had not included black units, notably the Army of the Potomac and those under Sherman’s command. In addition, having enlisted later than many of the white troops, the African-American units had time left to serve, and so many of the black regiments were still on duty in the South when their white comrades were parading in Washington.³

The limited role taken by black troops—however explicable the grounds for it—did not bode well for the future. Rather than a war fought for liberty, in which the role of the African-American soldier was pivotal, the image of the American Civil War as a “white man’s fight” became the national norm almost as soon as the last shot was fired, and remained so until the late twentieth century. Indeed, although Brooks Simpson is undoubtedly right to observe that Americans today are much more aware of the “role taken by African-Americans in fighting for their freedom during the Civil War” it remains the case that the black soldier is still not regarded as a central figure of that conflict.⁴ This is in some ways unusual, given that the American Civil War became a war for liberation, for emancipation, for freedom, and for a Union in which slavery had no place. From another angle, however, it is not unusual at all. There is, after all, more than one kind of freedom. The paradox of the African-American soldier lies in the fact that he was fighting not simply for freedom from slavery for his own race during the Civil War but for a much broader and more demanding kind of freedom; freedom not just for a race but for a nation.

Early Frustrations

The relationship between the black soldier and the “land of the free” has always been ambiguous. The pattern of involvement for black troops in America’s wars from colonial times up to the nineteenth century followed a depressingly similar pattern. Encouraged to enlist in times of crisis, the African-American soldier’s services were very clearly unwelcome in times of peace. Despite this, however, the link between fighting and freedom for African-Americans was forged in the earliest days of the American nation, and, once forged, proved resilient to all attempts to break it. During the

colonial era South Carolina enacted legislation that offered freedom to slaves in return for their military services, although Virginia remained welded to a strict policy of forbidding slaves to bear arms or from serving in the militia except as “drummers and trumpeteers.”⁵ Despite such mixed messages, by the conclusion of the American Revolution—in which some 5,000 out of the 300,000 troops in Washington’s Continental Army were black—military service was regarded as a valid and successful method of achieving freedom for the slave as well as an important expression of patriotism and loyalty to the new nation. During the War of 1812 the future President Andrew Jackson rallied black troops to America’s cause with the words “As sons of Freedom you are now called upon to defend your most estimable blessings. As Americans, your country looks with confidence to her adopted citizens . . .”⁶ Long before the Civil War, therefore, the African-American tradition of equating military service not just with freedom but with citizenship of the American nation was firmly established.

It was not surprising, therefore, that when hostilities commenced between North and South in 1861 blacks throughout the North, and some in the South too, sought to enlist. However, free blacks in the North who sought to respond to Abraham Lincoln’s call for 75,000 volunteers found that their services were not required by a North in which slavery had been abolished but racist assumptions still prevailed. Instead they were told quite firmly that the war was a “white man’s fight” and offered no role for them. The notable Northern black leader, Frederick Douglass, himself an escaped slave, summed the matter up succinctly:

Colored men were good enough to fight under Washington. They are not good enough to fight under McClellan. They were good enough to fight under Andrew Jackson. They are not good enough to fight under Gen. Halleck. They were good enough to help win American independence but they are not good enough to help preserve that independence against treason and rebellion. They were good enough to defend New Orleans but not good enough to defend our poor beleaguered Capital.⁷

Douglass further recognized that, unless the issue not just of arming free blacks but of freeing the slaves was addressed, the Union stood little chance of success. Until “they shall make the cause of their country the cause of freedom,” he asserted, “until they shall strike down slavery, the source and center of this gigantic rebellion, they don’t deserve the support of a single sable arm, nor will it succeed in crushing the cause of our present troubles.”⁸ The Union, however, showed little sign of wanting the support of any sable arms. In the early months of the conflict the *National Intelligencer* reinforced the view that the war “has no direct relation to slavery. It is a war

for the restoration of the Union under the existing constitution.”⁹ Yet under the pressures of war it became increasingly difficult to maintain such an exclusionary and limited policy. This was particularly true for those generals in the field who found themselves having to deal with not only the free black population but a growing number of slaves who, dislocated by the war, were making their way through to Union lines. Whilst the federal government prevaricated on the question of arming blacks for a variety of political and military reasons—not least of which was the desire not to upset the loyal but slaveholding border states—the Union generals found themselves faced with a problem that required more immediate resolution. Consequently, the first moves both toward arming blacks and freeing slaves during the American Civil War came not from Washington but from the front line.

An important precedent as far as the slaves were concerned was set very early in the conflict. In 1861 Benjamin F. Butler, in charge of Fortress Monroe in Virginia, declared that all slaves who escaped to Union lines were “contraband of war,” and refused to uphold the terms of the Fugitive Slave Law which bound him to return them to their owners. Butler’s policy did not have much impact on attitudes in the North, but it did reinforce the views of those like Douglass who felt that slavery was of great military use to the Confederacy—and therefore damaging to the Union—and who consequently felt that the Civil War was likely to turn into a war for freedom if it lasted any length of time at all. For this reason, Butler’s actions did find limited favor in Washington, and the Joint Committee on the Conduct of the War, founded in December of 1861, strongly supported both emancipation and the arming of blacks.¹⁰

Perhaps predictably, however, the first moves to arm blacks and free slaves proved clumsy. In Missouri, John C. Frémont, the commander of the Department of the West, unilaterally declared martial law in August, 1861, and declared all slaves owned by Confederate sympathizers to be free. Lincoln insisted that Frémont modify his announcement to bring it into line with the 1861 Confiscation Act, which removed slaves only from those actively engaged in hostilities against the Union. Then in late March, 1862, Major General David Hunter, on taking over control of the Department of the South from Sherman, also declared martial law, emancipated all slaves held in Georgia, South Carolina, and Florida, and forced as many escaped male slaves as he could find into military service. Not only was Hunter’s announcement also rejected by Lincoln, but the aggressive manner in which he went about recruiting blacks for the Union army served only to alienate the very people whom he was attempting to help. The fact that he was also unable to pay them only made matters worse. Thomas Wentworth Higginson, the white officer in charge of what became the 1st South Carolina Volunteers (and later the 33rd U.S. Colored Infantry), had cause to lament Hunter’s rashness. Higginson praised the military ability of the black troops

under his command, noting that “they take readily to drill, and do not seem to object to discipline; they are not especially dull or inattentive; they seem fully to understand the importance of the contest, and of their role in it.” The troops did, however, express suspicion of the federal government, and this Higginson put down to the “legacy of bitter distrust bequeathed by the abortive regiment of General Hunter,—into which they were driven like cattle, kept for several months in camp, and then turned off without a shilling, by order of the War Department.”¹¹

More successful were the efforts of Jim Lane in Kansas. A former U.S. Senator and a brigadier-general in the Union army, Lane chose simply to ignore the War Department and raised a black regiment, the 1st Kansas Colored Volunteers, in 1862. This regiment was finally recognized the following year, by which time it had already seen active service against the Confederacy. The War Department did sanction the recruitment of black troops in August 1862, when General Rufus Saxton, the military commander in charge of the sea islands off South Carolina, was authorized to “arm, equip, and receive into the service of the United States” up to 5,000 black volunteers. Black regiments were not properly raised, however, until after Lincoln’s Emancipation Proclamation of January 1, 1863. Massachusetts, Connecticut, and Rhode Island were the first states to raise black regiments, and in May, 1863, the War Department established the Bureau of Colored Troops, headed by C. W. Foster, with the remit of organizing the training and administration of the new black regiments. Both Northern free blacks and freed slaves in those parts of the South now under Union control were recruited into these regiments, all of whom (with the exception of the Connecticut and two of the Massachusetts regiments) came under the new designation “United States Colored Troops” (USCT), whether they were Infantry (USCI), Cavalry (USCC), or Heavy Artillery (USCHA).

Military Necessity

The reasoning behind the decision to raise black regiments was not necessarily along the idealistic lines that men such as Frederick Douglass would have welcomed. In part, it was seen by some as a war measure. The belief that slavery underpinned the Confederate war effort persuaded some northerners of the need to remove this support from the South. Foreign opinion also played a part, although it was less important than was once thought. Above all, the war had not been going well for the Union throughout 1862, and the decision to allow blacks to join the Union army coincided with the first draft in the North. Yet in some ways this worked in the blacks’ favor. One soldier observed, with some irony, that “[j]ust in proportion as the certainty of a draft increased, did the prejudice against

Negro soldiers decrease. It was discovered that Negroes were not only loyal persons and good mule drivers, but exceedingly competent to bear arms.”¹² Even if prejudice did not decrease, racist objections to the arming of blacks could easily be countered on the grounds that it was better that a black soldier die than a white one. Such attitudes were summed up accurately if cruelly in a poem written by Lieutenant Colonel Charles Halpine, under the pen name of “Private Miles O’Reilly,” entitled “Sambo’s Right to be Kilt,” which ran:

The men who object to Sambo
Should take his place an’ fight,
And it’s better to have a naygur’s hue
Than a liver that’s wake an’ white.
Though Sambo’s black as the ace of spades,
His finger a trigger can pull,
And his eye runs straight on the barrel-sights
From under his thatch of wool!
So hear me all, boys, darlings,—
Don’t think I tippin’ you chaff,—
The right to be kilt I’ll divide wid him,
And give him the largest half!¹³

Abraham Lincoln sought to convey a rather more positive version of the message in his famous letter to James Conkling, written in August, 1863, in which Lincoln defended his emancipation decision in the face of criticism that he was changing the nature of the war. “You say you will not fight to free negroes. Some of them seem willing to fight for you,” Lincoln noted, “but no matter . . . I thought that whatever Negroes could be got to do as soldiers leaves just so much less for white soldiers to do, in saving the Union.” This was Lincoln appealing to the practical side of the question, but in conclusion he made a more incisive observation on the future of the nation and the role of African-Americans in it when he argued that:

there will be some black men who can remember that, with silent tongue and clenched teeth, and steady eye, and well-poised bayonet, they have helped mankind on to this great consummation; while, I fear, there will be some white ones unable to forget that, with malignant heart, and deceitful speech, they have strove to hinder it.¹⁴

For many blacks, Lincoln’s latter point was the important one, and they were initially confident that their acceptance, however reluctantly granted, by the Union army offered them the opportunity both of short-term military

glory and longer-term acceptance into the nation as a whole. As Frederick Douglass put it, “once let the black man get upon his person the brass letters U.S., let him get an eagle on his button, and a musket on his shoulder and bullets in his pocket, and there is no power on earth which can deny that he has earned the right to citizenship in the United States.”¹⁵ George E. Stephens, a Philadelphia cabinetmaker and volunteer in the 54th Massachusetts Colored Infantry (the famous “Massachusetts 54th”), argued that the Union army was “the proper field for colored men, where they may win by their valor the esteem of all loyal men and women—believing that ‘Who would be free, themselves must strike the blow.’”¹⁶

Corporal James Henry Gooding, a former seaman, and another volunteer in the Massachusetts 54th, similarly reminded his people that “their position is a very delicate one; the least false step, at a moment like the present, may tell a dismal tale at some future day.” It was essential, Gooding argued, that the black soldier be seen to be active in this regard, and he warned blacks throughout the Union “not to trust to a fancied security, laying comfort to your minds, that our condition will be bettered because slavery must die. It depends on the free black men of the North, whether it will die or not.” If blacks left it to whites to effect emancipation, Gooding concluded, “language cannot depict the indignity, the scorn, and perhaps violence, that will be heaped upon us; unthought of laws will be enacted and put in force, to banish us from the land of our birth.” He stressed the need for blacks to grasp the opportunity now being offered in a letter to the *New Bedford Mercury*:

Our people must know that if they are ever to attain to any position in the eyes of the civilized world, they must forego comfort, home, fear, and above all, superstition, and fight for it; make up their minds to become something more than hewers of wood and drawers of water all their lives. Consider that on this continent, at least, their race and name will be totally obliterated unless they put forth some effort now to save themselves.¹⁷

Gooding anticipated, optimistically, that “if the colored man proves to be as good a soldier as it is confidently expected he will, there is a permanent field of employment opened to him, with all the chances of promotion in his favor.” The 1st Arkansas Colored Regiment had an equally optimistic view of the future following the Emancipation Proclamation. They gleefully marched into battle singing, to the tune of “John Brown’s Body”:

We have done with hoeing cotton, we have done with hoeing
corn,
We are colored Yankee soldiers, now, as sure as you are born;

When the masters hear us yelling, they'll think it's Gabriel's horn,
As it went sounding on.

They will have to pay us wages, the wages of their sin,
They will have to bow their foreheads to their colored kith and
kin,
They will have to give us house-room, or the roof shall tumble in!
As we go marching on.

Father Abraham has spoken, and the message has been sent,
The prison doors he opened, and out the prisoners went,
To join the sable army of the "African descent,"
As we go marching on.¹⁸

Not everyone shared such optimism. One black New Yorker argued that it would be foolish for blacks to heed the Union's call to arms since the race had "nothing to gain, and everything to lose, by entering the lists as combatants." To respond to the Union's call for troops, he asserted, would be simply to repeat the errors of previous generations of blacks, who had "put confidence in the words of the whites only to feel the dagger of slavery driven deeper." Given the virulent racism of the North, he concluded, free blacks were in "no condition to fight under the flag which gives us no protection."¹⁹ Initially the pessimistic view appeared to be the more accurate one. The white response to the raising of black regiments was far from positive, and indeed in some ways inspired a backlash against the whole idea of emancipation. Despite the relative success of racist arguments in favor of blacks rather than whites being killed, most whites did not believe that blacks would make effective soldiers, seeing them as, at best, cannon fodder.

"Blooding" of Black Troops

Both white and suspicious black attitudes began to change only with the battlefield successes of several of the black regiments. Even before its official recognition by the War Department, Jim Lane's black regiment had performed well in Missouri, prompting one journalist to write that it was "useless to talk any more about negro courage. The men fought like tigers, each and every one of them."²⁰ Skirmishes between Thomas Wentworth Higginson's 1st South Carolina and the rebels, and between Benjamin Butler's 2nd Louisiana Native Guards (later the 74th U.S. Colored Infantry) and Confederate cavalry and infantry regiments were equally decisive in terms of proving that the black troops could and would fight, but as mere skirmishes they did little to alter the Northern public's perception of the colored regiments. The first major engagement for the black regiments came in the spring of 1863, with an assault on Port Hudson on the Mississippi

in Louisiana. The assault itself was misconceived, and the Union army suffered a defeat, but for the black troops who had fought there Port Hudson proved a turning point of sorts. This was recognized by some white troops as well as by black. Before the actual assault, white private Henry T. Johns expressed his belief that the black regiments would perform well, and that consequently whites would “give them a share in *our* nationality, if God has no separate nationality in store for them.”²¹ In the aftermath of the battle, Johns’s optimism seemed justified. One lieutenant reported that his company had fought bravely, adding “they are mostly contrabands, and I must say I entertained some fears as to their pluck. But I have none now.” The *New York Times* was similarly impressed:

Those black soldiers had never before been in any severe engagement. They were comparatively raw troops, and were yet subjected to the most awful ordeal than even veterans ever have to experience—the charging upon fortifications through the crash of belching batteries. The men, white or black, who will not flinch from that will flinch from nothing. It is no longer possible to doubt the bravery and steadiness of the colored race, when rightly led.²²

If further proof were required that the black soldier had potential one of the Civil War’s most bloody engagements, the battle of Milliken’s Bend in June, 1863, came shortly after the Port Hudson defeat. Here, too, raw black recruits found themselves facing substantial Confederate forces. In the black units engaged, casualties ran to 35 percent, and for the 9th Louisiana Infantry (later the 5th U.S. Colored Heavy Artillery) alone casualties reached 45 percent. The cost was clearly high but, as at Port Hudson, white commanders declared themselves impressed with the behavior under fire of the black troops. Charles A. Dana, the Assistant Secretary of War, concluded that “the sentiment in regard to the employment of negro troops has been revolutionized by the bravery of the blacks in the recent Battle of Milliken’s Bend. Prominent officers, who used in private sneer at the idea, are now heartily in favor of it.”²³

At the same time as black soldiers were proving their valor on the Mississippi at Port Hudson and Milliken’s Bend, the North’s most famous colored regiment, the Massachusetts 54th, was preparing to set off from Massachusetts toward its first major campaign and a place in the history books. Fort Wagner, on the northern tip of Morris Island in South Carolina, was the main defence both for Charleston and for Battery Gregg, which overlooked the entrance to Charleston Harbor. The taking of the fort would have been a significant prize for the Union forces, enabling them to attack Fort Sumter—where the Civil War had begun in April, 1861—and, it was hoped, Charleston itself. Originally the plan had been to use the 54th in a minor supporting role, but its commander, Robert Gould Shaw, recognized

the importance of taking an active part in the forthcoming engagement and campaigned vigorously for his regiment to be given a more prominent role in the attack. Shaw was successful, and the 54th received orders to head the attack on the fort on July 18, 1863. Shaw and his men regarded this as an honor, although Major General Truman Seymour, in agreeing to Shaw's request, expressed the opinion that it was a good idea to "put those d——d niggers from Massachusetts in the advance; we may as well get rid of them one time as another."²⁴

As with Port Hudson, the attack on Fort Wagner, one of the most heavily defended and impregnable of the Confederate forts, was doomed to failure, and the Union forces sustained heavy casualties. The Massachusetts 54th lost over half its men, including Robert Gould Shaw, who was shot through the heart as he took the parapet of the fort. His troops held the ground he had reached for barely an hour. To add insult to injury, the Confederates refused to return Shaw's body to his family, as was normal procedure for senior ranks. When Shaw's father requested that his son's body be returned, a Confederate officer is reported to have denied the request with the words "We have buried him with his niggers." In the face of this deliberate insult, Shaw's father merely responded that "We hold that a soldier's most appropriate burial place is on the field where he has fallen."²⁵ Following the disaster of Fort Wagner the Massachusetts 54th and its sister regiment, the 55th, did achieve military victories against the Confederacy, but in the more general battle against racism Fort Wagner, like Port Hudson, was a significant, although not complete, success. One white Union soldier, who had expressed extreme hostility toward black troops prior to the 54th's attack on the fort, felt compelled to declare afterwards that in his opinion the "54th Mass Infantry 'colored' is as good a fighting regiment as there is in the 10th Army Corps Department of the South." Yet his objections to fighting alongside black troops remained.²⁶

More positively, at the end of the Civil War, the New York *Tribune* reminded its readers that to the "Massachusetts Fifty-fourth was set the stupendous task to convince the white race that colored troops would fight,—and not only that they would fight, but that they could be made, in every sense of the word, soldiers." From the outset, much had been riding on this particular regiment. Raised by Governor John Andrew of Massachusetts and numbering the sons of noted abolitionists and prominent Bostonians among its ranks—not only Robert Gould Shaw but two of Frederick Douglass's sons fought in the 54th—much more than military success was at stake when the Massachusetts 54th marched out of Boston, to cheering crowds, in the spring of 1863. As the New York *Tribune* put it:

It is not too much to say that if this Massachusetts Fifty-fourth had faltered when its trial came, two hundred thousand colored troops

for whom it was a pioneer would never have been put into the field, or would not have been put in for another year, which would have been equivalent to protracting the war into 1866. But it did not falter. It made Fort Wagner such a name to the colored race as Bunker Hill has been for ninety years to the white Yankees.²⁷

Thanks in part to the bravery of the Massachusetts 54th, therefore, by the end of 1863 the Union army had recruited some 50,000 African-Americans—both free blacks and former slaves—to its ranks. By the end of the war this number had risen to some 186,000, of whom 134,111 were recruited in the slave states. African-American troops comprised 10 percent of the total Union fighting force, and some 3,000 of them died on the battlefield plus many more in the prisoner-of-war camps, if they made it that far. By 1865 black troops had taken part in thirty-nine major battles and some 449 engagements, and twenty-one of them had received the Congressional Medal of Honor.²⁸ Toward the end of 1863 Henry S. Harmon, a soldier in the 3rd USCI, felt confident enough to declare that “you can say of the colored man, we too have borne our share of the burden. We too have suffered and died in defence of that starry banner which floats only over free men . . . I feel assured that the name of the colored soldier will stand out in bold relief among the heroes of this war.”²⁹

The propaganda success of the assaults on Port Hudson, Milliken’s Bend and Fort Wagner were, however, only part of the story as far as African-American troops were concerned. The fact that blacks had shown that they could fight in no way diminished the prejudice they experienced in the Union army. Nor did it resolve the crux of the issue, which was that the war, for many of the black troops, was in essence a very different conflict from that experienced by the whites. In purely practical terms, the conditions experienced by African-American troops were far inferior to those experienced by some white ones. It is important not to overstate this, however, as racism alone was not always the root cause. The fact was that by the time the African-American regiments were raised and sent into the field the Civil War had been going on for almost two years. Fresh recruits, therefore, of whatever color, found themselves facing a Rebel army which had much more combat experience. At Milliken’s Bend, for example, the most experienced officers had been in uniform for less than a month. Even worse, some of the black troops had received only two days of target practice prior to going into battle, and in a war where fast reloading was crucial for survival they simply lacked the necessary skill. When the 29th USCT arrived at Camp Casey in 1864, for example, they were issued with the 0.58 caliber Springfield rifled musket. They were not, however, given any training in how to use it beyond basic parade evolutions. In such circumstances it was unsurprising that the troops struggled under battlefield conditions.³⁰ Similarly, the racist

comments of Major General Seymour notwithstanding, in the attack on Fort Wagner it was not necessarily the case that the Massachusetts 54th was sent in on a suicidal mission. Throughout the Civil War, Bay State regiments fought in the front line of some of the very worst battles, and consequently Massachusetts had some of the highest combat casualties of any of the Union states. In this regard the Massachusetts 54th was continuing the tradition of the Bay State troops in July, 1863, a considerable source of pride for this most famous “showcase” regiment, particularly in the context of what they were fighting for.

Second-class Soldiers

Unfortunately, deliberately prejudicial policies compounded the more general problems that the African-American regiments faced after 1863. Most obviously, blacks were never promoted on a par with whites. Benjamin Butler, in mustering in the Louisiana regiments, had created a mixed officer class. Jim Lane in Kansas did likewise, and since he was acting against orders anyway he never troubled himself to defend his actions. However, when Governor Andrew sought to appoint black officers to the 54th and 55th Massachusetts, he was told that white officers only would be accepted. Similarly, when Jim Lane’s Kansas regiments were officially recognized, its black officers were not. In the South Nathaniel P. Banks, on taking over from Butler, promptly set about removing—by fair means and foul—all the black officers, usually by forcing them to resign following a deliberate campaign of humiliation. In many cases the argument used to defend such blatant racism was that the blacks concerned lacked the necessary literacy and military knowledge to cope with high command. In many cases, particularly as far as the contraband regiments were concerned, there was an element of truth to the charge. Unfortunately, white officers had no more experience, and were no more capable in this regard, than the blacks. The only difference was that the white officers were not being put under the microscope to the same extent. By 1865 only one in 2,000 black troops had achieved officer rank, mostly as chaplains or physicians.

The African-American regiments also received a greater proportion of fatigue duty than many of the white regiments. This meant not only that they were not receiving essential fighting experience, but that the nature of the duties required of them meant that their uniforms become worn out very quickly, giving them the appearance of laborers rather than of soldiers. The quality of weapons distributed to the black regiments was also not always on a par with those the white regiments received, although again it is important to bear in mind that adequate weaponry—and, more important, the ability to use it—was a problem for many regiments, both black and white. Medical care for the black regiments was equally discriminatory, and a

particular problem, given the high rate of combat casualties in these regiments. Many of the black troops, being relatively new to the field, had little immunity to the diseases that infected the camps, and the problem was compounded by a white assumption that blacks were not as susceptible to disease as whites. Finding surgeons to work with black troops was also difficult. Again, racism alone does not account for this. By 1863 there was a general shortage of physicians in the Union army, and those that could put up with the rigors of camp life had long ago been employed by regiments formed earlier in the war.

Poor morale problems and combat stress also affected the black regiments to a greater degree, in part because some of them suffered under the leadership of unprincipled officers. Several of the Virginia regiments reported low morale, and members of the 38th USCT almost rebelled because of the treatment they received from their officers.³¹ This, however, was nothing in comparison to the treatment black troops suffered at the hands of some of the Confederate regiments. Depressingly, but perhaps unsurprisingly, a greater proportion of wartime atrocities were directed at the colored regiments. The most notorious incident occurred in April, 1864, at Fort Pillow, north of Memphis. A force of some 1,500 Confederates, under the command of Major General Nathan Bedford Forrest—later prominent in the notorious Ku Klux Klan—demanded the surrender of the fort, which was manned by about 500 Union troops, half of them black. In the fighting that ensued some 66 percent of the black troops were killed, as opposed to 33 percent of the whites. The Fort Pillow incident was investigated by the Joint Committee on the Conduct of the War, which concluded that a massacre had taken place and that most of the garrison had been murdered after it had surrendered. Northern public opinion rallied to the black troops in the wake of Fort Pillow, but, as with Port Hudson and Fort Wagner, it was a high price to pay for the recognition of valor.³²

Of all the discriminatory policies to impact on the African-American regiments, the most damning related to pay. At the outset, however, there was no indication that the War Department intended to pay black troops less than white. When Governor Andrew was granted permission to raise the Massachusetts 54th, for example, he was instructed to offer \$13.00 per month plus rations and clothing, along with a bounty of \$50.00 for signing up and \$100.00 on mustering out. In 1863 the army paymaster actually gave the 33rd Colored Infantry the standard pay. Unfortunately, in June of that year the War Department decided that black troops were entitled to only \$10.00 per month, of which \$3.00 should be deducted for clothing. The reasoning was that the raising of black regiments came under the Militia Act of 1862, which specified the lower rate of pay on the grounds that it had not anticipated combatant blacks. Even before this, however, the promised \$50.00 bounty was slow in coming, and in some cases never appeared at all.

For many blacks, the problem went far beyond a simple insult. Their families depended on the money. The matter prompted an angry backlash from both black troops and many of their officers. Robert Gould Shaw was one who refused to take any pay unless his men received the full \$13.00 per month, but this was a sacrifice that his troops found harder to make than he did. Governor Andrew, embarrassed at the turn of events, offered to make up the difference out of his own pocket, but the 54th would not let him. There was a principle at stake. James Henry Gooding of the 54th wrote in some anger to the New Bedford *Mercury*, reminding its readers that

the colored men generally, as a class, have nothing to depend upon but their daily labor; so, consequently, when they leave their labors and take up arms in defence of their country, their homes are left destitute of those little necessities which their families must enjoy as well as those of white men; and as the city has passed a resolution to pay them a sum, they would rather their families received it than become objects of public charity.³³

One of his comrades concurred: “Now it seems strange to me that we do not receive the same pay and rations as the white soldiers. Do we not fill the same ranks? Do we not cover the same space of ground? Do we not take up the same length of ground in a graveyard that others do? The ball does not miss the black man and strike the white, nor the white and strike the black.” Corporal John B. Payne, of Gooding’s sister regiment, the Massachusetts 55th, likewise declared, “I am not willing to fight for anything less than the white man fights for. If the white man cannot support his family on seven dollars per month, I cannot support mine on the same amount.”³⁴

The issue of pay went beyond prejudice alone. It represented the crux of the problem for those African-American regiments which fought in the Civil War, and threw into sharp focus many of the inconsistencies and contradictions that lay at the heart of Union war aims. The Union had, from the very start of the war, been faced with two distinct yet linked problems: the role of the free black and the future of the slave. Equality and emancipation were not synonymous, but at the same time one could not be addressed without affecting the other. The question over the rights of citizenship for the free Northern black went hand in hand with the larger and more troubling question of slavery—for many the root cause of the conflict. Northern blacks were very well aware of this and, unlike Northern whites, could not and would not avoid the wider implications of the Civil War. Thomas D. Freeman, of the Massachusetts 54th, described not just the financial difficulties that his regiment were facing but summed up the wider problem in a letter to his brother-in-law in 1864:

the Regiment in general are in Good Health but in Low Spirits and no reason why for they have all to a man done there duty as a soldier it is 1 Year the 1st Day of April since I enlisted and there is men here in the regiment that have been in Enlisted 13 Months and have never received one cent But there bounty and they more or less have family . . . we are not Soldiers but Laborers working for Uncle Sam for nothing but our board and clothes . . . we never can be Elevated in this country while such rascality is Performed Slavery with all its horrors can not Equalise this for it is nothing but work from morning till night Building Batteries Hauling Guns Cleaning Bricks clearing up land for other Regiments to settle on . . . now do you call this Equality if so God help such Equality.”³⁵

Lincoln’s reasons for hesitating over emancipation were valid ones, but he knew that the matter had to be addressed. The question was when and how. The Emancipation Proclamation, when it came on January 1, 1863, was not perfect. Lincoln knew that it would have to be confirmed via a constitutional amendment. But it did irrevocably commit the Union to a policy of attacking slavery, and made it impossible to deny to blacks the right to fight as full members of the citizen army of the Union.

For many African-Americans, including Frederick Douglass, the Emancipation Proclamation was long overdue, and the discrimination suffered by the black soldiers represented a troubling omen for the future. George E. Stephens voiced his anger over the matter: “After we have endured a slavery of two hundred and fifty years we are to pay for the privilege to fight and die to enable the North to conquer the South—what an idea! to pay for the privilege to fight for that tardy and at best doubtful freedom vouchsafed to us by the government.” He returned to this theme a few months later, and expanded on the relationship between pay and patriotism.

The matter of pay seems to some of those having slaveholding tendencies a small thing [he noted] but it belongs to that system which has stripped the country of the flower of its youth . . . Like as the foaming waves point the mariner to the hidden rocks on which his storm-driven ship will soon be lost, this gross injustice reveals to us the hidden insidious principles on which the best hopes of the true patriot will be dashed.

For Stephens the matter was a simple one, and he reminded the readers of the *Anglo-African* of it starkly: “Our destiny is united with that of the country—with its triumph we rise, with its defeat we fall.”³⁶

Leading African-American spokesmen like Stephens saw the Civil War very much as a war for emancipation long before it became apparent to them

that Lincoln shared this view, and far ahead of a Northern public which, like James Conkling, regarded it as a war for the restoration of the Union as it had been, with slavery intact. William H. Johnson, of the 8th Connecticut Infantry, was arguing that the Civil War was a war for freedom long before Lincoln issued the Emancipation Proclamation and the Union began recruiting blacks. Writing from North Carolina in 1862, he expressed the “hope to meet the enemy again, fight, conquer him, end the rebellion, and then come home to our Northern people, to freemen who look South with joyous hearts, and behold not a single Slave State—but only free territory, from Maryland to Texas.” He was confident that the Union armies would, ultimately, “defeat the rebels, and hang slavery.”³⁷

Second-class Citizens

Frederick Douglass, too, had been arguing that the Civil War had to be linked to the cause of freedom from the earliest days of the war. What Douglass meant by freedom, however, went far beyond George Stephens’s vision. Rather than the destiny of the black man being linked to the Union’s success in the Civil War, Douglass was more of the opinion that the future of the American republican experiment itself rested on the triumph of the black soldier and the freed slave. For Douglass, the evil of slavery had corrupted the white man as much as it had degraded the slave, and the Civil War was an opportunity not just to end the institution but to rededicate the nation to the principles set out in the Declaration of Independence. Freedom for both white and black depended not just on a Union victory but on a complete reassessment of the national ideal. Speaking in Boston in 1862, he advised his audience:

My friends, the destiny of the colored American, however this mighty war shall terminate, is the destiny of America. We shall never leave you. The allotments of Providence seem to make the black man of America the open book out of which the American people are to learn lessons of wisdom, power, and goodness—more sublime and glorious than any yet attained by the nations of the old or the new world. Over the bleeding back of the American bondsman we shall learn mercy. In the very extreme difference of color and feature of the negro and the Anglo-Saxon, shall be learned the highest ideas of sacredness of man and the fullness and protection of human brotherhood.³⁸

Ultimately, the problem facing both African-American soldiers and their noncombatant spokesmen in the North was that their vision of the meaning of the Civil War clashed with that of the majority of whites. For

blacks, the Civil War offered an opportunity not just to end slavery, but to redefine American national ideals. Their determination to fight in the face of hostility and prejudice left their dedication to these national ideals in no doubt whatsoever. In this regard, African-Americans during the Civil War had a far more expansive, optimistic, and demanding vision of the nation's future than many whites did. They had proved themselves to be "patriot soldiers" to a far greater extent than some whites. As George Stephens noted only a few months after Fort Sumter fell, "this land must be consecrated to freedom, and we are to-day the only class of people in the country who are earnestly on the side of freedom."³⁹

This message was reiterated time and again in the course of the conflict. Following the Emancipation Proclamation, James Henry Gooding declared that the "American people, as a nation, knew not what they were fighting for till recently." In the aftermath of the New York City draft riots of 1863, George Stephens took the opportunity to remind white Americans that "even while your mob-fiends upheld the assassin knife, and brandished the incendiary torch over the heads of our wives and children and to burn their homes, we were doing our utmost to sustain the honor of our country's flag, to perpetuate, if possible, those civil, social, and political liberties, they, who so malignantly hate us, have so fully enjoyed."⁴⁰ That black troops were showing much more dedication to the nation's ideals than many whites in the midst of the Civil War cannot have been a message that whites wished to hear.

Yet, at the war's conclusion, the future did, initially, look promising, and several of the black regiments received a heroes' welcome. The Massachusetts 54th was honored at a reception in Boston in September, 1865, and the Boston *Evening Transcript* reported the event in glowing terms:

The Fifty-fourth Massachusetts Regiment, the pioneer State colored regiment of this country, recruited at a time when great prejudices existed against enlisting any but so-called white men in the army, when a colored soldiery was considered in the light of an experiment almost certain to fail, this command—which now returns crowned with laurels, and after two hundred thousand of their brethren, from one end of the traitorous South to the other, have fought themselves into public esteem—had such a reception to-day as befitted an organization the history of which is admitted to form so conspicuous a part of the annals of the country.⁴¹

The paper's optimism proved to be premature. Left in the South while many of their white comrades returned home, many African-American soldiers felt abandoned by a federal government that took little account of

their needs or their specific circumstances. In a letter to the Secretary of War, Edwin Stanton, from North Carolina in October of 1865, one black soldier complained that “We have come out Like men & we Expected to be Treated as men but we have bin Treated more Like Dogs then men.” Reporting excessive guard duties, sometimes unrelieved for over forty-eight hours, hospitals “full of sick men” and cripples although the regiment was reported as at full strength, and with even “the fifers & Drummars on guard,” he charged that “because we are colored . . . they think that we Don’t know any Better.” The unequal treatment endured by many African-American troops left in the South at the war’s end was highlighted by another soldier, John Turner, writing in July, 1865. “My family are sick and absolutely naked,” he complained. “They are also threatened with being turned into the street. Now I respectfully ask for my discharge that I may be able to attend to the wants of my family—or if I cannot obtain my discharge I earnestly petition for my pay.” Supported by the military authorities, Turner received his discharge the following month, but it was a bitter victory, and too slow in coming; Turner’s wife died before he made it home.⁴²

It is hard to escape the conclusion that the federal government, thrown into mourning and a degree of disarray following Lincoln’s assassination, and having achieved its immediate ends in the defeat of the South, found it too convenient to forget that black Union troops remained there during the early period of Reconstruction. The issue of pay—or rather the lack thereof—had been a sore point for the black regiments during the war; at the start of the peace little had changed. In August of 1865 one commander of African-American troops stationed in Texas reported that his troops had not been paid since the end of October, 1864, “now nearly ten months.” He stressed:

The soldiers having formerly been slaves and recruited at a time when the sentiment in Kentucky was bitterly opposed to the arming of colored troops their women and children were driven from their homes and followed their husbands to the recruiting depot at Paducah Ky. and thereforth became dependent on the wages of the husband and the soldier to supply them with the necessaries of life: and to my own knowledge they are constantly writing to send them money and having no means to satisfy their demands it has a tendency to discourage the soldier.⁴³

Damaging, albeit temporary, neglect by the government in whose name these soldiers served was only compounded by their frequent mistreatment at the hands of returning Confederate troops. A white officer stationed in Louisiana reported “the mistreatment of Soldiers wives, and in some cases their ejection for non-payment of rent by *returned rebels* who seem to

be resuming their old positions all over the country.” He pointed out that this was against the specific orders issued by the Union authorities, and supposedly enforced through the agents of the Freedmen’s Bureau, but, “owing to the ignorance of many colored persons is *very* often violated.” Instead, he noted, “persecution is the order of the day amongst these returned rebels against the colored race in general,” and, he stressed, “Soldiers *in particular*.”⁴⁴

As one Union commander pointed out to the Freedmen’s Bureau, in tones of exasperation, the inescapable fact was that “colored Soldiers families and their friends are *totally unlike* in condition to the white Soldiers families and friends,” and to expect them to manage as white soldiers in the North did was to ignore the often violent conditions of the South in these early months of Reconstruction. In the North, he noted, “the land is in many hands, little villages everywhere—homes and residences already provided or plenty of friends who have them,” and, most important, “a sentiment favorable to the soldiers, their families, and cause, are scattered every where over the north and pervades the entire community,” but it was quite another matter in the South. Although black troops helped to protect the freedmen and women from the worst violence that elements in the white South sought to inflict on their former slaves, they were themselves too often the targets of violence, whether in or out of uniform. A year after the war ended, it was difficult for black veterans in the South to find work: as one agent of the Freedmen’s Bureau reported from Kentucky, white people were often “afraid to employ black men, particularly those recently mustered out of the U.S. Military service for fear of injury to their persons or property, by the self styled regulators.”⁴⁵

In the North, too, black veterans frequently fared less well than their white contemporaries. Larry Logue has provided figures for Rhode Island that reveal that black veterans “were four times as likely to be unemployed as white *veterans*, and five times as likely to be jobless as black *civilians*.” Compounding the problem, Northern black veterans were often denied voting rights, whereas the Reconstruction governments in the South had, by 1867, established black male suffrage, even though this proved to be a short-term gain, swiftly and brutally removed by the “Jim Crow” South. By that year, however, all black volunteer soldiers had been discharged and, on their return to their communities, forcibly disarmed of the weaponry they had brought home—quite legally—from the war. Many more were attacked, or their families were threatened, sometimes murdered. In vain did one Union veteran point out, “I have defended the country in the field and most respectfully request that I be protected at home.”⁴⁶

Faced with the reality of the Reconstruction South, black Union veterans could have been forgiven had they failed to share the enthusiasm of one officer who, on discharging his troops at the start of 1866, assured them

that “the time is coming, and is not far distant, when those who enslaved you, shall be forced to acknowledge, that to have been a colored soldier, is to be a citizen, and to have been an advocate of slavery, is but another name for traitor.”⁴⁷ Of course, some black veterans in the South did fare well after the war. Donald Shaffer highlights the example of Robert Anderson, formerly a slave in Kentucky and then a soldier in the 125th United States Colored Troops (USCT), who became a successful property owner but, notably, in Nebraska, not in Kentucky. Another success story was that of Robert Smalls, a slave in Charleston whose later fame derived from his capture in 1862, and delivery into Union hands, of the cotton steamer *Planter*. During the war he was instrumental in the Union’s combined operations along the South Carolina coast; after it he became a public speaker and businessman, serving both in the South Carolina legislature and in the U.S. Congress. Smalls, like Anderson, was unusual, however; black veterans were not widely represented in political office in the Reconstruction South, even after “Presidential” had given way to “Radical” Reconstruction in 1866/67 and the Fifteenth Amendment had made the franchise for African-American men the sole route back into the Union for the former Confederate states. This represented no lack of commitment, but the tendency for black veterans to serve in their home states limited their number in those states—Alabama, Florida, Georgia, and Virginia—where Union recruitment had been low. Former soldiers were more strongly represented in the Reconstruction legislatures in Mississippi, North and South Carolina, and Louisiana. The relative success of such individuals, however, was not representative of the African-American veteran’s post-war experience, even if it laid the groundwork for greater—and more broadly applied—political and economic gains in the future.⁴⁸

It is perhaps hardly surprising, therefore, that when Joseph T. Wilson, a veteran of Port Hudson, came to write his history of black troops in the American army in 1887, he concluded sadly that their “devotion has been not only unappreciated, but it has failed to receive a fitting commemoration in pages of national history.”⁴⁹ Ultimately, to the detriment of the black soldier and his role in the Civil War, whites simply chose to ignore not only the sacrifice of the African-American regiments but the implications of their involvement in America’s greatest national crisis. The opportunity to reconstruct the United States on the basis of full racial equality was thrown away. Instead, the reconciliation of the North and South was based on an increasingly selective interpretation of what the Civil War had been about. In the Gettysburg Address, Lincoln had expressed the hope that the nation might experience “a new birth of freedom,” yet North and South increasingly looked to the past, and not to the future, when contemplating the recent conflict. Increasingly, over the years, the Civil War became less about changing than about preserving the American nation. If the Union had been

preserved in an altered form, there were many African-Americans who could have been forgiven for not appreciating the difference between the old Union and the new. As the African-American writer and activist Frances Harper saw it, postwar whites continued to regard her race as “good enough for soldiers, but not good enough for citizens.”⁵⁰

On Memorial Day in 1871, speaking at the Tomb of the Unknown Soldier at Arlington, Frederick Douglass observed with sadness the call “in the name of patriotism to forget the merits of this fearful struggle, and to remember with equal admiration those who struck at the nation’s life, and those who struck to save it.”⁵¹ In the end, the need to find some common ground between North and South encouraged the growth of a patriotism that could not acknowledge the sacrifices of the African-American soldier. This was a patriotism in which the pride of those black troops who had fought and died for a Union that chose to betray them had no valid place.⁵² By the time Douglass spoke the process of constructing monuments to the Civil War was beginning, a process that gathered momentum during the 1880s and 1890s. Few of the monuments acknowledged the role taken by African-American troops in the conflict. The explanation for this, again, goes beyond racism alone. The link between the figure of the black soldier and the emancipation issue was too unsettling for a nation which, it was clear by the 1890s, had failed to live up to both Lincoln’s and Douglass’s expectations. As both North and South devoted themselves to the practicalities of reunion, any reminder of the causes of the Civil War proved unwelcome.⁵³ Equally unwelcome was any reminder that African-American troops had willingly fought not just for freedom for their race but in defence of a Union which, once reestablished, continued to deny them the full benefits of citizenship. Saint-Gaudens’s monument, therefore, was destined to be, and was until only recently to remain, one of only a very few commemorative sites that acknowledged the sacrifice of African-American troops in the American Civil War.⁵⁴

On May 31, 1997, 100 years after Saint-Gaudens’s monument was unveiled, a rededication ceremony was held at the site. The day included an historical reenactment of Shaw’s troops leaving for the South and a speech by General Colin Powell in which he drew parallels between the Union’s decision to raise black regiments during the Civil War and the contemporary army’s leading role in the fight for racial equality in America today. Despite Colin Powell’s words, however, despite the many thousands of books written to date on the American Civil War, and despite the cinematic success of a Hollywood film about the Massachusetts 54th, *Glory*, the war continues to be regarded by some as a white man’s war. For many, the importance of Saint-Gaudens’s monument lies not in the black troops that are represented by it, but in the sacrifice of the regiment’s white colonel, Robert Gould Shaw, whose death inspired Ralph Waldo Emerson to reflect:

So nigh is grandeur to our dust,
 So near is God to man,
 When Duty whispers low, Thou must,
 The youth replies, I can.⁵⁵

To acknowledge this in no way diminishes either the heroism or the tragedy of Shaw's death on the ramparts of Fort Wagner. Yet the very poignancy of this Boston youth's untimely end has served to obscure, to a great extent, the cause for which he gave his life, and the equally tragic deaths of those black troops who fought alongside him. Yet, at the same time, it is perhaps also in the Saint-Gaudens's monument that the full implications of what the 54th, and all the other African American regiments, had fought for, stood for, and, in many cases, died for are revealed. In his sculpture, Saint-Gaudens, as Thomas Brown has argued, "envisioned the procession down Beacon Street on May 28, 1863, as an exemplar of the timeless formation of a community of conscience."⁵⁶ It was, and is, this "community of conscience" that, in the end, ensured that the sacrifice of the Civil War's African-American regiments could never be forgotten; the monument stood and stands as a reminder of past sacrifice, a challenge neither present nor future can ignore.

Notes

1. Robert Hughes, *American Visions: The Epic History of Art in America* (New York, 1997), pp. 209–10. For an extended discussion of Augustus Saint-Gaudens's approach to the monument see Kirk Savage, *Standing Soldiers, Kneeling Slaves: Race, War, and Monument in Nineteenth Century America* (Princeton, NJ, 1997), pp. 193–203. On the representation of the black troops on the monument see Marilyn Richardson, "Taken from Life: Edward M. Banister, Edmonia Lewis, and the Memorialization of the 54th Massachusetts Regiment," in Martin H. Blatt, Thomas J. Brown, and Donald Yacovone, eds., *Hope and Glory: Essays on the Legacy of the 54th Massachusetts Regiment* (Amherst, MA, 2001), pp. 94–115, esp. p. 110; and, in the same volume, Kirk Savage, "Uncommon Soldiers: Race, Art, and the Shaw Memorial," pp. 156–67.
2. Stuart McConnell, *Glorious Contentment: The Grand Army of the Republic, 1865–1900* (Chapel Hill, NC, and London, 1992), p. 8.
3. On this subject see Brooks D. Simpson, "Quandaries of Command: Ulysses S. Grant and Black Soldiers," in David W. Blight and Brooks D. Simpson, eds., *Union and Emancipation: Essays on Politics and Race in the Civil War Era* (Kent, OH, and London, 1997), pp. 133–4. Sherman's divisions did have black laborers marching ahead of the soldiers during the Grand Review. On this see Charles Royster, *The Destructive War: William Tecumseh Sherman, Stonewall Jackson, and the Americans* (1991, paperback repr. New York, 1993), p. 413.
4. Simpson, "Quandaries of Command," p. 123.
5. Brian Holden Reid, *The Origins of the American Civil War* (London, 1996), p. 25.
6. Andrew Jackson, quoted in Robert W. Mullen, *Blacks in America's Wars: The Shift in Attitudes from the Revolutionary War to Vietnam* (New York, 1973), p. 15.
7. Frederick Douglass, "The Black Man's Future in the Southern States," an address delivered in Boston, MA, February 5, 1862, in Louis P. Masur, *The Real War will Never get in the Books: Selections from Writers during the Civil War* (New York and Oxford, 1993), p. 110.
8. Frederick Douglass, quoted in Dudley Taylor Cornish, *The Sable Arm: Negro Troops in the Union Army, 1861–1865* (New York, 1966), pp. 5–6.

9. *National Intelligencer*, October 8, 1861.
10. Phillip Shaw Paludan, *A People's Contest: The Union and Civil War, 1861–1865*, 2nd. edn. (Lawrence, KS, 1996), p. 65.
11. Thomas Wentworth Higginson, *Army Life in a Black Regiment* (Boston, MA, 1962), p. 15. *Army Life* was first published in 1869.
12. Quoted in Edward A. Miller, Jr., *The Black Civil War Soldiers of Illinois: The Story of the Twentieth U.S. Colored Infantry* (Columbia, SC, 1998), p. 5.
13. Quoted in Ervin L. Jordan, Jr., *Black Confederates and Afro-Yankees in Civil War Virginia* (Charlottesville, VA, and London, 1995), p. 266.
14. Abraham Lincoln to James C. Conkling, August 26, 1863, in Roy F. Basler, ed., *The Collected Works of Abraham Lincoln* (New Brunswick, NJ, 1988) VI, pp. 409–10.
15. Frederick Douglass, quoted in McPherson, *Marching toward Freedom: The Negro in the Civil War, 1861–1865* (New York, 1967), p. 68.
16. George E. Stephens to the New York *Weekly Anglo-African*, August 7, 1863, in Donald Yacovone, ed., *A Voice of Thunder: The Civil War Letters of George E. Stephens* (Urbana and Chicago, IL, 1997), p. 254.
17. Corporal James Henry Gooding to the New Bedford *Mercury*, March 3, 1863, in Corporal James Henry Gooding, *On the Altar of Freedom: A Black Soldier's Civil War Letters from the Front*, ed. Virginia M. Adams (Amherst, MA, 1991), pp. 4, 13.
18. Marching song of the 1st Arkansas Colored Regiment, quoted in Mullen, *Blacks in America's Wars*, pp. 23–4. There were seven verses in all.
19. Quoted in McPherson, *Marching toward Freedom*, p. 10.
20. *Chicago Tribune*, November 10, 1862, quoted in Joseph T. Glatthaar, *Forged in Battle: The Civil War Alliance of Black Soldiers and White Officers* (New York, 1991), p. 122.
21. Johns, quoted in Leon F. Litwack, *Been in the Storm So Long: The Aftermath of Slavery* (1979, repr. New York, 1980), p. 70.
22. *New York Times*, June 11, 1863, quoted in Glatthaar, *Forged in Battle*, p. 130.
23. Charles A. Dana, quoted in Glatthaar, *Forged in Battle*, p. 135.
24. Seymour to Major General Quincy A. Gillmore, quoted in Glatthaar, *Forged in Battle*, p. 137.
25. On the reaction to Shaw's death see George M. Fredrickson, *The Inner Civil War: Northern Intellectuals and the Crisis of the Union* (1965, repr. New York, 1968), pp. 152–6.
26. George M. Turner to various members of his family, December 15, 1861, June 19, August 13, 1862, July 28, 1863, and May 2, 1864, in Nina Silber and Mary Beth Stevens, eds., *Yankee Correspondence: Civil War Letters between New England Soldiers and the Home Front* (Charlottesville, VA, and London, 1996), pp. 84–7.
27. *New York Tribune*, September 8, 1865.
28. Figures taken from Paludan, *A People's Contest*, p. 214.
29. Henry S. Harmon, Corporal, Co. B, 3rd USCI, Morris Island, South Carolina, to the *Christian Recorder*, October 23, 1863. The letter appeared in the paper on November 7, 1863. Edwin S. Redkey, ed., *A Grand Army of Black Men: Letters from African-American Soldiers in the Union Army, 1861–1865* (New York and Cambridge, 1992), p. 36.
30. See Miller, *The Black Civil War Soldiers of Illinois*, pp. 43–4.
31. Jordan, *Black Confederates*, p. 271
32. For a discussion of the killing of black prisoners of war at the battle of the Crater in 1864 see Miller, *The Black Civil War Soldiers of Illinois*, pp. 77–88.
33. Corporal James Henry Gooding to the New Bedford *Mercury*, March 21, 1863, in Gooding, *On the Altar of Freedom*, p. 7. The letter appeared on March 24.
34. Unnamed private to the *Christian Recorder*, March, 1864; Corporal John H. B. Payne in the *Christian Recorder*, June 11, 1864, both in Redkey, *A Grand Army of Black Men*, pp. 48, 208.
35. T. D. Freeman to William, 26 March, 1864, in Nina Silber and Stevens, *Yankee Correspondence*, pp. 47–8.
36. Yacovone, *A Voice of Thunder*, pp. 281–2, 321, 288.
37. Redkey, *A Grand Army of Black Men*, p. 18.
38. Frederick Douglass, "The Black Man's Future in the Southern States," an address delivered in Boston, MA, February 5, 1862, in Masur, *The Real War will Never get in the Books*, p. 111.
39. George E. Stephens, writing in November, 1861, to the *Weekly Anglo-African*, in Yacovone, *A Voice of Thunder*, p. 141.
40. Gooding, May 11, 1863, *On the Altar of Freedom*, p. 19; George E. Stephens to the *Weekly Anglo-African*, August, 1863; Yacovone, *A Voice of Thunder*, pp. 250–1.

41. Quoted in Luis F. Emilio, *A Brave Black Regiment: History of the Fifty-fourth Regiment of Massachusetts Volunteer Infantry, 1863–1865* (1894, repr. New York, 1992), p. 334.
42. Quoted in Ira Berlin, et al., eds., *Freedom: A Documentary History of Emancipation, 1861–1867*, Series II, *The Black Military Experience* (New York, 1982), pp. 654, 669, 682–3.
43. Berlin, *Black Military Experience*, pp. 683–4.
44. Berlin, *Black Military Experience*, pp. 699–700.
45. Berlin, *Black Military Experience*, pp. 701–2, 762.
46. Larry Logue, *To Appomattox and Beyond: The Civil War Soldier in War and Peace* (Chicago, IL, 1966) p. 87; Donald R. Shaffer, *After the Glory: The Struggles of Black Civil War Veterans* (Lawrence, KS, 2004), pp. 49–50, 25; Berlin, *Black Military Experience*, pp. 767–8, 804.
47. Berlin, *Black Military Experience*, p. 785.
48. Shaffer, *After the Glory*, pp. 56–7, 78–9, 73–5.
49. Joseph T. Wilson, *The Black Phalanx: African American Soldiers in the War of Independence, the War of 1812, and the Civil War* (1887, repr. New York, 1994), p. 462.
50. Frances E. W. Harper, “We are all bound up together,” from *Proceedings of the Eleventh Women’s Rights Convention* (1866), in Karen L. Kilcup, ed., *Nineteenth Century American Women Writers: An Anthology* (Cambridge, MA, and Oxford, 1997), p. 157.
51. Frederick Douglass, quoted in David W. Blight, “For something beyond the battlefield’: Frederick Douglass and the Struggle for the Memory of the Civil War,” *Journal of American History* 75, 4 (March 1989), p. 1160.
52. On this subject see S-M. Grant, “‘The charter of its birthright’: the Civil War and American nationalism,” in *Nations and Nationalism* 4, 2 (1998), pp. 163–85.
53. On this point see Savage, *Standing Soldiers, Kneeling Slaves*, pp. 179–81 and passim.
54. On July 18, 1998, “The Spirit of Freedom,” the centrepiece of a memorial to all African-American troops who had fought in the Civil War, was dedicated in Washington, DC.
55. Ralph Waldo Emerson, “Voluntaries.” This poem appeared in the *Atlantic Monthly* in October, 1863. Reprinted in Richard Marius, ed., *The Columbia Book of Civil War Poetry* (New York, 1994), pp. 79–84.
56. Thomas J. Brown, “Reconstructing Boston: Civic Monuments of the Civil War,” in Blatt et al., *Hope and Glory*, pp. 130–55, quotation at p. 151.

CHAPTER 10

The Fight for Black Suffrage in the War of the Rebellion

ROBERT COOK

On April 11, 1865, at the end of a day of celebrations in Washington following the Confederate surrender at Appomattox, President Abraham Lincoln appeared at a second-storey window of the White House and delivered a short speech on the thorny problem of restoring the southern states to their normal relations within the Union. Towards the end of his address (which was, in large measure, a vigorous defense of his wartime reconstruction policy in Louisiana), Lincoln confessed that it was unfortunate that the Unionist-controlled state government in New Orleans in which he had invested so many of his hopes had so far failed to give the vote to loyal blacks. “I would,” he said, “myself prefer that it were now conferred on the very intelligent, and on those who serve our cause as soldiers.”¹ Granted that this was an endorsement of partial rather than impartial or universal suffrage, it was nonetheless a remarkable comment—the first public avowal by a President of the United States that African-American men should, at least under certain circumstances, enjoy the same fundamental political privileges as their white counterparts.² What is even more remarkable, in view of the pervasive racism of the era, is that by the end of a brutal civil war black suffrage had become a major debating point for political elites and ordinary citizens alike. For a growing number of Americans by the spring of 1865 the notion that black men should be given the ballot was no longer as preposterous as it had once seemed. Why was this the case and how optimistic were the supporters of this cause entitled to be as the process of post-war Reconstruction began in earnest?

Black Suffrage Before 1860

Many historians have written justifiably about the virulence of white racism in the United States during the first half of the nineteenth century. The federal census counted 4.4 million blacks in 1860, nearly 14 percent of the republic's total population. Of these 3.9 million were slaves in the upper and lower South. The remaining half a million were divided almost equally between free blacks (many of whom were former slaves) resident in the North and South. Life for most antebellum blacks was harsh—not only for the majority of bondsmen and women but also for free blacks, whose horizons everywhere were constrained by racial prejudice, poverty, and legal discrimination. Even in the North, where African-Americans worked mainly as menial laborers in the city and countryside, they enjoyed few rights and were generally regarded by the dominant population as innately inferior and as temporary sojourners in the white republic. Although social and economic trends linked to the growth of a national and international market contributed significantly to the demise of suffrage qualifications for white males after 1787, the fiercely competitive politics of the Jacksonian period did not embrace blacks. Indeed, there is much evidence to suggest that a relatively democratic antebellum political system was constructed in part by defining certain groups as beyond the pale of political society. Certainly, most blacks and Indians (as well as women and minors) were excluded from the suffrage during this period and the regnant Democratic party solidified its main constituents (white yeoman farmers, slaveholders and working men) by appealing to their deepest racial fears and prejudices. Most states went out of their way to disfranchise free blacks during the early decades of the nineteenth century. Ohio provided for a racially exclusive franchise in 1802. In 1821 New York withheld the vote from all blacks save those few who held more than \$250 worth of property and who had lived in the state for three years. And in 1838 Pennsylvania, previously tolerant of limited black voting, disfranchised all African-Americans when local Democrats claimed that ignorant blacks had defeated Jacksonian candidates in that year's autumn elections. Because the federal Constitution gave the individual states control over suffrage qualifications within their own borders, the die appeared to be cast. By 1860 blacks could vote in only five New England states (Massachusetts, Vermont, Maine, Rhode Island, and New Hampshire) and, on a limited basis, in New York.

On the whole, matters were made worse for antebellum blacks by the rapid rise of sectional tensions associated with slavery expansion after 1830. As the peculiar institution strengthened its grip on Southern society and the national government, slaves found manumission harder to secure, free blacks below the Mason–Dixon Line were subject to increased harassment and legal restraints, and their Northern counterparts witnessed the passage of a tough

new Fugitive Slave Act which, potentially at least, rendered their own freedom vulnerable to the activities of slave catchers, U.S. marshals and federal judges. The 1850s were a particularly harsh decade for Northern blacks. Several thousand of them fled to Canada to avoid seizure under the new federal law and the rest were constantly reviled and abused for the race's unwitting role in the burgeoning political conflict between North and South. For the first time large numbers of blacks contemplated leaving the United States. Their disillusionment seemed entirely justified when, in March, 1857, the US Supreme Court ruled in the case of *Dred Scott v. Sandford* that blacks could not be considered national citizens under the law.

Depressing though the racial situation was in this period, it was by no means entirely hopeless. In the North at least, particularly in large urban centers like Philadelphia and New York, free blacks managed to found community institutions such as churches, schools, and fraternal lodges which imparted real meaning to their lives, nurtured the development of a uniquely African-American culture and identity, provided genuine leadership training, and enabled them to survive the kind of sustained white assaults which afflicted urban blacks in the Jacksonian period. Inevitably, the mayhem, murder, and property destruction which accompanied these "riots" could be profoundly corrosive of community morale. In 1842, after a predominantly Irish mob had reacted violently against black efforts to commemorate the anniversary of British West Indian emancipation, Robert Purvis, one of Philadelphia's leading black citizens, wrote: "I am convinced of our utter and complete nothingness in public estimation . . . [and] despair black as the face of Death hangs over us—And the bloody Will is in the heart of the [white] community to destroy us."³ Such understandably bleak responses to white supremacist violence, however, did not prevent Philadelphia blacks, like their peers in other parts of the North, from asserting their perceived rights as men and equal citizens. In this respect, no other issue was more important to free blacks than their fight for the suffrage.

By the mid-nineteenth century the advent of adult white male suffrage had made the ballot the most conspicuous and valued badge of first-class citizenship in the United States. Turnout in antebellum elections reached historic levels in large measure because white males regarded the vote as a potent weapon in the ongoing struggle to protect the nation from those designing and corrupt individuals who, in the eyes of a politically polarized electorate, would undermine the precious liberties of the people in their quest for personal aggrandizement. Throughout the United States the physical act of going to the polls constituted an assertion of citizenship and a positive contribution to the welfare of the republic. Unsurprisingly, therefore, the majority of disfranchised Northern free blacks made attainment of the ballot a central feature of their evolving campaign for equal rights.

After 1830 numerous “colored people’s” conventions met to press government for the abolition of slavery and the enfranchisement of African-Americans. Antebellum black leaders such as the New York Presbyterian minister Henry Highland Garnet, and the slave-born abolitionist Frederick Douglass, had no doubt that racism and slavery were intrinsically connected and that attainment of the vote would contribute significantly to the downfall of the peculiar institution, not only by proving that blacks were capable of acting as responsible citizens but also by bringing their influence to bear on the major political parties of the day. Battling against inchoate prejudices rooted in scientific racism, biblical exegesis, and contemporary power relations, the conventions passed numerous resolutions demanding the right of black men to vote. The language of such resolutions and of many speeches delivered by contemporary leaders was often gendered and nativist—the ballot was critical to the black male’s concept of manhood, and drunken, ignorant Irishmen were invariably deemed to be unworthy of the franchise—but it was generally patriotic and couched in the rhetoric of natural rights. African-Americans repeatedly declared themselves to be loyal to the republic and therefore deserving of the same political rights as their white counterparts. “America is my home, my country, and I have no other,” intoned Garnet in February, 1848, in a statement designed in part to undercut the colonizationist argument that blacks should return to Africa.⁴ Although passage of the Fugitive Slave Act two years later rendered most blacks more ambivalent about the United States, Frederick Douglass was still able to announce at a pro-suffrage convention in September, 1855, that “We love our country.” “The more unitedly,” he told whites, “you can attach us to your institutions, the more reason you give us to love your government, the more you strengthen the country in which we live.”⁵

Black efforts to achieve the ballot before the Civil War went beyond mere rhetoric. Pro-suffrage petitions were addressed to legislatures and delivered in person to legislative committees. Black leaders allied themselves with progressive whites (primarily political abolitionists) in order to pressurize white politicians into acknowledging the existence of black suffrage as a legitimate political issue. Relatively sophisticated organizations were set up by state and local community leaders to distribute pro-suffrage literature, most notably in New York in the autumn of 1860 after the Albany legislature had provided for a popular referendum on black enfranchisement. The fact that eight black suffrage referenda were held in five different Northern states between 1846 and 1860 is an indication that these tactics were surprisingly successful. The cause appealed to significant numbers of whites, particularly evangelical Protestants involved in the New England diaspora after the Revolution. An awareness that a small but vocal fraction of their party demanded black enfranchisement on religious and humanitarian grounds forced pragmatic Northern Whigs and Republicans to provide their

constituents with an opportunity to vote on the issue. Consistent Democratic attempts to fan the flames of popular racism made positive endorsements of black suffrage suicidal outside areas of radical strength such as upstate New York and the Western Reserve around Cleveland, Ohio, but even the most moderate of major party leaders understood that a safety valve had to be found for antislavery and pro-suffrage sentiment.

If one ignores an anomalous vote in favor of black ballots in Wisconsin in 1849, nearly a third of all people voting in the antebellum suffrage referenda expressed willingness to enfranchise African-Americans.⁶ Although a minority of these voters were certainly abolitionists, the majority were ordinary Whigs and Republicans who believed that their party stood for more than federal support for internal improvements or simple opposition to the expansion of slavery into the western territories. In Iowa perhaps as many as a fifth of Republican voters participating in the 1857 gubernatorial election favored black suffrage in a referendum in which 86 percent of whites voting on this issue opposed it.⁷ At least half of all New York Republicans who voted for Abraham Lincoln in the November presidential election may have supported extending the franchise to all black males. Pro-suffrage majorities in western counties (the centre of the heavily evangelized Burned Over district) were overridden by white supremacist votes in the eastern and southern portions of the state, not least heavily Democratic New York City.⁸

The significance of these statistics should not be overstated. Even though a base of white support clearly existed for black suffrage in the antebellum North, it was not, even with the growth of the anti-Southern and antislavery Republican Party in the mid-1850s, sufficiently large to bring major victories. Many Republican leaders on the radical wing of the party were willing to pay more than lip service to the idea that blacks were as entitled to vote as whites but even they understood the force of Democratic and popular racism well enough not to push the point. Under pressure from their opponents most centrists were content, like Abraham Lincoln during his famous Illinois senate campaign in 1858, to cite the Declaration of Independence, assert that free blacks were entitled to basic civil rights short of the ballot, and focus the voters' attention on the alleged Slave Power conspiracy to subvert republican liberties and institutions. Little wonder then that on the eve of the Civil War even those black leaders most sympathetic to the Republicans had become disillusioned by the new party's apparent readiness to defer to grass roots prejudice. Speaking at Framingham, Massachusetts, on July 4, 1860, the Illinois black leader, H. Ford Douglass, criticized the Republican presidential candidate, Abraham Lincoln, for refusing to sign a pro-suffrage petition two years earlier. "I am a colored man," insisted Douglass. "I am an American citizen; and I think that I am entitled to exercise the elective franchise."⁹

Loyalty, Citizenship and Suffrage in the Civil War

Forthright words though these were, it took the outbreak of civil war in April, 1861, to turn suffrage extension into an issue of central political importance for whites as well as blacks. There were three closely connected reasons for this transformation: black participation in the struggle to defeat the Confederacy; radical Republican attempts to ensure that African-American loyalty to the Union was rewarded with recognition of full citizenship; and the evolving federal effort to restore the seceded states to their proper relations within the Union.

Most blacks may have had mixed feelings about their homeland at the time of the secession crisis but several leading figures recognized that the impending clash between the two sections offered the race an opportunity to reassert its demands for abolition and equal rights by dint of proven devotion to the United States. Foremost among them was Frederick Douglass, who, having become disillusioned with temporizing Republicans during the recent suffrage campaign in New York, spent much of the winter of 1860–61 debunking the idea of attempting to fashion another humiliating compromise with seditious slaveholders. For him the only answer to secession was an unambiguous assertion of federal power. After the Confederates attacked Fort Sumter in April, 1861, Douglass rejoiced openly at the enemy's foolishness and threw himself immediately into the task of generating a popular hatred of the South which, he truly believed, could only redound to the benefit of African-Americans. With slaveholders the ultimate negative reference group for Northern whites, surely patriotic blacks were entitled to believe that they might at last be recognized as first-class citizens in their own country?

It was not long before the dream of a more inclusive American nationality began to evaporate. The Lincoln administration's desire to conciliate War Democrats and loyal slaveholders in the border states resulted in a conservative policy on slavery during the first year of the Civil War. Grassroots racism meant that spontaneous African-American offers to fight for the Union were rejected brusquely by Northern politicians and administrators. This response appeared to bolster the view of one black New Yorker that it was pointless for African-Americans to fight in the defense of a nation which oppressed them: "We of the North must have all rights which white men enjoy; until then we are in no condition to fight under the flag which gives us no protection."¹⁰

If black cynicism in the early stages of the Northern war effort was fully justified, the exigencies of war ultimately fulfilled the millennial hope of Frederick Douglass and other reformers that sacrifice on the battlefield would redeem the nation's sins, particularly the ultimate sin of slaveholding. In September, 1862, the failure of Union armies to make significant headway against the Confederacy finally induced President Lincoln to issue a

preliminary emancipation proclamation. Citing military necessity rather than any moral imperative, the document declared that from January 1, 1863, all slaves belonging to rebel owners would be free under U.S. law. The measure was far from popular with conservatives (and contributed to a revival of Democrat fortunes in the 1862 congressional elections) but Lincoln held firm and signed the historic proclamation at the beginning of the new year. Importantly, the document also provided for the enlistment of former slaves into the armed forces of the republic, a move which had long been called for by many northerners impatient with what they saw as the government's overly cautious response to the rebellion. When Congress passed a non-racial Conscription Act shortly afterwards, Douglass and other race leaders responded positively to the government's belated recognition of black resources by acting as recruitment agents or serving as noncommissioned officers in segregated units. By the end of the war 179,000 black troops had served in the Union armies and navies, making a substantial contribution to the final defeat of the Confederacy in 1865. Liberated slaves constituted the largest proportion of this total but nearly a fifth of black troops serving in the Union armies were free blacks from the Northern states.¹¹

Powerful evidence of elite and grassroots black support for the Union during the Civil War indicated the determination of most African-Americans to assert their manhood and devotion to a new Union purged of slavery and discrimination. Through their brave deeds on the battlefield, and continued political agitation, they expected to earn and receive the civil rights enjoyed by the white male citizens of the republic.

From the beginning of 1863 African-Americans and some of their more radical white allies hastened to add suffrage extension to a political agenda still headed by the demand for the unqualified abolition of slavery in the United States. Five weeks after promulgation of the Emancipation Proclamation, Frederick Douglass told an audience in New York City that it was difficult to grasp the significance of the President's action. "The change in the attitude of the Government is vast and startling," he said. "For more than sixty years the Federal Government has been little better than a stupendous engine of Slavery and oppression, through which Slavery has ruled us, with a rod of iron." As further evidence of the dramatic shift in official attitudes to his race, Douglass also noted a recent decision of U.S. Attorney General Edward Bates that blacks were citizens of the United States. As a result of this opinion, contended Douglass, he spoke not only as a colored man and an American but as "a colored citizen, having, in common with all other citizens a stake in the safety, prosperity, honor, and glory of a common country."¹² Although Douglass neglected to mention that Bates had distinguished between citizenship and suffrage, it was not long before he was making the connection from A to B. Before a predominantly

white audience in Brooklyn in May, 1863, he asserted that a just realignment of the relationship between whites and African-Americans was critical to the nation's future well-being. Noting that the term "Negro" was currently "the most pregnant word in the English language," he advocated the black man's "most full and complete adoption into the great national family of America." Proper integration demanded "the most perfect civil and political equality, and that he shall enjoy all the rights, privileges and immunities enjoyed by any other members of the body politic."¹³

Douglass's effortless shift from citizenship to suffrage was a natural one for an expert political agitator, particularly a black one, to make but it was probably based on a willful misreading of the Attorney General's opinion, which had been delivered on November 29, 1862. In that decision Edward Bates, a conservative Republican from Missouri, had rejected Chief Justice Taney's ruling in the Dred Scott case that blacks could not be considered citizens of the United States. Asserting that ancient and contemporary authorities supported a broad definition of national citizenship, Bates undermined Taney's decision by contending, first, that all free persons born in the United States were citizens of the United States and, second, that the Court's controversial definition of citizenship was largely "dehors the record" and therefore of no authority as a legal decision.¹⁴ While Bates emphasized that he did not concur with the Aristotelian notion that political rights flowed naturally from citizenship (how could he after defining women and children as well as free blacks as citizens?) his ruling made the citizenship portion of the Dred Scott decision a dead letter.

Edward Bates was no friend of black suffrage and would emerge from the war a committed opponent of those Republicans who vaunted what he called "the absurd theory of the exact equality of all men."¹⁵ However, his liberal definition of citizenship was meat and drink not only to black leaders like Frederick Douglass but also to progressive Republicans at the heart of the Lincoln administration. Foremost among these humanitarian radicals was the Secretary of the Treasury, Salmon P. Chase. A churchgoing Episcopalian, committed opponent of Southern slavery, and a supporter of black suffrage as early as 1843, Chase had been one of the supreme architects of the republican coalition in the 1850s. In this capacity he had sometimes subordinated the fight against racial prejudice to the broader struggle against the slave power. Many contemporaries regarded him as an arrogant and aloof figure driven by an overweening ambition for the highest political office. The charge was by no means unjust but it should not be allowed to disguise the fact that Chase possessed a keen moral sense and a remarkably prescient awareness that the fate of the republic was closely bound up with that of African-Americans.

In common with most radical Republicans, Salmon Chase struggled not only with his own racial prejudices (which inclined him towards a

paternalistic attitude towards blacks) but also with the white supremacist assumptions of most Northern voters. Even while holding strong antislavery views, therefore, he could delude himself into thinking that blacks might be better off in Africa. Colonization proved to be attractive to many politicians in antebellum America and Chase was not unusual in regarding voluntary emigration as one solution to the problem of race relations in the United States. But while he gave a cautious welcome to President Lincoln's scheme to colonize blacks in Central America as late as November, 1861, wartime events convinced him that slavery, the engine of the rebellion, had to be destroyed; that blacks were morally entitled to equal rights under the law; and, crucially, that because Southern slaves were the only substantial loyal population in the South, liberated blacks ought to be enfranchised in order to counter the baleful influence of their former masters. By August, 1862, Chase could be heard in cabinet suggesting that eventually loyal blacks in the border slave states might be allowed to vote. For him, proven devotion to the Union—not race or color—should be the principal qualification for manhood suffrage.

Of course, the powerful Minister was well aware that the Dred Scott decision constituted a major obstacle to franchise extension at a time when the process of Reconstruction was already beginning in Union-occupied areas of the South. If the government did not consider blacks to be national citizens then clearly it would find it difficult to convince anyone that the race should enjoy the same political privileges as whites. When, on August 5, 1862, a black skipper was detained off the coast of New Jersey on the grounds that only U.S. citizens were allowed to captain vessels engaged in the coasting trade, Chase therefore seized the opportunity to ask Attorney General Bates to consider the simple question: "are colored men Citizens of the U.S., and therefore Competent to command American vessels?"¹⁶ Although, as shown above, Bates answered in the affirmative without endorsing black suffrage, Chase knew all along that male citizenship and suffrage were closely equated in the public mind and that therefore an official declaration that free blacks enjoyed national citizenship was likely to prove a potent weapon in the nascent struggle to influence Reconstruction. Like Frederick Douglass, the secretary would make the leap from citizenship to suffrage with consummate ease.

Black Suffrage and Wartime Reconstruction

Had the issues of Reconstruction and black ballots not become intertwined during the middle of the Civil War it is far from clear that the suffrage issue would have become a matter for widespread political debate by early 1865. True, the heroic performance of black regiments such as the 54th Massachusetts at Fort Wagner, South Carolina, in July, 1863, earned

African-Americans the grudging respect of many northerners, including racist Union troops, but in themselves such glorious deeds would not have been translated automatically into franchise extension. It was the growing realization, promoted strenuously by radical Republicans, that most white southerners were likely to prove ambivalent Unionists, even after military defeat, that finally brought the suffrage question center-stage.

In this respect Salmon Chase was ahead of the game. Seeking to build on Bates's opinion during 1863, the Secretary took every opportunity to disseminate his belief that blacks were fellow human beings worthy of respect. Rightly conscious of the way in which language was used to depersonalize the mass of black slaves encountered by the Union armies, he insisted that federal officials abandon the initially popular label of "contraband" in favor of "freedmen, Afric-Americans, blacks, negroes, [or] colored citizens."¹⁷ More important, perhaps, he labored to enshrine black suffrage as a central feature of government Reconstruction policy in the state of Louisiana, which began to emerge as the focal point for a potentially disastrous split between radical and non-radical Republicans in Washington and in the country at large.

In late January, 1863, several months after Union forces had occupied New Orleans and the surrounding sugar parishes, Major General Nathaniel P. Banks, the federal commander of the Department of the Gulf, laid the foundations for a controversial labor system designed to keep Louisiana's slaves at work on the sugar plantations. Slave-born blacks who did not enlist were to perform paid work in the fields at wage rates determined by the government. While the new system gradually came under attack from radicals for allegedly bolstering a status quo based on coercion, President Lincoln chose to regard it as an acceptable form of apprenticeship and pressed on with his own policy of restoration. Suspicious of imposed solutions, and desirous of encouraging self-reconstruction on the part of Southern whites, Lincoln told Banks in August, 1863, to make haste in creating a free state government in New Orleans. While he expressed a desire that local blacks should be liberated and educated by the new regime, the President's missive made no mention of black suffrage. Why should it have done? Was it not the case that Louisiana blacks were a downtrodden race, degraded (perhaps through no fault of their own) by slavery, and therefore incapable of voting as enlightened citizens of a modern, free-labor republic? Even if Lincoln had privately favored franchise extension at this stage, his political sixth sense would have told him that Northern voters would not accept it.

Chase's determination to make loyalty the cornerstone of federal Reconstruction policy gathered pace in late 1863 as Lincoln prodded his military commanders in New Orleans to redouble their efforts to hold elections for a new state legislature prior to the meeting of a constitutional

convention that would expunge slavery from the state's organic law. The Ohioan's enthusiasm for black suffrage was not shared by any white Louisiana Unionists (or, for that matter, his own faction of Treasury agents in New Orleans) but his commitment to franchise extension gelled neatly with the vociferous demand of local free blacks for political suffrage. Uniquely (because of its former status as a French and Spanish port in the eighteenth century) New Orleans possessed a large population of around 11,000 free blacks (mainly light-skinned mulattos), significant numbers of whom were wealthy, well educated, and enrolled in the armed forces of the United States. When election preparations finally got under way in late 1863 the *gens de couleur* agreed to petition the local military commander for the vote and, if unsuccessful, to take their case to Washington. Shortly afterwards Chase wrote to the president of the Free State Committee in New Orleans, Thomas Durant, making known his wish that "colored citizens" should be registered to vote in the forthcoming elections. This policy was, he said, in full conformity with the Attorney General's opinion on black citizenship and required on the grounds of justice and the security of the Union.¹⁸

In spite of being a former slaveholder, Durant understood the political advantages of acting in conformity with a powerful patron in Washington and ingratiating himself with the assertive creole population of New Orleans. Consequently, when he responded to Chase on December 4, he expressed himself in favor of enfranchising free-born blacks as "an act well founded in justice."¹⁹ As Durant's letter made its way to Washington President Lincoln finally delivered a Proclamation of Amnesty and Reconstruction designed to speed up the process of restoration and emancipation in the occupied South. Whenever 10 percent of Southern white voters in a rebel state had taken an oath of future loyalty to the Union they were invited to form a free state government which would abolish slavery and dispatch delegates to Congress. Significantly, there was no provision in this document for either limited black suffrage or the extension of even basic civil rights to blacks. Undaunted, Chase used Durant's support for franchise extension to elicit what appears to have been the first endorsement of this policy from the White House. As Chase explained events to Durant at the end of 1863, the Secretary told the President of Durant's views, whereupon Lincoln "said he could see no objection to the registering of such citizens [the *gens de couleur*], or to their exercise of the right of suffrage."²⁰

This was clever work on Chase's part—prodding one of the South's leading Unionists to endorse at least limited suffrage for blacks and then using that endorsement to secure Lincoln's acquiescence in franchise extension in Louisiana. The Secretary's efforts, however, to promote reform did not stop here. At the close of his communication with Durant he ventured the hope that the forthcoming Louisiana constitutional convention would

go beyond suffrage for free-born blacks and adopt the principle of “universal suffrage of all men, unconvicted of crime, who can read and write, and have a fair knowledge of the Constitution of the State and of the United States.”²¹ Here was a bold declaration in favor of impartial suffrage for all races—including not only the *gens de couleur* but also the freedmen who would be liberated by the new Constitution. In order that his views should reach a wider public, Chase also wrote to Horace Greeley, editor of the *New York Tribune*, suggesting that the influential Republican editor should indicate his support for black suffrage. In spite of his record as a pragmatic reformer Greeley agreed that the issue should be aired in public. “‘Conservatism’ will howl at the thought of ‘Negro Suffrage,’” he responded on December 31, “but we shall have to keep it horrified for a while yet.”²²

At this stage Chase’s views ran ahead of those held by Durant and his free black allies in New Orleans. Few white Louisiana Unionists or *gens de couleur* were enthusiastic about admitting tens of thousands of recently liberated bondsmen to the body politic. They were certainly anathema to the sugar planters of southern Louisiana whose views exerted a significant influence on the military government. As a result the Banks regime, lacking as it did any instructions to the contrary from Lincoln, made no attempt to register any blacks during the winter of 1863–64 and began to throw its weight behind the moderate Unionist faction headed by Durant’s rival, Michael Hahn. Outraged, the predominantly mulatto creoles dispatched a two-man delegation to Washington with a petition praying for the enfranchisement of free blacks in Louisiana.

By the time Arnold Bertonneau, a rich wine merchant, and J. B. Roudanez, a plantation engineer, arrived at the capital in March they discovered that radical Republicans in Congress were already worried about the apparent conservatism of Lincoln’s Ten Percent plan. The latter, it was alleged, made it too easy for rebels to regain power and offered no security for loyal citizens, including the former slaves. As early as January, 1864, one of Chase’s long-time allies in Ohio, Representative James M. Ashley, attempted to place on to the House agenda a Bill providing for the enrolment of all loyal male citizens over the age of twenty-one. His effort failed but it was nonetheless an important statement that radicals did not see partial suffrage as an adequate solution to the problem of reestablishing Southern loyalty to the Union. Keen to make universal or impartial suffrage a fundamental element of Reconstruction, Senator Charles Sumner of Massachusetts, a staunch supporter of black civil rights and another Chase ally, persuaded the two creoles to adapt their petition to suit the broader national goals of the radical Republicans. Whereas the original document had called for the enfranchisement of “colored” men who were free before the Civil War (i.e., the *gens de couleur*), the revised petition requested the suffrage for all Louisiana blacks “whether born slave or free, especially those who have

vindicated their right to vote by bearing arms.”²³ On March 12 Bertonneau and Roudinez were granted an audience at the White House. As Chase’s meeting with the president in December had already revealed, Lincoln was now personally in favor of some form of suffrage for African-Americans (quite probably because he sensed that support for reform was gaining momentum within the Republican Party and genuinely respected the role which blacks were now playing in the war). The following day he took positive action to spur suffrage reform in Louisiana by writing a brief letter to the state’s new Unionist governor, Michael Hahn, who had been elected on February 22 against the opposition of Durant and his ally in the New Orleans customs house, Benjamin Flanders. The pro-Chase Flanders camp (which had been outraged by Major General Banks’s insistence that elections should be held under the unreformed antebellum constitution) had downplayed the issue of black suffrage during the campaign but Hahn’s supporters had made use of Durant’s alliance with the *gens de couleur* to appeal to the racism of local white Unionists. In his letter to the governor Lincoln asked if the forthcoming constitutional convention might not provide for partial suffrage extension to blacks. “I barely suggest for your private consideration,” he wrote,

whether some of the colored people may not be let in—as, for instance, the very intelligent, and especially those who have fought gallantly in our ranks. They would probably help, in some trying time to come, to keep the jewel of liberty within the family of freedom. But this is only a suggestion, not to the public, but to you alone.²⁴

Although the historian LaWanda Cox has asserted that this letter reveals the gap between the radicals and Lincoln on black rights to have been smaller than often supposed, it is clear that, unlike the radicals, the President was not prepared to insist on partial suffrage—still less on impartial or universal suffrage—as a fundamental condition of Reconstruction. Initially, his views had minimal impact on events in Louisiana. The Banks–Hahn administration did attempt to enrol mulattoes for the constitutional convention elections but legal restrictions, the extent of white supremacist feeling, and the tentative wording of Lincoln’s letter curtailed the effort. When the lilywhite convention met during the spring and summer of 1864 the delegates took care to meet Lincoln’s non-negotiable demand for emancipation. However, the furthest they were prepared to move on suffrage (and Lincoln’s wishes were made known to key members of the convention) was to make provision for the state legislature to enfranchise blacks at some point in the future.

While debate over Reconstruction remained an issue confined largely to political elites, African-American leaders believed that events were moving

in the desired direction. Determined as ever to assert their rights, they lost no opportunity in the early months of 1864 to press the suffrage issue on a Northern public preoccupied with the progress of the war. In April Frederick Douglass spoke in Boston at a dinner held in honor of the two New Orleans creoles, Roudanez and Bertonneau. Present were many members of the antislavery elite of Massachusetts, among them the Republican governor, John A. Andrew, and the veteran abolitionist William Lloyd Garrison. Douglass urged his mainly white listeners to strike while the iron was hot. “We are in a malleable state now, we are melted,” he insisted, “but let the arm of this rebellion be broken, let their weapons be flung away, and I fear that again we shall mistake prosperity for righteousness, and forget those brave negroes who are standing up in defense of the government.” The gentlemen of Massachusetts, he urged, should exert their influence immediately “for the complete, absolute, unqualified enfranchisement of the colored people of the South. . . .”²⁵

The black abolitionist leader’s insistence on the need for haste may well have been influenced by an awareness that the franchise question was nearing the top of the Republican agenda. Although James Ashley’s black suffrage proposal had been shelved in January, twenty-two out of thirty-one Senate Republicans had recently voted to strike the word “white” from a House Bill providing for elections in Montana Territory. By no means all of those moderates who voted for the measure regarded it as a test case for Southern Reconstruction. There was, after all, no doubt that Congress had the constitutional authority to impose suffrage qualifications on a federal territory and there were few African-Americans living in Montana at the time. However, Charles Sumner, who led the fight to enfranchise all adult male citizens in the territory, clearly intended that the vote should be regarded as a precedent for the upcoming debate over a congressional alternative to Lincoln’s Ten Percent plan. The refusal of roughly a third of House Republicans to support the Senate’s actions eventually forced the upper chamber to withdraw from its amendment but in May Sumner tried to attach franchise extension to a Bill to amend the charter of Washington, DC. This time he failed to secure majority backing from copartisans in the Senate. In June Congress finally passed the Wade–Davis Reconstruction Bill. No provision was made for black suffrage, in part because pragmatic radicals like Benjamin Wade of Ohio recognized the extent of opposition to the measure from conservative and moderate Republicans and chose to prioritize legislative control of Reconstruction policy over equal rights. Only Sumner and four other Senate radicals backed a motion to make impartial suffrage a central feature of congressional reconstruction.

By the summer of 1864 it appeared that the country was not ready for black suffrage. While war-driven events meant that there was significant support for the measure among Republicans in Washington, there was

manifestly little unity on whether franchise extension should take the form of partial, impartial, or universal suffrage and even less on the divisive constitutional question of whether the policy could actually be imposed on the rebel states. In the country at large there was minimal enthusiasm for the issue among whites. Indeed, with a crucial presidential election looming—one which would determine whether the war was fought to a victorious conclusion—conservative Republicans were appalled that radicals in their own party would endanger the war effort through their advocacy of allegedly impractical measures. “It is amazing to me,” wrote a splenetic Henry J. Raymond, the editor of the pro-Lincoln *New York Times*,

to see men forcing the country into new contests as negro suffrage & negro rights of all kinds in the midst of the greatest contest the world has seen for a hundred years & while that, too, is undecided. For our sanguine expectations of victory will be blasted hopelessly, if these new issues are permitted to distract the public mind & divide loyal men.²⁶

Raymond was right to fear divisions among the Union ranks. By mid-1864 the paucity of Union successes on the battlefield had combined with opposition to the President’s lenient Reconstruction policy to promote a concerted movement against Lincoln’s renomination by the Republican-dominated Union party coalition. Initially, Salmon P. Chase had hoped to benefit from the groundswell of dissent, but the President’s impressive grassroots popularity and control of the patronage had put paid to Chase’s covert candidacy at the beginning of the year. Abolitionists on the radical wing of the New England Anti-slavery Society, however, were in no mood to stomach four more years of the Railsplitter, and many of them united with dissident Democrats and German-American radicals to nominate John C. Frémont for president in May, 1864. The Cleveland convention cheered a letter from Wendell Phillips calling for land and the ballot to be given to Southern loyalists, black and white. It also adopted a platform advocating congressional control of Reconstruction and the adoption of a constitutional amendment to “secure to all men absolute equality before the law.”²⁷ Pro-suffrage men like Parker Pillsbury were far from happy with the vagueness of this latter clause but the presence of Democrats at the convention meant that it was the most radical plank they could achieve.

In the event black suffrage played only a minor role in the 1864 election campaign. The Democrats did try to use Republican backing for franchise extension to convince white voters that their opponents stood for racial amalgamation. But Lincoln, renominated by his party in June, had made no public endorsement of black rights beyond emancipation, and the Union platform remained predictably silent on the issue. As a result, when the tide

of war turned in favor of the North after the fall of Atlanta in September, Peace Democrats and Frémont supporters alike found their causes in terminal decline. Lincoln's triumphant reelection in November appeared to make him master of events.

The Coming Question: Black Suffrage at the Close of the Civil War

During the first week of October, 144 black delegates, some of them Union soldiers, gathered at the National Colored Men's Convention in Syracuse, New York, to establish the National Equal Rights League. The organization's principal objective was to lobby for equal suffrage across the United States. "We want the elective franchise in all the States now in the Union," read an address drafted by Frederick Douglass. John Rock, a black Massachusetts lawyer who had once cast doubt on the Republican commitment to equal rights, underscored the importance of the suffrage but added that it was crucial for blacks to recognize that there were now only two parties in the America: the Democrats, who represented despotism and slavery, and the Republicans, who stood for freedom and the Union. Such polarized and partisan rhetoric was tested to the limit during the winter of 1864–65 when the tangled issues of Reconstruction and black suffrage were debated in Congress. Once again, events in Louisiana played an important role in the final outcome.

By the time Congress reconvened in early December it was evident that the war was virtually won. However, the President and congressional leaders were determined to secure passage of a constitutional amendment to secure the final and complete abolition of slavery, widely understood to be the main cause of the rebellion. Equally important was Lincoln's desire to push ahead with his lenient plan of Reconstruction, ideally with the support of Republicans in Congress. The request of Senators and Representatives from Louisiana to be seated was likely to prove a major test for executive policy, not least because the New Orleans legislature had declined to mandate any form of black suffrage during the autumn, thereby infuriating local blacks (both *gens de couleur* and freedmen) and the radical Republican and abolitionist critics of the Hahn–Banks administration. Knowing the President's personal wish for limited black suffrage, Governor Hahn had urged franchise extension, but to no avail. In common with Hahn, both Lincoln and Banks (whom the President ordered to Washington to lobby for the admission of Louisiana) were prepared to endorse suffrage for intelligent blacks and those who had fought for the Union. But crucially none of them tolerated the imposition of such a measure on any state. The Constitution appeared not to allow it, and, besides, any attempt to force the measure on Southern whites might damage the prospects for a speedy Reconstruction and, quite possibly, endanger the Union party coalition in

the North. Large numbers of Republicans in Washington, moderates as well as radicals, rejected such conservatism as likely to threaten the security of the Union after the war. Traitors must be punished; loyal southerners (black and white) should be allowed to protect themselves through the ballot box; and Congress was empowered under the Constitution to guarantee a republican form of government to every state in the Union.

Against a background of strident black and abolitionist calls for suffrage reform during early 1865, Congress debated a new Reconstruction Bill which radicals hoped would inject some much-needed steel into the government's Southern policy. At first it seemed that an intraparty compromise between the President and radical Republicans might be possible. The original version of James Ashley's Reconstruction Bill proposed to recognize the Unionist government of Louisiana while enfranchising blacks in other Southern states. Lincoln liked much of what he saw in the Bill but, as recounted by his secretary, John Hay, thought one or two sections "rather calculated to conceal a feature which might be objectionable to some." Among these was the provision for black voting and jury service. According to Hay, Banks agreed with the President. "What you refer to," the general told Lincoln, "would be a fatal objection to the Bill. It would simply throw the Government into the hands of the blacks, as the white people under that arrangement would refuse to vote."²⁸

The administration's reluctance to impose even limited franchise extension on Southern whites combined with the radicals' enthusiasm for reform to destroy any hopes of compromise. Ashley's Bill eventually died in the House and a radical filibuster in the Senate led by Charles Sumner prevented the recognition of Louisiana. Stalemate on these issues did not prevent Congress from creating a Freedmen's Bureau to oversee the transition from slave to free labor in the South or, even more momentously, from passing the Thirteenth Amendment to extirpate slavery from the national domain. However, the plain fact is that, by the spring of 1865, black suffrage had not yet received official endorsement from the federal government.

As the Civil War drew to a close the Republican Party was seriously split over black suffrage. Much support existed for the measure among radicals and moderates. Although the fear of grassroots racism caused most (but by no means all) Republicans to maintain a pragmatic silence on the controversial topic of enfranchising Northern blacks, the notion that the ballot could be an important weapon in the hands of the loyal freedmen appealed to supporters of *laissez-faire* as well as state intervention within the ruling party. If blacks did not merit the franchise as equal men or because of their service to the Union, then they might well be entitled to it on the grounds of national security. Such arguments were debated increasingly seriously in the Northern press during the opening months of 1865 and even garnered the grudging support of conservative Republicans such as Samuel

Bowles, whose *Springfield Republican* endorsed impartial suffrage nearly a month before Appomattox.²⁹ Given the momentum on this issue generated by blacks and their antislavery allies and the Northern public's war-driven attachment to Abraham Lincoln and the Republican Party, it is not impossible that a decisive commitment to partial or even impartial suffrage on the part of the White House in early 1865 could have made the measure an intrinsic feature of postwar Reconstruction policy. To the last, however, the President's attitude to the reform remained a cautious one. Influenced by his own border-state Whiggery, a temperamental dislike of extreme measures, an astute awareness of white racism among the voters, and a genuine respect for the role that blacks had played in defeating the Confederacy, Lincoln found himself, in his last public address, willing to declare a personal preference for partial suffrage but still unable to demand it as a condition of restoration. Convinced that the South's military defeat might not prove to be the end of the rebellion, radicals like Chase were still vigorously pressing their views on Lincoln in the final week of his life. "I am now convinced that universal suffrage is demanded by sound policy and impartial justice alike," wrote the new Supreme Court chief justice anxiously on April 11.³⁰ Three days later, on the morning before the President's assassination, Chase was driving over to the White House to discuss the role of universal suffrage in Reconstruction when he abruptly changed his mind on the grounds that "my talk might annoy him [Lincoln] and do harm rather than good."³¹

Chase's sense that the President might have had a bellyful of his conversation could well be taken as an indication that Lincoln was equally satiated with radical demands for black suffrage. However, even this interpretation does not necessarily mean that franchise extension was dead in the water by April, 1865, and that only Andrew Johnson's excessively lenient attitude to the white South and the Republicans' alleged need for black votes in the North were responsible for the party's decision to commit itself to black suffrage after 1867. Given his own personal preferences, and his proven capacity for intellectual growth on racial matters, it is likely that, had Lincoln lived, early evidence of postwar Confederate obstructionism would have wrought an intraparty consensus on limited suffrage by the end of 1865. There was much left for veteran campaigners like Frederick Douglass to do, but at the end of the Civil War African-Americans had sound reasons for thinking that their contribution to the nation's survival would not be in vain.

Notes

1. A. Lincoln, "Last public address," April 11, 1865, in R. P. Basler, ed., *The Collected Works of Abraham Lincoln* (New Brunswick, NJ, 1953) VIII, p. 403.

2. Wartime supporters of black suffrage considered several forms of franchise reform. At the conservative end of the scale partial suffrage involved the imposition of certain tests on potential black voters alone (e.g., literacy tests, military service, payment of taxes). Impartial (or equal) suffrage required such tests to be applied to blacks and whites alike. The most radical reformers favored universal suffrage which would confer the ballot on all adult males regardless of color.
3. R. Purvis, quoted in N. Salvatore, *We All Got History: The Memory Books of Amos Webber* (New York, 1997), p. 24.
4. J. Schor, *Henry Highland Garnet: A Voice of Black Radicalism in the Nineteenth* (Westport, CT, and London, 1977), p. 92.
5. F. Douglass, "We ask only for our rights" (September 4, 1855) in J. W. Blassingame, ed., *The Frederick Douglass Papers*, Series I, *Speeches, Debates, and Interviews III* (New Haven, CT, and London, 1985), p. 93.
6. T. L. McLaughlin, "Grass-roots Attitudes toward Black Rights in Twelve Non-slave-holding States, 1846–1869," *Mid-America* 56 (1974), p. 176. The Wisconsin referendum should be treated as anomalous because large numbers of voters ensured the defeat of black suffrage in 1849 by refusing to vote on the issue.
7. R. J. Cook, *Baptism of Fire: The Republican Party in Iowa, 1838–1878* (Ames, IA, 1994), p. 93.
8. P. F. Field, "Republicans and Black Suffrage in New York State: The Grass-roots Response," *Civil War History* 22 (1975), pp. 142–3.
9. H. F. Douglass, cited in J. M. McPherson, ed., *The Negro's Civil War: How American Blacks Felt and Acted during the War for the Union* (New York, 1991), p. 6.
10. Douglass, quoted in McPherson, *The Negro's Civil War*, p. 34.
11. D. W. Blight, *Frederick Douglass' Civil War: Keeping Faith in Jubilee* (Baton Rouge, LA, and London, 1989), p. 164.
12. F. Douglass, "The Proclamation and the Negro Army" (February 6, 1863) in Blassingame, *Douglass Papers III*, pp. 549–50.
13. F. Douglass, "The Present and Future of the Colored Race in America" (May 15, 1863) in Blassingame, *Douglass Papers III*, pp. 570–2.
14. E. Bates to S. P. Chase, November 29, 1862, in J. M. McClure, L. Johnson, K. Norman, and M. Vanderlan, eds., "Circumventing the Dred Scott Decision: Edward Bates, Salmon P. Chase, and the Citizenship of African-Americans," *Civil War History* 43 (1997), p. 309.
15. H. K. Beale, ed., *The Diary of Edward Bates, 1859–1866* (Washington, DC, 1933), p. 445.
16. S. P. Chase to E. Bates, September 24, 1862, in McClure et al., "Dred Scott Decision," p. 288.
17. Chase to J. M. McKaye, July 25, 1863, Salmon P. Chase Papers (UPA microfilm edition), reel 28, frame 25.
18. Chase to T. J. Durant, November 19, 1863, Chase Papers, frames 913–14.
19. Durant to Chase, December 4, 1863, Chase Papers, reel 30, frame 182.
20. Chase to Durant, December 28, 1863, Chase Papers, reel 30, frame 635.
21. Chase to Durant, December 28, 1863, Chase Papers, reel 30, frame 636.
22. H. Greeley to Chase, December 31, 1863, Chase Papers, reel 30, frame 726.
23. T. Tunnell, *Crucible of Reconstruction: War, Radicalism, and Race in Louisiana, 1862–1877* (Baton Rouge, LA, and London, 1984), p. 78.
24. A. Lincoln to M. Hahn, March 13, 1864, in Basler, *Collected Works VII*, p. 243.
25. F. Douglass, "Representatives of the Future South" (April 12, 1864), in J. W. Blassingame and J. R. McKivigan, eds., *The Frederick Douglass Papers I*, p. iv (New Haven, CT, and London, 1991), pp. 27–8.
26. H. J. Raymond to J. R. Doolittle, April 30, 1864, J. R. Doolittle Papers, Library of Congress (mic).
27. J. M. McPherson, *The Struggle for Equality: Abolitionists and the Negro in the Civil War and Reconstruction* (Princeton, NJ, 1964), p. 270.
28. T. Dennett, *Lincoln and the Civil War in the Diaries and Letters of John Hay* (New York, 1988), pp. 244–5.
29. Springfield [MA] *Weekly Republican*, March 11, 1865, p. 2.
30. Chase to Lincoln, April 11, 1865, in Basler, *Collected Works VIII*, p. 401 n.
31. D. Donald, ed., *Inside Lincoln's Cabinet: The Civil War Diaries of Salmon P. Chase* (New York, London, and Toronto, 1954), p. 264.

CHAPTER 11

“What did we go to war for?”

Confederate Emancipation and its Meaning

BRUCE LEVINE

During the first month of the Civil War, Jefferson Davis presented to the Confederate Congress a straightforward justification for secession and a now classic explanation for the war's origins. Over the decades, Davis explained, the South's slave labor force had “convert[ed] hundreds of thousands of square miles of wilderness into cultivated lands covered with a prosperous people,” while “the productions in the South of cotton, rice, sugar, and tobacco . . . had swollen to an amount which formed nearly three-quarters of the exports of the whole United States and had become absolutely necessary to the wants of civilized man.” “For the full development and continuance” of such achievements, Davis stressed, “the labor of African slaves was and is indispensable.” Naturally, then, “with interests of such overwhelming magnitude imperiled,” secession was necessary.¹

After decades of scholarly struggle, the prevailing interpretation today of the war's causes follows Davis's speech in placing slavery at center stage. And yet, just four years later, Confederate President Jefferson Davis was advocating the large-scale emancipation of the most able-bodied male slaves of the South in exchange for their taking up arms and fighting on behalf of the Confederacy against Union forces. To every slave ready to accept such an offer, Davis's government proposed to say, “Go and fight; you are free.”² That policy has attracted a considerable amount of attention over the years.³ Much of it has tended to place a question mark over the centrality of slavery to the Confederate cause. Did these events not demonstrate, after all, that other values—cultural, political, philosophical—proved more important (or, at least, more enduring) than attachment to a plantation system based on

unfree labor? A hundred years ago the public obtained its first look at many of the documents produced in the course of the Confederacy's debate about arming and freeing its slaves. A quarter of a century ago a documentary collection focused entirely on that subject appeared.⁴ The intervening years have not dispelled the cloud of confusion that hangs over the meaning of this story.⁵ These anniversaries provide a convenient occasion for reconsidering the matter.

Once it became clear that the war would be no glorious and swiftly consummated adventure, the Union's overwhelming numerical superiority in adult white males led individual Confederate loyalists to look for other sources of military manpower.⁶ But an important turning point came during the second half of 1863, when the Confederacy suffered devastating blows in the war's western theatre. The fall of Vicksburg, Mississippi, and Port Hudson, Louisiana, in July of 1863 completed the Union's conquest of the Mississippi River, the South's chief inland water route, thereby physically splitting the Confederacy and opening the way for the penetration of Union forces deep into the heartland of the cotton kingdom. Lee's stunning and immensely costly defeat at Gettysburg that same month deepened a sense of foreboding among highly placed Confederate leaders.⁷ These reversals posed much more urgently than before the question of manpower and possible sources thereof. In the fall of 1863 the Alabama legislature endorsed the enlistment of slaves as soldiers.⁸

The first fully argued Confederate proposal for arming and freeing slaves came in December, 1863, from the pen of Major General Patrick Cleburne, an energetic, courageous, and highly regarded division commander in the Confederate Army of Tennessee, a man known for the clinical detachment of his judgment. Cleburne's beleaguered army, its ranks already plagued by low morale and its officer corps riven with dissension, had in November come face to face with the enemy's numerical superiority. Union reinforcements that month breached the siege of Chattanooga, after which the augmented force simply burst out of that city's confines, hurling Braxton Bragg's troops from its seemingly impregnable position on nearby Missionary Ridge.⁹

Afterwards, as the Army of Tennessee licked its wounds in winter quarters in northwest Georgia, Patrick Cleburne considered the hard lessons to be learned and the grim choices to be faced.¹⁰ In a careful and lengthy memorandum Cleburne pointed to the lopsided relationship of forces between Confederate and Union armies, as a result of which "our soldiers can see no end . . . except in our own exhaustion; hence, instead of rising to the occasion, they are sinking into a fatal apathy, growing weary of hardships and slaughter which promise no results."

Cleburne therefore proposed "that we immediately commence training a large reserve of the most courageous of our slaves, and further that we

guarantee freedom within a reasonable time to every slave in the South who shall remain true to the Confederacy in this war.” This alone would supply the Confederacy with the combat forces so sorely required. Nor did Cleburne shrink from the further implications of this proposal. “If we arm and train him and make him fight for the country in her hour of dire distress, every consideration of principle and policy demand that we should set him and his whole race who side with us free.”¹¹

This was a remarkable recommendation, to say the least. More remarkable still was the aftermath. When Cleburne circulated his memo among the officers in his command, four brigade commanders, ten regimental commanders and one cavalry division commander added their signatures to his. Encouraged by this support, Cleburne then invited all general officers, including the newly appointed commander, Joseph E. Johnston, to meet with him the evening of January 2 at the headquarters of General William Hardee. There Cleburne read the memo aloud, to a mixed reception. Informed of these events, Secretary of War James Seddon ordered Johnston to suppress “not only the memorial itself, but likewise all discussion and controversy respecting or growing out of it.” Johnston quickly complied, as did Cleburne.¹²

But though discussion of Cleburne’s proposal was suppressed, and Cleburne himself died in battle before the year was out, the further deterioration of the Confederacy’s situation kept alive the idea that Cleburne had raised.¹³ The fall of Atlanta in September, 1864, had not only great military significance, demonstrating that the balance of forces in the field had irrevocably tilted in favor of the North. It also ensured the reelection of Lincoln and a landslide congressional victory in the North for a Republican Party determined to employ that military superiority to prosecute the war down to the unconditional surrender of the South. Sherman’s occupation of Savannah in December sharpened the Confederate sense of desperation. “Demoralization is rife in our armies,” came a report from southwestern Georgia in early 1865, “and among the people at home the sign of succumbing may be seen. . . . treason is stalking the land.”¹⁴

From that point onward, the Confederate government received a steady stream of reports testifying to the collapse of morale both in army and on the home front. Stationed near Petersburg, Sergeant Alexander W. Cooper felt “compelled by inexorable duty” to inform Jefferson Davis that “the elements from which you have heretofore drawn your armies is exhausted,” leaving the ranks filled with “the mere dreggs [*sic*] of the noble armies that have so far sustained the Confederacy.”¹⁵ A report from Sherman’s path affirmed that “we must be overrun if an adequate force is not thrown into the field to check the Yankees.”¹⁶ Assessing the relationship of forces in the field in November, 1864, Robert E. Lee summarized, simply, “The inequality is too great.”¹⁷ From Greenville, Meriwether County, in western Georgia,

came this alarming assessment of popular morale: “If the question were put to the people of this state, whether to continue the war or return to the union, a large majority would vote for a return.” Indeed, this writer added, he “almost inclined to believe that they would do it if *emancipation* was the *condition*.”¹⁸ With matters in such a state, it was no wonder that in early November a lower South newspaper discovered “a growing disposition within the Confederacy to make soldiers of the negroes.”¹⁹ Governor William Smith of Virginia now endorsed the proposal, followed shortly afterward by Governor Henry W. Allen of Louisiana.²⁰

Jefferson Davis publicly embraced limited manumission as a war measure in a message to the Confederate Congress on November 7, 1864. He proposed that the government purchase outright 40,000 slaves and train them to serve as military laborers. Because performing such duties at the front would require not mere submission but positive motivation (“loyalty and zeal”), Davis urged that such slave laborers be promised eventual freedom and the right to enjoy that freedom after the war within their home states. And while he expressed the cautious view that black *troops* were not yet needed, he did open the door to that eventuality, asserting that “should the alternative ever be presented of subjugation or of the employment of the slave as a soldier, there seems no reason to doubt what should then be our decision.” Davis’s Secretary of State and closest cabinet advisor, Judah P. Benjamin, endorsed emancipation not only for such slaves but also for their families.²¹

On February 10 Mississippi Congressman Ethelbert Barksdale introduced a measure in the Confederate House of Representatives calling for the arming of slaves. A legislative committee reviewed and reported favorably upon it within a matter of days.²² Further support now came, on February 18, 1865, from Robert E. Lee, newly appointed Confederate general-in-chief. In a letter to Barksdale intended for broader circulation, Lee endorsed the proposal to make slaves into soldiers. “I think the measure not only expedient but necessary,” Lee wrote, urging in addition that “those who are employed should be freed. It would be neither just nor wise, in my opinion, to require them to serve as slaves.”²³ Supporting letters and petitions came flooding in from Confederate officers and enlisted men alike.²⁴

On February 20, in secret session, the House passed Barksdale’s resolution in a close vote.²⁵ The Senate at first balked, but after the Davis administration successfully appealed to the Virginia legislature to instruct its senators to support the measure, the Confederate upper House reconsidered and passed the House Bill by another narrow majority on 13 March. The new law stipulated that “nothing . . . shall be construed to authorize a change in the relation which the said slaves shall bear to their owners, except by consent of the owners and of the States in which they reside.” What Congress withheld Davis tried to reintroduce on his own initiative. Slaves enrolled in

the newly created units would become free men not after completing their service but as soon as they enlisted—with their masters' consent.²⁶

In military terms the measure was fruitless. The Confederate War Office issued the necessary orders only on March 23, 1865, just two weeks before Appomattox. But such orders, however belated, have understandably attracted the attention of generations of historians anxious to determine what this extraordinary chapter in Southern history signified about the nature of the Confederacy and its evolution.

Most commentators have treated the proposal to emancipate slaves in return for military service as *prima facie* evidence of a weak (or, at least, a weakened) commitment to the economic interests and institutions—plantation agriculture based on unfree black labor—of the Southern elite. Some have argued that a firm commitment to those interests had, in fact, never been central to the Confederate cause. Others contended that it had but that the socioeconomic stakes had declined in importance during the war years, to be replaced by a nationalistic commitment to Southern independence for its own sake. Still others, declining to characterize the Confederate leadership as a whole in such terms, have nonetheless presented the proposal's chief architects in this light.

This general understanding of the proposal's significance originated in the Confederacy's wartime debate itself. Planter resistance to the Confederate government's interference with their slave property, especially through impressment, was notorious. "They give up their sons, husbands, brothers and friends," caustically observed one Confederate Congressman, "and often without murmuring; but let one of their negroes be taken, and what a houl [*sic*] you will hear."²⁷ The response to the Cleburne–Davis policy was naturally even shriller. Planter critics saw it as an abandonment—indeed, a betrayal—of their core interests. The Charleston *Mercury* responded to Jefferson Davis's November, 1864, Message to Congress by recalling that "the mere agitation in the Northern States to effect the emancipation of our slaves largely contributed to our separation from them." And now, the *Mercury* added in tones of incredulity, "before a Confederacy which we established to put at rest forever all such agitation is four years old, we find the proposition gravely submitted that the Confederate Government should emancipate slaves in the States."²⁸ Virginia's Robert M. T. Hunter, president pro tempore of the Confederate Senate, asked in amazement, "What did we go to war for, if not to protect our property?"²⁹ Where was the logic, demanded these critics and many others, in defending slavery with measures that dissolved it?³⁰

Regarding the proposal as subversive led logically to viewing its supporters as, at best, indifferent to the defining institutions of the Old South's economy and society. Generals Braxton Bragg and W. H. T. Walker of the Army of Tennessee denounced Patrick Cleburne and his cothinkers as leaders of an

“abolition party” who “should be watched.”³¹ Even the already sainted Robert E. Lee found his loyalty questioned when he endorsed Davis’s plans months later. An enraged Charleston *Mercury* attributed Lee’s position “a profound disbelief in the institution of slavery” that could be traced back through the political opinions of “some of the strongest and most influential names and individuals in Virginia.”³² Closer to home, the Richmond *Examiner* also questioned Lee’s standing as “a good southerner.”³³ Belief that the debate pitted those who prioritized the Confederacy’s socioeconomic foundations against pure Southern nationalists attached primarily to independence per se drew additional strength from at least some of the proposal’s defenders and their public justifications. Following republican rhetorical practice, the latter tended to elevate the claims of patriotic duty over selfish pre-occupations with wealth and property.³⁴

This understanding of the proposal’s meaning was powerfully reinforced in the postwar era, when the Confederacy’s apologists, with Jefferson Davis and Alexander Stephens in the lead, sought retrospectively to minimize the centrality of slavery to the Southern cause.³⁵ In 1869 the journalist Edward A. Pollard, previously associated with the ardently secessionist Richmond *Examiner*, specifically introduced the Davis administration’s manumission plans as evidence that the Confederate leadership as a whole had harbored little enthusiasm about slavery. That program of “Negro enlistments and consequent emancipation,” Pollard contended, demonstrated that slavery had been merely “an inferior object of the contest—surely not the chief cause and end of the war, as Northern writers have been forward to misrepresent.” That hierarchy of Confederate priorities, he continued, also explained “the easy assent which the South gave to the extinction of Slavery at the last.”³⁶

Modern scholars with little sympathy for such post facto apologies have reaffirmed that slavery was indeed the cornerstone of the old South and that its defence was central to secession and the creation of the Confederacy. But many of them have had difficulty reconciling that general view with the particular proposal to arm and free Confederate slaves. Robert F. Durden dealt with the problem by minimizing the extent of the support for the Cleburne–Davis measures, stressing the furious resistance to the enterprise mounted by so many planters and the Confederate Congress’s consequent refusal to offer manumission to prospective slave soldiers, even at the eleventh hour. But, in characterizing the Cleburne–Davis camp, Durden did attribute to it a fundamental difference with slavery’s last-ditch defenders. The latter, Durden held, were paralyzed by “parochialism and racial conservatism.” But the existence of the former, Durden believed, did reveal “that there was yet a reservoir of good will between the white and black races in the South, which reservoir was nearly tapped by the Confederacy.”³⁷

By no means all modern accounts of the Confederacy's debate give this much credit to Cleburne, Davis, and company. But some of the finest historians of the old South have argued that the arming-and-emancipating project reflected a relative disinterest in the fate of slavery and disregard for core planter interests. The drive to preserve a separate Southern nation, in their view, had become for some central leaders of the Confederacy an end in itself, one worth achieving even at the expense of the economic and social institutions for the sake of which the Confederacy had originally been constituted.³⁸ So, as Paul D. Escott saw it, the debate ranged those who recognized that "slavery was the basis of the planter class's wealth, power, and position in society" and therefore found the idea of voluntarily destroying that world, even in the ultimate crisis . . . almost unthinkable" against those, like Davis, for whom "from the first days of the war . . . [the] paramount goal was the attainment of independence."³⁹ For Emory Thomas, too, "the debate over arming the slaves was a debate over the South's entire racial attitude." Davis and his allies prized "independence over all other considerations"; at the end their "struggle had but one goal: independence, the ability to exist as a people."⁴⁰ Other able students of the South have come to similar conclusions.⁴¹

A fresh look at the Cleburne–Davis plan's details, its most candid justifications, and its broader social context, especially in light of the scholarship of the last couple of decades on slavery and emancipation, points to a different conclusion. This reevaluation challenges the view that the Confederacy's internal debate on this issue represented the clash of fundamentally distinct sets of values. It denies that the eventual, albeit belated, promulgation of the Cleburne–Davis plan meant the triumph of nationalist-political over planter-economic priorities. It argues instead that the dispute was primarily a tactical one, expressing only differing assessments of how best to defend the plantation system and how best to assure the continued availability of the relatively malleable and inexpensive labor that chattel slavery had previously provided. According to this analysis, advocates of arming and emancipating slaves championed a shrewder and more farsighted calculation of planter interests in the face of extremely adverse conditions. Because of the extent and ferocity of planter resistance, even at the Confederacy's eleventh hour, their plans could be implemented only by a regime in Richmond that was increasingly freed from planter control precisely by the conditions of a failing war effort.

A central premise of General Patrick Cleburne's thinking in late 1863 was that slavery was already a dying institution. As Union forces entered plantation districts, slaves abandoned their masters by the thousands in pursuit of freedom. This made its swiftest headway and left its deepest imprint on slavery in the western theatre—specifically, in the Union's seizure of the black-belt Mississippi River Valley, culminating in the summer of 1863

with the conquest of Vicksburg, Mississippi, and Port Hudson, Louisiana. By then, the Lincoln administration had recognized the military logic of the situation, incorporating emancipation into its war aims and recruiting black former slaves into its armed forces—some 180,000 by the war's end. Black Union troops had already played important and visible roles in the taking of Port Hudson, just as they did at the battles of Milliken's Bend and Fort Wagner.⁴² One Louisiana-born infantryman, proud of having volunteered for units raised in two states, attributed "the protracted duration of the war" to the role that former slaves were playing in and for the Union army. "Seward," this soldier noted, "has boldly laid down the proposition of an irresistible conflict between free and slave labor." In light of how the armed struggle itself had evolved, the Union's Secretary of State now "no doubt often recalls this, as the most sage remark of his life."⁴³

The impact of these developments on slavery was not limited to those districts actually occupied by Union troops, as W. E. B. Du Bois argued sixty years ago, and as modern scholars have amply documented.⁴⁴ Even within the unoccupied Confederacy, the obviously declining coercive power of owners emboldened and enabled black field workers to demand improvements in their conditions and implicit but no less momentous alterations in their status—and to withhold their labor until their demands were met. Owners were thus compelled to bid, to bargain, more and more openly, for the services of those who were nominally still their own property.

The unavoidable reality, in short, was that slavery was dissolving and that the ex-slaves were themselves becoming principal instruments of the planters' ruin. The year 1864, when Sherman's army crossed from Tennessee into northwest Georgia and then took Atlanta and Savannah, carried this inescapable dynamic into the eastern sector of the Confederacy.⁴⁵ From the path of Sherman's army, thus, came warnings that if the slaves were "left as they are" the Confederates would soon "be compelled to fight them in the ranks of our enemies,"⁴⁶ that "in a very short time every able-bodied negro" here "will either be a soldier in the Yankee Army or employed in some way to contribute to our destruction."⁴⁷ Even as Patrick Cleburne was composing his memorandum, a journalist in Atlanta reported "often hear[ing] such remarks as that slavery is doomed."⁴⁸

Cleburne's Army of Tennessee, veteran of the western theatre (it had formerly been known as the Army of Mississippi) and retreating before Sherman's troops ever since Chattanooga, witnessed all these developments first-hand. As Cleburne observed, "Slavery, from being one of our chief sources of strength at the commencement of the war, has now become, in a military point of view, one of our chief sources of weakness." "All along the line slavery is comparatively valueless to us for labor," he specified, "but of great and increasing worth to the enemy for information. It is an omnipresent spy system, pointing out our valuable men to the enemy,

revealing our positions, purposes, and resources.” The slaves’ obvious pro-Union partisanship created “fear of insurrection in the rear” and “anxieties for the fate of loved ones when our armies have moved forward.” And when federal troops advanced, the slaves became “recruits awaiting the enemy with open arms,” and those who donned Union blue had proved able “to face and fight bravely against their former masters.”⁴⁹

Cleburne and those Southern leaders who endorsed his proposal then or later sought to harness the military power of the slaves on behalf of the Confederacy while preserving key aspects of antebellum economic and social arrangements. Some of them, especially at first, hoped that the number of those slaves actually freed could be limited.⁵⁰ Before long, however, the logic of the continual disintegration of slavery demonstrated the impossibility of so restricting the quantitative scope of emancipation. The firmer and enduring hope was, by whatever means were necessary, to preserve the existence of a separate Confederate state and government in order to be able after the end of the war to dictate and thereby limit the *qualitative* scope—the nature and degree—of emancipation.

Robert E. Lee couched his support for the measure in just such terms. On January 11, 1865—some five weeks before writing his better-known letter to Barksdale—Lee wrote to Virginia state legislator Andrew Hunter to affirm his belief that “the relation of master and slave, controlled by humane laws and influenced by Christianity and enlightened public sentiment” was “the best that can exist between the white and black races.” Unfortunately, developments beyond the control of the master class now made impossible the survival of that ideal relationship; slavery as such was doomed. The question at hand had therefore shifted to the manner in which it would die and exactly what relationship would take its place. The choice, Lee explained, was “whether slavery shall be extinguished by our enemies and the slaves used against us, or use them ourselves at the risk of the effects which may be produced upon our social institutions.” The penetration of Union forces into the Confederacy threatened to “destroy slavery in a manner most pernicious to the welfare of our people.” “Whatever may be the effect of our employing negro troops,” he added, “it cannot be as mischievous as this. If it ends in subverting slavery it will be accomplished by ourselves, and we can devise the means of alleviating the evil consequences to both races.”⁵¹

The Davis administration developed this theme further in November, 1864, when it first floated the trial balloon of emancipation. At that time Judah P. Benjamin theorized about just what kind of emancipation might occur and what role free blacks would play in a postwar Confederacy. The Richmond government, Benjamin made clear, looked forward to no kind of interracial democracy or the end of plantation society. Benjamin thought that “ultimate emancipation” would follow only after “an intermediate state of serfage or peonage” of unspecified duration. “[W]hile vindicating our faith

in the doctrine that the negro is an inferior race and unfitted for social or political equality with the white man,” thus, the South could still “modify and ameliorate the existing condition of that inferior race by providing for it *certain* rights of property, *a certain degree* of personal liberty, and legal protection for the marital and parental relations.”⁵²

The same line of reasoning found still fuller and clearer exposition in a communication written in February, 1865. It would be difficult to depict the writer, John Henry Stringfellow, of Virginia, as a long-time doubter of slavery’s value or legitimacy or even as a singleminded Southern nationalist who placed slavery second to regional pride and independence. During the 1850s Stringfellow had helped lead the effort to impose slavery upon the Kansas territory. As speaker of the territory’s proslavery House of Representatives in 1855, he sponsored a resolution declaring it “the duty of the pro-slavery party, the Union-loving men of Kansas Territory, to know but one issue, Slavery; and that any party making, or attempting to make, any other [issue] is and should be held as an ally of Abolition and Disunionism.”⁵³ Stringfellow returned to Virginia in 1858; in 1865 he resided in the town of Glenn Allen in Henrico County, just north of the Confederate capital. There he got wind of Davis’s proposal and committed his thoughts to paper two days before the Confederate Congress took up the matter.

Stringfellow began by reaffirming the virtues of slavery, doing so in the ardent terms of a Calhoun or Fitzhugh. He had “always believed, and still believe[d], that slavery is an institution sanctioned, if not established, by the Almighty, and the most humane and beneficent relation that can exist between labor and capital.” Yet, he added,

If the war continues [as at present], we shall in the end be subjugated, our negroes emancipated, our lands parceled out amongst them, and if any of it be left to us, only an equal portion with our own negroes, and ourselves given only equal (if any) social and political rights and privileges.

On the other hand, he continued, “If we emancipate, our independence is secured, the white man only will have any and all political rights,” he alone will “retain all his real and personal property, exclusive of his property in his slave,” he alone will “make laws to control the free negro.” The latter, meanwhile, “having no land[,] must labor for the land owner . . . on terms about as economical as tho owned by him.” To make the point absolutely clear, Stringfellow returned to it a few pages later. “[I]f we emancipate,” the slaveowner of today will “have all his labor on his farm that he had before,” while the former slave, “having no home & no property to buy one with,” will have to “live with & work for his old owner for such wages as said owner

may choose to give, to be regulated by law hereafter as may suit the change of relation.” And yet again:

In my judgment the only question for us to decide is whether we shall gain our independence by freeing the negro, we retaining all the power to regulate them by law when so freed, or permit our enemies through our own slaves to compel us to submit to emancipation with equal or superior rights for our negroes, and partial or complete confiscation of our property for the benefit of the negro.⁵⁴

Examined so closely, and in its actual context, the Confederate plan for emancipation thus ceases to be an incomprehensible, pointless, even self-defeating act of desperation. It also ceases to appear a fundamental reversal of traditional slaveowner priorities, much less of previous notions about race. It rested, instead, upon a shrewd and cold-blooded appraisal of the slaveholders' actual situation and real options after the middle of 1863. Given the almost certain demise of slavery, one way or the other, Cleburne, and later Davis, Benjamin, Lee, and others, asked: What is the next-best state of affairs from the planters' point of view? They concluded: a minimum degree of personal liberty for black laborers, whose real alternatives would be severely limited by the planters' monopoly of land and their control of the state apparatus. Preserving Confederate independence thus meant preserving a South in which political power remained securely in the hands of white planters and farmers—power that alone would allow them to “make laws to control the free negro” and “to regulate [their wages] by law.” To retain that supreme political power in friendly hands, and thereby ensure the best possible conditions for plantation agriculture, many things, even full-fledged slavery itself, could be compromised.

Cleburne had urged his policy on Confederate politicians in precisely these terms. “It is said slaves will not work after they are freed,” his memo noted, but “we think necessity and wise legislation will compel them to labor for a living.”⁵⁵ Confederate Congressman Arthur St. Clair Colyar of Tennessee spoke with Cleburne in Atlanta shortly afterward. Colyar's account of that conversation reported that Cleburne “considered slavery at an end.” But that observation was, for Cleburne, only the beginning, not the end, of wisdom concerning black labor's future status. “[I]f the Yankees succeed in abolishing slavery,” Cleburne had continued, “equality and amalgamation will finally take place.” On the other hand, “if we take this step now, we can mold the relations, for all time to come, between the white and colored races; and we can control the negroes, and . . . they will still be our laborers as much as they now are; and, to all intents and purposes, will be our servants, at less cost than now.”⁵⁶

This project was by no means *sui generis*. It bore a strong family resemblance to a series of revolutions-from-above attempted by various contemporaneous regimes in Europe. Confronting the instability or economic inadequacy of the social and political arrangements upon which their reign depended, especially in the face of challenges from within (popular resistance) or without (invasion of the German states by Napoleonic armies, Russia's defeat in the Crimean War), one ruling group after another sought to modify those arrangements. Each attempted to do so in ways that would reinforce its own supremacy while preserving intact as much as possible the wealth and power of those elite social strata upon which the rulers depended. These maneuvers usually required concessions at least to some segments of the lower classes while limiting their real civil and political rights. Serf emancipation east of the Elbe, despite the considerable variation in the way it occurred there, conformed to this general characterization.⁵⁷ Otto von Bismarck continued the project in Germany in the second half of the century by accelerating industrialization and strengthening national unity while resisting the expansion of popular democratic rights and preserving much of the power of the Junkerdom.⁵⁸

In the history of the American South, the Cleburne–Davis proposal and the understanding that it represented of planter society's needs and actual options constituted an equivalently important moment in the evolution of elite programmatic thought. It has been suggested that planter leaders were utterly unready in mid-1865 to formulate a practical program for post-slavery society. Robert F. Durden thought the white South's postwar record showed it had “forgot[ten] all about the uncharacteristic flirtation with unorthodoxy” represented by the Cleburne–Davis plan.⁵⁹ On both counts, the opposite seems much closer to the truth. Touring the Deep South within a few months of Appomattox, Carl Schurz already discerned broad agreement among the planters that, while “slavery in the old form *cannot* be maintained,” it was necessary “to introduce into the new system that element of physical compulsion which would make the negro work” for them—i.e., “to make free labor compulsory by permanent regulations.” Thus, Schurz discovered, “although the freedman is no longer considered the property of the individual master, he is considered the slave of society, and all independent State legislation will share the tendency to make him such.”⁶⁰ As is well known, Schurz's report anticipated political developments soon to come, as one Southern legislature after another wrote precisely the program he had outlined into law in the form of the so-called Black Codes.⁶¹

But just how could so many planters and their allies have reached the same programmatic conclusions so quickly? The foregoing analysis of the Cleburne–Davis plan and the thinking behind it provides a partial answer to this question. The idea of coupling nominal emancipation with aggressive state action to keep the freedmen propertyless, and to compel them to labor

hard and cheaply for the white landowners, was already in the minds of Cleburne, Benjamin, Davis, Lee, and others before the end of the war.⁶² In this sense, the years-long, escalating debate may well have served as a programmatic rehearsal for reconstruction for the planter elite and its champions.⁶³ Military defeat, to be sure, dashed hopes that an independent Confederate government might control and limit the extent of emancipation. Schurz had noted the political readjustment corresponding to that fact: a widespread “anxiety to have their State governments restored *at once*, to have the troops withdrawn, and the Freedmen’s Bureau abolished”—that is, to reestablish planter-friendly political rule in the Southern states of the restored federal Union.⁶⁴

These observations, of course, raise the next question: From what sources did inspiration for the wartime proposal (and postwar Black Codes) arise? Answers point back to multiple examples of aggressive state action to assure the availability of a cheap and malleable labor force. Some Southern leaders, including George Fitzhugh and J. D. B. DeBow, found precedent for granting limited civil but no political rights in the laws and practices of the ancient and medieval Mediterranean world.⁶⁵ Notoriously, English rulers over the course of centuries had used political power both to dispossess small producers and (in the form of vagrancy and other laws) to compel them to labor for others in targeted sectors in return for minimal compensation.⁶⁶ In Ireland, “penal laws” that restricted the economic options of Catholics combined with market forces and social structure to produce a similar result.⁶⁷ As the Irish-born Confederate general Patrick Cleburne assured Arthur Colyar in January, 1864, “‘writing a man free’ does not make him so, as the history of the Irish laborer shows.”⁶⁸ More recent precedents could be found near by. In the U.S. South, state laws had long imposed sundry restrictions on the economic options of technically free black residents. Apprenticeship laws imposed a form of semi-slavery on free black youths, and adults were subjected to various forms of debt peonage.⁶⁹

A related object lesson, a negative one from the planter standpoint, was to be found in the record of emancipation in the British West Indies during the 1830s. There, a post-emancipation program of “apprenticeship” that had narrowed the occupational options of former slaves was quickly abandoned. The destruction of the plantation system, it was widely reported then and later, had been the inevitable result. What was needed, a convention of U.S. cotton planters later argued, specifically invoking the West Indian experience, was “some well regulated system of labor . . . devised by the white man.”⁷⁰ Judah P. Benjamin, who had been born in the West Indies and who apparently retained an intellectual interest in things British throughout his life, was already a young man when emancipation came to the empire.⁷¹ Benjamin’s biographers depict him as the Davis administration’s first and most vigorous champion of a new departure on the subject of slavery.⁷²

Perhaps memories of the West Indies' aborted "apprenticeship" plan helped Benjamin see thirty years later that there could be more one than one path leading out of slavery.

Many scholars have explored yet another possible inspiration for the Confederate leadership's late wartime policies. This was the antebellum and wartime campaign to reform, or "humanize," chattel slavery, to make it conform more closely to the paternalist ideal of a reciprocal, "organic," mutually beneficial, and universally appreciated relationship between masters and servants, superiors and inferiors.⁷³ Championed by secular figures (including T. R. R. Cobb, Henry Hughes, and even Robert Toombs), this movement found its most numerous and consistent advocates among Protestant ministers (notably Calvin H. Wiley, James Henley Thornwell, George Foster Pierce, and James A. Lyon), who urged such measures as easing restrictions on slaves' religious practice and education and legalizing and practically reinforcing their marriages and family lives. The reformers pressed their case with increased vigor and urgency in the late wartime years. As it happens, Jefferson Davis had a long and intimate familiarity with the paternalist program. His family's cotton plantations in Davis Bend, Mississippi, had for decades operated according to a school of "slave management" that sought to win the loyalty and cooperation of its laborers by granting them across-the-board material improvement, incentives, and an unusual degree of both personal and communal self-government within the framework of continuing bondage.⁷⁴ Perhaps these experiences plus the strictures of the reform movement helped prepare Davis to accept more quickly than most members of his class the idea that unfree labor might take a variety of forms.

But some scholars have pushed this line of reasoning a crucial step further. The reform movement's existence and strength, they suggest, shows that even before the war the South had been moving to reshape slavery along the general lines subsequently enunciated in the Cleburne–Davis plan—and would have continued along that same path had not war and military defeat intervened.⁷⁵

It is always risky to venture on to such hypothetical terrain, but doing so can clarify issues of causation. The movement to reform or "humanize" slavery, whether advocated in frankly pragmatic terms or as the expression of secular or religious ideology, arose in response to the palpable ills of the slave-labor system. Reformist agitation grew in volume and support as challenges to planter power mounted from below (i.e., from among the slaves) and from outside the South.⁷⁶ If we correct "the evils and abuses connected with slavery," Rev. James A. Lyon thus argued in 1863, "the slave will not be so likely to make his escape" or "to engage in insubordinate schemes and insurrectionary enterprises," and "we can defend the institution against the wily assaults of the world."⁷⁷

Until the war, however, threats to the slave-labor system had rarely appeared potent enough to give reformers the leverage they needed to enact their full program. For every legislative advance they could boast, there was a counterbalancing instance of frustration, defeat, and rollback.⁷⁸ Even in 1861 and 1862, the idea of replacing full-fledged chattel slavery with state-enforced peonage was rarely heard. It was still being discouraged—indeed, suppressed—by the Davis administration as late as January, 1864. The momentous changes that Confederate leaders finally accepted in 1864–65 became thinkable only when imminent military defeat brought Southern society’s general social crisis to a head and left them alternatives that seemed far worse.

As noted earlier, many writers have exaggerated the differences in basic outlook and interests between proponents and critics of the Cleburne–Davis plan, mistaking a program designed to salvage as much of plantation society as possible for one that turned its back on planter interests entirely. But to assert that the same kind of program would have been adopted even without the war-spawned social and political crisis rejects one error only to embrace its mirror-opposite. Such an assertion substantially underestimates the planter majority’s attachment to chattel slavery *per se*, its aversion to legislative reforms thereof, and its enraged resistance to exchanging chattel slavery for state-sponsored peonage. It also overlooks the massive war-spawned crisis of slave society required to induce the more farsighted planters and their political representatives to accept such a program at the eleventh hour.

Even then, it is worth noting, the halfhearted and very incomplete approval wrested from the Confederate Congress was forthcoming only because the exigencies and progress of the war had released the Richmond government as a whole from the effective control of planters who still had slaves to lose. War Bureau chief R. G. H. Kean thus recorded in late November, 1864, that “the [congressional] representation of the planters are strongly averse” to “the suggestion of the employment of negroes as soldiers.” Support for such a measure, Kean observed, tended rather to come from those Confederate Congressmen “who represent imaginary constituencies”—i.e., from those parts of the Confederacy already occupied by Union troops and in most cases now subject to the terms of the emancipation proclamation.⁷⁹ A careful modern study by Thomas B. Alexander and Richard E. Beringer reached a similar conclusion. Interestingly, the slavery reformer Henry Hughes’s pantheon of heroes evidently included Caesar and Napoleon.⁸⁰ Perhaps Hughes recognized that enacting significant change in the nature of bondage would require the kind of government autonomy from the nation’s socially dominant class historically associated with those two names. An even more appropriate hero would have been Otto von Bismarck. In relation to the east Elbian Junker landlords, as Friedrich Engels

remarked, the Iron Chancellor “had acted in their own best interest,” albeit “against the steady opposition of these Don Quixotes.”⁸¹

The real meaning of Confederate emancipation can be disclosed only when that policy is examined in its specific context. In the mind of the Confederate leadership it was part of an attempted revolution-from-above designed to safeguard as well as possible core planter interests in extremely adverse circumstances. Only such critical circumstances made it possible to propose, much less impose, such a plan. And only the climax of the general crisis of slave-labor society—in the form of unconditional surrender and militarily imposed abolition in the spring of 1865—made a program of halfway emancipation a palatable one for the planter class as a whole during the era of Reconstruction.

Notes

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1. James D. Richardson, ed., *A Compilation of the Messages and Papers of the Confederacy, Including the Diplomatic Correspondence, 1861–1865* (Nashville, TN, 1906) I, pp. 64–8. Confederate vice-president Alexander Stephens had, if anything, put the matter even more bluntly in a speech delivered in Savannah the previous month. The Confederacy, he explained, was dedicated to preserving “the proper status of the negro in our form of civilization.” Where Jefferson had talked of human equality, “our new government is founded upon exactly the opposite idea; its foundations are laid, its cornerstone rests, upon the great truth that . . . slavery—subordination to the superior race” was the “natural and normal condition” of the African. Augusta, GA, *Constitutionalist*, March 30, 1861.
2. The words belonged to Davis’s secretary of state and closest cabinet advisor, Judah P. Benjamin. Quoted in Robert F. Durden, *The Gray and the Black: The Debate over Confederate Emancipation* (Baton Rouge, LA, 1972), p. 194.
3. Articles dedicated specifically to this subject include N. W. Stephenson, “The Question of Arming the Slaves,” *American Historical Review* 18 (January 1913), pp. 295–308; Thomas Robson Hay, “The South and the Arming of the Slaves,” *Mississippi Valley Historical Review* 6 (June 1919), pp. 34–73; Charles H. Wesley, “The Employment of Negroes as Soldiers in the Confederate Army,” *Journal of Negro History* 4 (July 1919), pp. 239–53; Bill G. Reid, “Confederate Opponents of Arming the Slaves, 1861–1865,” *Journal of Mississippi History* 22 (October 1960), pp. 260, 264; and Barbara C. Ruby, “General Patrick Cleburne’s Proposal to Arm Southern Slaves,” *Arkansas Historical Quarterly* 30 (fall 1971), pp. 193–212. Popularized accounts include Stephen E. Ambrose, “By Enlisting Negroes, Could the South still Win the War?” *Civil War Times*, 3 (January 1965), pp. 16–21, and Steve Davis, “‘That Extraordinary Document’: W. H. T. Walker and Patrick Cleburne’s Emancipation Proposal,” *Civil War Times* 16 (December 1977), pp. 14–20. The subject is also addressed in many other works, many of which will be discussed below.
4. The year 1998 was the centenary of the publication of *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, DC, 1898)—hereafter cited as *O.R.*—in which the world first glimpsed a number of the documents generated by this controversy. In 1972 Robert F. Durden’s *The Gray and the Black* reprinted much of the documentary record.

5. Emory M. Thomas, review of Durden, *Journal of Southern History*, 39 (May 1973), pp. 300–1.
6. W. S. Turner to Hon. L. P. Walker, July 17, 1861, in *Freedom: A Documentary History of Emancipation, 1861–1867*, Ser. 2, *The Black Military Experience*, ed. Ira Berlin, Joseph P. Reidy, and Leslie S. Rowland (Cambridge, 1982), p. 283; C. Vann Woodward and Elisabeth Muhlenfeld, eds., *The Private Mary Chesnut: The Unpublished Civil War Diaries* (New York and Oxford, 1984), p. 213. See also C. Vann Woodward, ed., *Mary Chesnut's Civil War* (New Haven, CT, 1981), pp. 255, 340.
7. Richard Taylor, *Destruction and Reconstruction: Personal Experiences of the Late War* (1879, rpr. New York, 1955), p. 281; O. G. Eiland to Jefferson Davis, July 20, 1863, in Berlin et al., *The Black Military Experience*, p. 284.
8. Bell Irvin Wiley, *Confederate Negroes, 1861–1865* (Baton Rouge, LA, 1938), p. 149; Edward Younger, ed., *Inside the Confederate Government: The Diary of Robert Garlick Hill Kean* (New York and Oxford, 1957), p. 96; O.R., Ser. 4, Vol. 2, pp. 767.
9. A sketch of Cleburne's life written by his long-time commanding officer, Thomas W. Hardee, appeared as an appendix to John Francis Maguire, *The Irish in America* (London, 1868), pp. 642–53.
10. Irving A. Buck, "Negroes in our Army," *Southern Historical Society Papers* 31 (1903), p. 215; Thomas L. Connelly, *Autumn of Glory: The Army of Tennessee, 1862–1865* (Baton Rouge, LA, 1971), pp. 235, 274–81, 290–1. Captain Buck was Cleburne's adjutant.
11. O.R., Ser. 1, Vol. 52, Part 2, pp. 586, 589–90.
12. Connelly, *Autumn of Glory*, pp. 318–20; Buck, "Negroes in our Army," p. 217; O.R., Ser. 1, Vol. 52, Part 2, pp. 593–9, 606–7. Cleburne himself evidently respected Seddon's orders to cease agitating the matter. And, at Cleburne's order, Captain Irving Buck destroyed all but one copy of the original memo. R. G. H. Kean, head of the Bureau of War, believed that few not present at the meeting at Hardee's headquarters had learned of the incident. Following its suppression, the text of Cleburne's memo disappeared from sight until 1890, when a copy was discovered in the papers of a member of Cleburne's staff. Letter from A. S. Colyar to A. S. Marks, February 5, 1864, in *The Annals of the Army of Tennessee and early Western History*, 1 (May 1878), p. 52; Buck, "Negroes in our Army," pp. 216–17; Younger, *The Diary of R. G. H. Kean*, pp. 177–8; J. B. Jones, *A Rebel War Clerk's Diary at the Confederate State Capital*, ed. Howard Swiggett (New York, 1935) II, p. 146; and Connelly, *Autumn of Glory*, p. 319.
13. Younger, *Diary of R. G. H. Kean*, p. 182.
14. Samuel Clayton to Jefferson Davis, January 10, 1865, in O.R., Ser. 4, Vol. 3, p. 1011.
15. Alexander W. Cooper to Jefferson Davis, December 25, 1864, in the Jefferson Davis Papers, Rare Book, Manuscript, and Special Collections Library, Duke University.
16. C. B. Leitner to Jefferson Davis, December 31, 1864, Letters Received by the Secretary of War, National Archives, letter L 40 1865.
17. Lee to Davis, November 2, 1864, in Durden, *The Gray and the Black*, p. 68.
18. H. Kendall to Jefferson Davis, September 16, 1864, original emphasis, Letters Received by the Secretary of War, National Archives, letter K 73 1864.
19. New Orleans *Picayune* of November 3, 1864, in Durden, *The Gray and the Black*, p. 80. See also O.R., Ser. 1, Vol. 48, Part 1, p. 1321; and Younger, *The Diary of R. G. H. Kean*, p. 183.
20. O.R., Ser. 4, Vol. 3, pp. 915–16; Ser. 1, Vol. 41, Part 3, p. 774.
21. O.R., Ser. 4, Vol. 3, p. 959.
22. Wilfred Buck Yearns, *The Confederate Congress* (Atlanta, GA, 1960), pp. 97–8.
23. Lee to Barksdale, February 18, 1865, in Durden, *The Gray and the Black*, pp. 206–7.
24. In addition to individual letters cited earlier, see Jones, *Rebel War Clerk's Diary*, p. 451; and Durden, *The Gray and the Black*, pp. 205, 215–24.
25. *Journal of the Congress of the Confederate States of America, 1861–1865* (Washington, DC, 1905) VII, pp. 612–13; Yearns, *Confederate Congress*, p. 97.
26. *Journal of the Confederate Congress* IV, pp. 585, 670–1; Yearns, *Confederate Congress*, p. 98; O.R., Ser. 4, Vol. 3, pp. 1161–2.
27. Paul Escott, *After Secession: Jefferson Davis and the Failure of Confederate Nationalism* (Baton Rouge, LA, 1978), pp. 246–7.
28. *The Mercury* of November 3, 1864, in Durden, *The Gray and the Black*, p. 98.
29. Shelby Foote, *The Civil War: A Narrative* (New York, 1974) III, p. 766.
30. Durden, *The Gray and the Black*, pp. 232–3; James M. McPherson, *For Cause and Comrades: Why Men fought in the Civil War* (New York and Oxford, 1997), p. 171; Reid, "Confederate Opponents of Arming the Slaves," p. 267; O.R., Ser. 4, Vol. 3, pp. 1009–10.

31. Connelly, *Autumn of Glory*, p. 320.
32. The *Mercury* of February 3, 1865, in Durden, *The Gray and the Black*, pp. 235–6.
33. Quoted in Escott, *After Secession*, p. 254.
34. Thomas Robson Hay, “The South and the Arming of the Slaves,” *Mississippi Valley Historical Review* 6 (June 1919), pp. 48–9; O.R., Ser. 1, Vol. 52, Part 2, pp. 586–92.
35. Stephens gave pride of place to differences over states’ rights. The Confederacy, he declared, was the creature not of a “Pro–slavery Party” but rather of those with “strong convictions that the Federal Government had no rightful or Constitutional control or jurisdiction” over such local matters as slavery. Stephens, *A Constitutional View of the late War between the States: Its Causes, Character, Conduct and Results* (Philadelphia, PA, 1868) I, p. 11. Davis attributed the war to transcendent sectional competition. If slavery provided the “occasion” for the conflict, he insisted, it was “far from being the cause.” The war was, instead, “the offspring of sectional rivalry” that preceded and existed quite independently of slavery; the same rivalry “would have manifested itself just as certainly if slavery had existed in all the states or if there had not been a negro in America.” Davis, *The Rise and Fall of the Confederate Government* (1881, rpr. New York, 1958) I, pp. 78–9.
36. Edward A. Pollard, *Life of Jefferson Davis, with a Secret History of the Southern Confederacy* (Atlanta, GA, 1869), p. 453.
37. Durden, *The Gray and the Black*, pp. viii, 253.
38. Early presentations of this view appeared in Charles H. Wesley, *The Collapse of the Confederacy* (1937, rpr. New York, 1968), p. 166; Reid, “Confederate Opponents of Arming the Slaves,” pp. 260, 264.
39. Escott, *After Secession*, pp. 254–5.
40. Thomas, *The Confederate Nation, 1861–1865* (New York, 1979), pp. 291–4, 299.
41. Laurence Shore, *Southern Capitalists: The Ideological Leadership of an Elite* (Chapel Hill, NC, 1986), p. 93; Richard E. Beringer, Herman Hattaway, Archer Jones, and William N. Still, Jr., *Why the South lost the Civil War* (Athens, GA, 1986), p. 391; William C. Davis, *Jefferson Davis: The Man and his Hour* (New York, 1991), p. 598; Lawrence N. Powell and Michael S. Wayne, “Self-interest and the Decline of Confederate Nationalism,” in Harry P. Owens and James J. Cooke, eds., *The Old South in the Crucible of War* (Jackson, MS, 1983), p. 32; Evans, *Judah P. Benjamin*, p. 287; Craig L. Symonds, *Stonewall of the West: Patrick Cleburne and the Civil War* (Lawrence, KS, 1997), p. 182. While noting anomalous cases, Clarence Mohr agreed that the debate generally ranged “traditionalists,” for whom secession was “merely a tactic to defend chattel bondage,” against “Rebel patriots who reversed the priorities and saw political independence itself as the transcendent war aim.” Mohr, *On the Threshold of Freedom: Masters and Slaves in Civil War Georgia* (Athens, GA, and London, 1986), pp. 275, 277.
42. *Freedom: A Documentary History of Emancipation, 1861–1867*, Ser. 1, Vol. I, *The Destruction of Slavery*, ed. Ira Berlin, Barbara J. Fields, Thavolia Glymph, Joseph P. Reidy, and Leslie Rowland (Cambridge, 1985), pp. 38–40; James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York, 1988), pp. 637, 664.
43. Edward Pollard to Jefferson Davis, January 13, 1865, National Archives, Letters Received by the Secretary of War, letter P 16 1865.
44. “In a certain sense, after the first few months everybody knew that slavery was done with; that no matter who won, the condition of the slave could never be the same after the disaster of the war,” DuBois wrote. As accustomed means of enforcing slave obedience disintegrated “there was a certain feeling and apprehension in the air on the part of the whites,” and “the rigor of the slave system in the South softened as war proceeded.” DuBois, *Black Reconstruction in America* (1935, rpr. Cleveland, OH, 1964), p. 59. See also Armistead Louis Robinson, “Day of Jubilo: Civil War and the Demise of Slavery in the Mississippi Valley, 1861–1865” (Ph.D. dissertation, University of Rochester, 1976), pp. 546–9; Thomas, *Confederate Nation*, pp. 236–40; Mohr, *On the Threshold of Freedom*, pp. 210–34; and esp. Berlin et al., *The Destruction of Slavery*, pp. 663–818.
45. Joseph P. Reidy, *From Slavery to Agrarian Capitalism in the Cotton Plantation South: Central Georgia, 1800–1880* (Chapel Hill, NC, 1992), pp. 128–35.
46. C. B. Leitner to Jefferson Davis, December 31, 1864.
47. H. Kendall to Jefferson Davis, September 16, original emphasis.
48. Editorial in the Memphis *Appeal*, refugeeing in Atlanta, December 23, 1863, in Durden, *The Gray and the Black*, p. 45. Simultaneously, Margaret Daily of Georgia was confiding in her diary, “I tremble for the institution of slavery; it is well nigh done for.” Bell Irvin Wiley, *Confederate Women* (Westport, CT, 1975), p. 154.

49. O.R., Ser. 1, Vol. 52, Part 2, pp. 586–92.
50. Durden, *The Gray and the Black*, pp. 79, 120–2, 246.
51. Lee to Andrew Hunter, January 11, 1865, in O.R., Ser. 4, Vol. 3, pp. 1012–13, emphasis added.
52. Benjamin to Frederick A. Porcher, December 21, 1864, in O.R., Ser. 4, Vol. 3, pp. 959–60, emphasis added.
53. Clippings from *The Kansas Chief*, January 23, 1879, and the *Atchison Daily Globe*, July 16, 1894, and May 13, 1905, Kansas State Historical Society; Michael B. Ballard, *A Long Shadow: Jefferson Davis and the Final Days of the Confederacy* (Jackson, MS, and London, 1986), p. 12. Stringfellow's Kansas resolution is quoted in F. B. Sanborn, ed., *The Life and Letters of John Brown* (1885, rpr. New York, 1969), p. 176.
54. O.R., Ser. 4, Vol. 3, p. 1069–70.
55. O.R., Ser. 1, Vol. 52, Part 2, p. 591.
56. A. S. Colyar to Colonel A. S. Marks, January 30, 1864, in *The Annals of the Army of Tennessee and early Western History*, 1 (May 1978), pp. 50–2. Marks was Colyar's cousin and a colonel in Cleburne's division. See Thomas Robson Hay, *Pat Cleburne: Stonewall Jackson of the West* (Jackson, TN, 1959), pp. 45–6.
57. Hans Rosenberg, *Bureaucracy, Aristocracy, and Autocracy: The Prussian Experience, 1660–1815* (1958, rpr. Boston, MA, 1966), pp. 202–28; Werner Conze, "The Effects of Nineteenth Century Liberal Agrarian Reforms on Social Structure in Central Europe," in F. Crouzet, W. H. Chaloner, and W. M. Stern, eds., *Essays in European Economic History, 1789–1914* (New York, 1969), pp. 53–81; Elisabeth Fehrenbach, "Verfassungs- und sozialpolitische Reformen und Reformprojekte in Deutschland unter dem Einfluss des Napoleonischen Frankreich," *Historische Zeitschrift* 228 (April 1979), pp. 289–316; Robinson, *Rural Russia under the Old Regime* (1932, rpr. Berkeley, CA, 1960), pp. 88, 92–3. See also Terence Emmons, *The Russian Landed Gentry and the Peasant Emancipation of 1861* (Cambridge, 1968); Alfred J. Rieber, "Alexander II: A Revisionist View," *Journal of Modern History* 43 (1971), pp. 42–58; and Peter Kolchin, "Some Controversial Questions concerning Nineteenth Century Emancipation from Slavery and Serfdom," in *Serfdom and Slavery: Studies in Legal Bondage*, Ser. 1 (London, 1996), pp. 43–67.
58. Hans-Ulrich Wehler, *The German Empire, 1871–1918* (Leamington Spa, 1985), esp. pp. 24–31, 52–62.
59. Cf. W. R. Brock, *Conflict and Transformation: The United States, 1844–1877* (Harmondsworth, 1973), pp. 306–7; James L. Roark, *Masters without Slaves: Southern Planters in the Civil War and Reconstruction* (New York, 1977), p. 107; Durden, *The Gray and the Black*, p. viii.
60. "Report on the Condition of the South," in *Speeches, Correspondence and Political Papers of Carl Schurz*, ed. Frederic Bancroft (1913, rpr. New York, 1969) I, pp. 279–374. Quotations on pp. 311, 316, 321, 359, 371–2, emphases added. Subsequent testimony before Congress's Joint Committee on Reconstruction confirmed the prevalence of this thinking throughout the former Confederacy. See, for example, *Report of the Joint Committee on Reconstruction*, Part 2, pp. 123–4, 126, 177; Part 3, pp. 5–7, 15, 24–5, 36, 175, 184.
61. Dan T. Carter, *When the War was Over: The Failure of Self-reconstruction in the South, 1865–1867* (Baton Rouge, LA, 1985), p. 216; Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863–1877* (New York, 1988), pp. 198–209; Theodore Brantner Wilson, *The Black Codes of the South* (Tuscaloosa, AL, 1965), pp. 61–80; Daniel A. Novack, *The Wheel of Servitude: Black Forced Labor after Slavery* (Lexington, KY, 1978), pp. 1–8; William Cohen, "Negro Involuntary Servitude in the South, 1865–1940," *Journal of Southern History* 42 (February 1976), pp. 35–50; Pete Daniel, "The Metamorphosis of Slavery, 1865–1900," *Journal of American History* 66 (June 1979), pp. 88–99.
62. Berlin et al., *The Black Military Experience*, p. 281.
63. Six days after Judah P. Benjamin speculated about emancipated slaves passing through a "stage of serfage or peonage," Georgia planter William B. Hodgson contemplated the implications of a Union victory he considered imminent. He noted in his journal that, while "slavery as it has existed may be modified," still "the European race" must remain able to "contract the labor of the African under some forms." Therefore "a state of serfage, or ascription to the soil is a necessity from which there is no escape." Hodgson Journal, p. 22, Charles Colcock Jones, Jr., Collection (Ms 215), Hargrett Library, University of Georgia; Mohr, *On the Threshold of Freedom*, p. 292.
64. Schurz, "Report on the Condition of the South," p. 359.
65. See Carter, *When the War was Over*, p. 186; M. I. Finley, *Ancient Slavery and Modern Ideology* (Harmondsworth, 1980), pp. 142–7; Marc Bloch, *Feudal Society*, trans. L. A. Manyon

- (Chicago, IL, 1964) I, pp. 256–60. The relationship between the intellectual and political life of the planter elite and training in the classics in Southern institutions of higher learning deserves further study. See Jennifer Tolbert Roberts, *Athens on Trial: The Antidemocratic Tradition in Western Thought* (Princeton, NJ, 1994), pp. 262–75, 281–3; Roberts, “Athenian Equality: A Constant Surrounded by Flux,” in Josiah Ober and Charles Hedrick, eds., *Demokratia: A Conversation on Democracies, Ancient and Modern* (Princeton, NJ, 1996), pp. 187–202; and Wayne K. Durrill, “The Power of Ancient Words: Classical Learning and Social Change at South Carolina College, 1804–1860,” unpublished manuscript.
66. Karl Polanyi, *The Great Transformation: The Political and Economic Origins of our Time* (Boston, MA, 1957), pp. 86–8; Christopher Hill, *The Age of Revolutions, 1603–1714* (New York, 1961), pp. 207–8; Hill, *Reformation to Industrial Revolution*, Vol. II of the *Pelican Economic History of Britain* (Baltimore, MD, 1969), pp. 268–74; Buchanan Sharp, “Common Rights, Charities and the Disorderly Poor,” in Geoff Eley and William Hunt, eds., *Reviving the English Revolution: Reflections and Elaborations on the Work of Christopher Hill* (London, 1988), pp. 107–38.
 67. J. C. Beckett, *Making of Modern Ireland, 1603–1623* (New York, 1966), pp. 158–9, 172–6; J. G. Simms, “The Establishment of Protestant Ascendancy, 1691–1714,” in *A New History of Ireland IV, Eighteenth Century Ireland, 1691–1800*, ed. T. W. Moody and W. E. Vaughan (Oxford, 1986), pp. 19–20; J. L. McCracken, “The Social Structure and Social Life, 1714–1760,” in *ibid.*, pp. 34–9; L. M. Cullen, “Economic Development, 1750–1800,” in *ibid.*, pp. 163–80; R. F. Foster, *Modern Ireland, 1600–1972* (London, 1988), pp. 154–5, 205–11; S. J. Connolly, “Eighteenth Century Ireland: Colony or *Ancien Régime*?” in D. George Boyce and Alan O’Day, eds., *The Making of Modern Irish History: Revisionism and the Revisionist Controversy* (London, 1996), pp. 15–33.
 68. Colonel A. S. Colyar to Colonel A. S. Marks, January 30, 1864, in *The Annals of the Army of Tennessee and early Western History*, 1: 2 (May 1978), p. 52.
 69. In addition to the works by Theodore B. Wilson, Daniel Novack, and Eric Foner cited above, see Ira Berlin, *Slaves without Masters: The Free Negro in the Antebellum South* (New York, 1974), pp. 225–6, 381–2, and Barbara Jeanne Fields, *Slavery and Freedom on the Middle Ground: Maryland during the Nineteenth Century* (New Haven, CT, 1985), pp. 35–8, 79–80.
 70. Thomas C. Holt, “‘An Empire over the Mind’: Emancipation, Race, and Ideology in the British West Indies and the American South,” in *Region, Race, and Reconstruction: Essays in Honor of C. Vann Woodward*, ed. J. Morgan Kousser and James M. McPherson (New York, 1982), pp. 283–313; O. Nigel Bolland, “Systems of Domination after Slavery: The Control of Land and Labor in the British West Indies after 1838,” *Comparative Studies in Society and History* 23 (October 1981), pp. 591–619; Joe B. Wilkins, “Window on Freedom: The South’s Response to the Emancipation of the Slaves in the British West Indies, 1833–1861” (Ph.D. dissertation, University of South Carolina, 1977); Eric Foner, *Nothing but Freedom: Emancipation and its Legacy* (Baton Rouge, LA, and London, 1983), pp. 41–3.
 71. Eli N. Evans, *Judah P. Benjamin, the Jewish Confederate* (New York, 1988), p. 5.
 72. Pierce Butler, *Judah P. Benjamin* (1907, rpr. New York, 1980), pp. 348–9; Robert Douhat Meade, *Judah P. Benjamin, Confederate Statesman* (New York, 1943), pp. 305–6; Evans, *Judah P. Benjamin*, pp. 5, 233–6, 249–50, 259–75. In his December 21, 1864, letter to Frederick A. Porcher, Benjamin claimed to have been turning the matter over in his mind throughout the previous year. *O.R.*, Ser. 4, Vol. 3, pp. 959–60.
 73. See Bell I. Wiley, “Movement to Humanize the Institution of Slavery during the Confederacy,” *Emory University Quarterly* 5 (December 1949), pp. 207–20; Donald G. Mathews, “Charles Colcock Jones and the Southern Evangelical Crusade to form a Biracial Community,” *Journal of Southern History* 41 (August 1975), pp. 299–320; Anne C. Loveland, *Southern Evangelicals and the Social Order, 1800–1860* (Baton Rouge, LA, 1980), pp. 206–18; Bertram Wyatt-Brown, “Modernizing Southern Slavery: The Proslavery Argument Reinterpreted,” in *Region, Race and Reconstruction: Essays in Honor of C. Vann Woodward* (Baton Rouge, LA, 1981), pp. 27–50; Mohr, *Threshold of Freedom*, pp. 235–71; Eugene D. Genovese and Elizabeth Fox-Genovese, “The Social Thought of Antebellum Southern Theologians,” in Winfred B. Moore, Jr., and Joseph F. Tripp, eds., *Looking South: Chapters in the Story of an American Region* (New York, 1989), pp. 31–40; Eugene D. Genovese, *The Slaveholders’ Dilemma: Freedom and Progress in Southern Conservative Thought, 1820–1860* (Columbia, SC, 1992), pp. 58–64; William W. Freehling, “Defective Paternalism: James Henley Thornwell’s Mysterious Antislavery Moment,” in Freehling, *The Reintegration of American History: Slavery and the Civil War* (New

- York, 1994), pp. 59–81; Drew Gilpin Faust, *The Creation of Confederate Nationalism* (Baton Rouge, LA, 1988), pp. 58–81.
74. Janet Sharp Hermann, *The Pursuit of a Dream* (New York, 1981), pp. 3–34.
 75. Wiley, “Movement to Humanize Slavery,” p. 220; Wyatt-Brown, “Modernizing Southern Slavery,” pp. 32, 37, 40; Faust, *Creation of Confederate Nationalism*, p. 80.
 76. James Oakes, *Slavery and Freedom: An Interpretation of the Old South* (New York, 1990), p. 165; Robinson, “Day of Jubilo,” pp. 522–71.
 77. Lyon, “Slavery, and the Duties growing out of the Relation,” *Southern Presbyterian Review* 16 (July 1863), pp. 14, 31. Lyon specified that “the family constituted amongst the slaves, as God designed it should be, will serve as hostage for the good behavior of its several members, and will act with more potency than all fugitive slave laws, in bringing the fugitive back to his home” (p. 31).
 78. Loveland, *Southern Evangelicals and the Social Order*, pp. 187, 202–4, 209–11, 214–16. William W. Freehling details such setbacks in the case of James Henley Thornwell, a founder of the journal in which Rev. Lyon’s words appeared. See Freehling, “Defective Paternalism,” pp. 73–5, 78–9, and Marilyn J. Westerkamp, “James Henley Thornwell, Pro-slavery Spokesman within a Calvinist Faith,” *South Carolina Historical Magazine* 87 (January 1986), esp. pp. 57–61. Donald G. Mathews earlier made the same point about the experience of Charles Colcock Jones, probably the leading antebellum religious advocate of slavery reform. Before the war, Mathews wrote, Jones “could not demonstrate convincingly that his plan would serve the interests of the planter class,” while “there was no way within the antebellum South to create a constituency that could compel the masters to change.” Mathews, “Charles Colcock Jones and the Southern Evangelical Crusade to form a Biracial Community,” pp. 317–18.
 79. Younger, *Diary of R. G. H. Kean*, p. 177. See also Jones, *Rebel War Clerk’s Diary* II, pp. 353, 416.
 80. Wyatt-Brown, “Modernizing Southern Slavery,” p. 36.
 81. Friedrich Engels, *The Role of Force in History: A Study of Bismarck’s Policy of Blood and Iron* (1888, repr. New York, 1968), p. 96.

CHAPTER 12

Slavery and Emancipation

The African-American Experience during the Civil War

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There is a central paradox that articulates the experience of very many African-Americans during the era of the Civil War. Without the transforming upheavals of war they would not have been able to gain their freedom as rapidly as they did, but often they pursued that freedom and began to give it content by means they had adopted within the constraints of slavery before the war. As the dynamic transition from slavery to freedom developed, African-Americans also sometimes expressed hope through fresh aspirations. Customary patterns of behavior, however, even when combined with new hopes prompted by the course of events, failed fully to define the wartime experiences of slaves and ex-slaves. Much recent scholarship on the Civil War era has attributed a more active role than previous writing to African-Americans, but recognition of black initiative is not the same as being able to assert black autonomy. Showing that African-Americans did much to make their own history must also entail recognizing (to paraphrase Marx) that they did not make it under conditions of their own choosing.

This should surprise no one. The 4 million black slaves in 1861 were subjected to a system commanding the loyalty of the majority of the Southern white population whether they were directly implicated in slaveholding or not. The demographic and geographic expansion of the slave system, producing profitable staples and underpinned by a large internal slave trade as well as master-led migrations, resulted in an economically confident South. Even if confidence was periodically in counterpoint with anxieties about slave discipline, the system showed little sign of evolving in the direction

of free labor by 1861. So far as most Southern whites were concerned emancipation was anathema.¹

Slaves had been able to resist control in day-to-day ways, including running away for a period. The majority lived in sufficiently large groups to develop a sense of community, allowing common religious activity and cultural practices. Slave agency was also manifested in an “informal economy” of fishing, hunting, the rearing of birds and animals, production of foodstuffs on garden plots, and the making of handicrafts. Many were able to accumulate modest property and experience limited economic freedom within the structure of slavery.²

The coming of war, however, only intensified the fears of slaveowners about the possibilities of loss of control and social disorder. When conflict began, white southerners initially tried to impose even more rigorous discipline on their laborers. As it developed, many African-Americans had to improvise forms of behavior to deal with unprecedented circumstances. Shaping those improvisations was the objective of seeking a freer life, if not immediately complete legal freedom, and initially slaves acted in ways familiar to them from pursuing living space under peacetime slavery. Eventually some of their behavior indicated larger ambitions.³

By April, 1865, some half a million ex-slaves were involved in free labor activity in former Confederate territory under the sanction of Union authorities. Many more were technically still enslaved at the time of Appomattox, in areas of the South that Union troops had not yet reached, and in the loyal states of Delaware and Kentucky, which acceded to emancipation only on completion of the ratification of the Thirteenth Amendment in December, 1865. Large numbers, however, had managed to negotiate looser economic relations with owners in return for staying with them. Yet others had escaped to the free states in the North. Thus, as the fighting ended, perhaps a million blacks had already experienced a significant transformation in their legal and/or real status or circumstances. This estimate does not take into account the tens of thousands dislodged by Union forces or who flocked after them and had found only temporary places of rest. It is appropriate, therefore, to begin detailed discussion of the African-American experience of the war by considering how blacks dealt from within with the gradual dissolution of the Confederacy. The chapter will then turn to the ways in which they maintained a livelihood, especially on the land. Finally, with brief reference to the freedmen’s military experience and its impact on their families, indications of their hopes and aspirations for the future will be reviewed.

Slavery in the Confederacy

At the beginning of the war the majority of white Americans in both North and South were agreed that no dramatic rupture should occur in regard to

slavery. Most Confederates accepted the view of their Vice-president, Alexander H. Stephens of Georgia, that the “cornerstone” of the government “rests upon the great truth, that the negro is not equal to the white man; that slavery—subordination to the superior race—is his natural and normal condition.” Lincoln’s administration proclaimed that the war was about restoration of the Union and initially promised not to interfere with the South’s institutions. Until the conflict became a war of liberation after the Emancipation Proclamation not only the slaves’ enemies—the Confederates—but also their enemies’ enemies—the Union side—constituted in principle an obstacle to creating the conditions for freedom. Many whites also seem to have assumed that slaves had very little idea of the significance of the conflict. This was to underestimate the extent and efficiency of the network of news and rumor in the slave quarters and between plantations. An experienced journalist accompanying Union troops in Missouri in 1862, after questioning a number of slaves, concluded: “The darkeys understand the whole question and the game played.”⁴

Parts of the Confederacy, like Texas, remained largely distant from the fighting for the whole of the war. Elsewhere the element of instability within slavery assumed more serious proportions but produced a complex set of responses amongst African-Americans. They did not universally anticipate the approach of a longed-for freedom. Some reported fears of how the Yankees might treat them. His owner told a Tennessee bondsman in 1861 that Union forces would “Sell them to Cuba.” Some believed, with justice, that Yankee soldiers would treat them as enemies. Relatively early some Union officers recognized the vulnerability of slaves to “the rapacity of the unprincipled part of our army” who robbed them while “the wives of some have been molested by soldiers to gratify thier [*sic*] licentious lust.” Uncertainty in face of the unknown was bound to be paramount for many. Samuel Elliott, of Liberty County, Georgia, was typical of thousands in admitting, “At the beginning of the rebellion I did not know anything about the war.” He was perhaps also representative in how he began to find out. “Mrs Somersall boys told me the War had commenced and we would all be free.” Slaves also experienced contradictory feelings about members of their owners’ families. Knowing their owners well kept some house servants close, and they might feel sympathy when the war brought death or disability to family members. Yet, as many later recalled, such grievous blows could make the remaining whites behave towards them with even greater unpredictability than before.⁵

Other blacks in the Confederacy *did* feel from an early stage their hopes rising that freedom was nearer. As Mack Duff Williams of South Carolina testified, “I sympathized with the Union cause, because that was the party I believed would give me my liberty.”⁶ Such slaves, however, had no immediate prospect of freedom. When the masters and their sons left for the

war they experienced the removal of a familiar authority, to be replaced sometimes by a more rigorous and unmediated regime of work and discipline. The whites left behind to enforce it could strain to the limit the compromises with necessity that bondsmen and women normally made. Precisely at the time when their hopes were rising slaves could experience intensely the constraints of their situation.

When they had felt deep frustrations before the war they had not infrequently resorted to flight. As more of them appreciated that their masters were under direct assault the temptation to try to escape was enhanced. The advance of Union forces meant the chances of reaching free communities successfully were greater than in peacetime. Then only a small minority had followed the North Star to Canada. One successful fugitive rejoiced: "It used to be five hundred miles to git to Canada from Lexington, but now it's only eighteen miles! *Camp Nelson* is now *our* Canada." The pattern of slaves' behavior indicated they had seized upon the hope of a general turn in their fortunes. Sometimes the sense of a turning point was unwittingly aided by the actions of the masters. Samuel Elliott spent eleven months as a waiter in the company of his master in military service. "I came home with him. I told my son what was going on—he with eleven more ran off and joined the [Yankee] Army on St. Catherine Island." Women slaves, because they had always had less opportunity of traveling away than their menfolk, were more prone to imagine and adopt forms of resistance *within* the bounds of the plantation until they were confident that the whole system was unravelling.⁷

Owners came to fear that they might not get back laborers who had served a turn with the military forces. The initial intent of masters in hiring out slaves was usually that they should aid in the construction of coastal and river fortifications and defensive works to protect the main towns and cities. Frequently the urgency of this work arose from the approach of enemy forces but the proximity of Union troops was precisely the temptation that might lure slaves away. Working as teamsters as well as laborers, bondsmen had the opportunity to travel across the surrounding country, survey the lie of the land, and plan how best to get to Union lines. The harsh reverse side of working for the army—sufficiently unpleasant to provoke complaints and debate about the conditions in which the hired or impressed bondsmen lived and worked—could provide the determination the fugitives needed to make the most of the opportunities that came their way.⁸

Confederate impressment of slaves, and eventually free blacks, occurred when hired laborers were unavailable. Impressment, widely detested by the workers, produced tensions between masters and military officials and the War Department and state governments seeking to protect the interests of local slaveowners. Masters not only disliked loss of control over their own agricultural and artisan labor but suspected that impressed laborers

were treated with less regard than hired slaves. Slaves knew how hard they had to work: “They have a perfect horror of working on entrenchments,” commented one Virginia legislator. The conditions were widely known to be so harsh that “I feel certain if they hear of another impressment, we will lose nearly all our men.” Many of the impressed were soon unable to work, an engineer officer revealed. “Most of them have run away—many are sick—and some are dead.” In such circumstances, runaways escaping to their owners might not be handed back, or they fled straight to the enemy. Shortage of impressed laborers to construct defensive works could become so great that military commanders pursued runaways, even when it meant seizing back slaves from their owners. The only sweetening of a bitter pill for the dragooned laborers was the provision of huts, rations, and medical attention. For many, during the last months of the war, not even these compensations were available. At the start of 1865 one commander contemplated “releasing all slaves, especially in view of the complaints I learn relative to clothing them . . . It has been literally due to want of money & material.” In March, 1865, at Danville, Virginia, the food being issued to the laborers “was inadequate to maintain their physical strength to a degree sufficient for them to perform the labor required.” They consequently ran off.⁹

Another profoundly disruptive process was “refugeeing,” the term applied to transfer of slaves from areas under threat from Union troops to places more distant. This was analogous to, and caused as much anguish as, migration with owners and the internal slave trade had done before the war. In those earlier years slaves had sometimes tried to take their fate into their own hands in escaping back to old haunts or leaving slavery behind altogether. They attempted similar actions while being “refugeed.” The early stages of a “refugeeing” journey were the most likely time for slaves to make off. Mary Williams Pugh, of Louisiana, decided to add her people to her parents’ and take them to Texas. “The first night we camped Sylvester left—the next night at Bayou B. about 25 of Pa’s best hands left & the next day at Berwick Bay nearly all of the women & children started—but this Pa found out in time to catch them all except one man & one woman. Altogether he had lost about sixty of his best men.” Even the prospect of “refugeeing,” with the possibility of separation of families, encouraged slaves into delaying tactics.¹⁰ In some cases losses by flight were so disastrous that masters decided to turn back and hope for the best so far as the Yankees were concerned. The use of Confederate troops in Washington County, Mississippi, in 1863 to move slaves out of the path of the Yankees led to slaves taking to the hills, where they “laid out for over a week” until the troops had gone. Some then went over to the Yankees.¹¹

Exceptionally brave fugitives returned to slave territory in the hope of liberating others. The superintendent at the Union encampment of Fortress Monroe in Virginia in charge of “contrabands,” the slaves of Rebel owners

who had fled from Confederate military labor, had encountered daring runaways back from a trip of 200 miles to aid others. Though fewer in number than males, some successful runaways were women, including several who escaped notice disguised as men. In one incident, helped by Yankee troops near Smithfield, Virginia, in August, 1864, the rescuers with fugitives and soldiers came under fire from “a force of irregular appearance, numbering about 100.” They had to scatter over marshes, resulting in the loss of nearly all the fugitives and even some of the troops. In consequence of these missions of liberation Confederate authorities gave strict orders to their forces: “When you take Negroes with arms evidently coming out of the enemy’s [*sic*] camp proceed at once to hold a drumhead court martial and if found guilty hang them on the spot.” Recaptured fugitives were quite frequently executed.¹²

Despite the risks, flight was extensive, occurring in phases as news of Union advances spread. Initially the incidence was significant in northeast Virginia in 1861 and 1862 and then around the Union enclaves in North Carolina in 1862. After Union forces achieved control of the length of the Mississippi Valley in the summer of 1863 river towns drew in thousands from the surrounding country. Similar flight happened in Southeast coastal regions with Yankee occupation of islands and mainland bridgeheads.

Adapting to, and Exploiting, Change

The majority of African-American slaves remained in Confederate territory until the war ended. But they were not passive. In the many instances when the master was no longer present on the place the readjustment of manager–slave relations could give opportunities to shift the balance towards better conditions or a little more autonomy. Women slaves, because many of the men had been taken off to military labor or “refugeed,” constituted a larger proportion of the work force on home plantations and had a prominent part in such processes. Their perceived assertiveness was often about the material survival of their families as much as about resistance to the system. They stole to secure what food or clothing there was as the Confederate regime faltered.

Where white women had been left in charge of plantations it was noted that female house slaves could be particularly uncooperative, and when they decided to leave, as did Belle Edmondson’s “faithful” Laura in March, 1864, it was experienced as a personal betrayal. Instances of even more conscious “betrayal” involved slave women feeding and sheltering escaped Union prisoners or non-slaveholding Confederate deserters while their husbands acted as guides. In areas where there was an influx of “refugeed” slaves the local labor market could become oversupplied. Clarissa’s master sent her from Terrell County, Georgia, to find work in Savannah. She took advantage

of this unusual situation to refuse to share her earnings with her owner, William Stiles, but he was too fearful that she would leave him permanently to press the issue. The proximity of Union troops and the widely understood possibility of flight put pressure upon those in charge of slaves to find ways of keeping them at work. Many slaves understood this and pressed for advantage. In the autumn of 1864, on Colonel Thomas Jones's place in De Soto County, Mississippi, Nat Green was offered wages to stay on. He agreed and worked through the winter and spring but finally had to appeal to the provost marshal of freedmen to try to get his pay. Owners also attempted to hold laborers to the land or induce runaways to return by agreeing a division of the crop with them. In the winter of 1862–63 a Mississippian “contracted with my negroes to work for half of the cotton, and the corn still to be raised for the use of the place . . . A portion of them remained and fulfilled the contract during the years 1862, 3 and 4.” Some masters, anticipating the end of the system, let their slaves go before the arrival of the northerners. Alfred Scruggs, near Huntsville, Alabama, was free as early as 1862. He hauled wood with a team loaned him by his ex-master and used what he made to acquire a team of his own in 1863. He also had sufficient resources to rent forty acres “and raised a crop of cotton and corn that year.” He rented annually from two other local whites up to the end of the war, “hauling working and making money in any way I could in an honorable manner.” A slave from Sumner County, Tennessee, was hired out by his owner but also worked on his own behalf. He was given “a half Saturday at times to work for myself,” leased a small plot of land, and cleared it with the help of another slave. Sharing the proceeds, the two raised about four acres of corn in the summer and autumn of 1862. These cases exemplify the element of continuity in wartime with the practices of the earlier “informal economy.”¹³

Coming under Union Authority

The erosion of the old order within the Confederacy gave greater force to African-Americans' desire to take control of their lives. Yet fugitives to Union lines discovered that how they were received drastically shaped their initial experience of freedom. Their reception was less calculable than the changing legal framework indicated. The first Confiscation Act (August, 1861) prevented masters claiming labor from any slaves they had sent to work directly on the Confederate war effort. Whether local military commanders would accept fugitives' claims that they had been so used or refuse demands of masters professing loyalty for the return of their runaways remained uncertain. A fugitive's situation might be more immediately determined by the responses of ordinary soldiers. Initially most Union soldiers did not see themselves as members of an army of liberation. They arrested and

returned fugitives in the normal course of duty. Some, however, had their dislike of this activity fostered by knowledge of congressional passage of an additional article of war in the spring of 1862. An Illinois soldier in Kentucky protested at the return of an alleged fugitive (though in Kentucky the owner could presumably claim loyalty—a matter of indifference to the soldier). “The Regemut feel indignut about it. the most of us enterd the service with the Regemanding that there was to be an end to such dirty work.” Troops also acted directly. In the spring of 1862 a Missouri slaveowner saw two runaways with a Union regiment and attempted to recover them with the aid of a letter from a senior officer. Soldiers, surrounding and driving him off with stones, put him “under a guard of Soldiers & ropes were called for to hang us.” Fugitives learned that they might reduce the unpredictability of their reception through offering useful information; they then got a guarantee of protection.¹⁴

As Union forces penetrated deeper into the South it became impractical to distinguish between slaves used to help the enemy and those who merely belonged to owners in rebel states. The second Confiscation Act of July, 1862, removed all entitlement to fugitives’ labor from every rebel owner. Runaways of owners in the slave border states loyal to the Union were still under threat even if they claimed their individual masters were in rebellion. So were slaves whose masters had pledged allegiance to the United States in conquered areas of the South exempted from the Emancipation Proclamation. In general, though, distinctions of status amongst African-Americans became increasingly blurred outside the heartlands of the Confederacy by 1863. Once slaves had reached Union territory, what degrees of freedom meant depended upon their relation to the land, their circumstances as military laborers or family dependants in contraband camps, the conditions of those recruited to military service, and what impact it had on the lives of their families.

When they had a choice, the behavior of blacks coming under Union authority indicated they desired to continue with the kind of work they knew but to have more say over its rhythm and content and over the disposition of family labor. The extent to which they could achieve their inclinations to greater economic as well as personal freedom depended on a number of factors. Were masters or their agents still in the vicinity? What limitations or possibilities did government policy present? What were the attitudes of local civilian and military officials, missionaries, and reformers? Were there any resources the ex-slaves themselves controlled or could obtain? To what extent was the black family unit able to be maintained? Did the Confederates still pose a threat? Since these variables combined with differing effects in different areas, it is best to approach the issue of black aspirations and their fulfillment by considering distinct localities.

Areas in northern Virginia and some Tidewater districts came under Union forces very early. Apart from employing males of prime age as military

laborers and some women as cooks and laundresses, military commanders turned their attention to occupying the rest of the black population and reducing the costs of maintaining them. These areas of mixed farming, often with worn-out soils, were unattractive to Northern lessees. Management of land abandoned by Confederate sympathizers fell to military officials. Superintendents of Contrabands (later Negro Affairs) were appointed and early in 1862 authorized to allow blacks “to cultivate the Ground and use the property of Rebels in arms against the Government, or who have abandoned their homes.” There was initial difficulty when the ex-slaves were offered only very low wages, and “little was accomplished by it.” But in 1863 they were supplied with livestock and tools and guaranteed protection against Confederate raids. They got subsistence provisions, the cost to be charged against their share of the crop. They supported themselves through the year, with enough left over until the following spring. In 1864 the system was extended, the crop share required as rent varying according to the fertility of the soil and what other forms of assistance were provided. African-Americans working in this way had some leeway. In the First District of Virginia and North Carolina Northern benevolent associations established eighteen day schools and eleven night schools by the end of 1864. The superintendent, Charles B. Wilder, whose outlook had been formed in Massachusetts abolitionism, believed that the system used in his district had successfully spread a spirit of independence and inculcated the work ethic amongst the ex-slaves while preparing them for citizenship. Elsewhere, in and around Norfolk, Virginia, former slaves constituted “the main industrial force of the District.” They also worked at fishing and catching oysters, farmed abandoned land under some supervision on a crop share arrangement and did part-time wage laboring for white farmers to supplement returns from their own farming. But perhaps the clearest example of social reversal in the world of black people in the region occurred in 1864 when the officer commanding at Fortress Monroe gave black women who had been brutalized by their owner the chance to whip him “in settling some old scores.” He admired their “superior humanity . . . manifest in their moderation.”¹⁵

From May, 1863, onwards a project with a different emphasis developed on abandoned land in northern Virginia. Its most notable feature was the establishment of Freedman’s Village as well as a number of farms. The village was in part funded from a levy on all employed freed people in the District of Columbia, and inhabited mainly by women and children. The American Tract Society ran a school with 400 pupils and an establishment to look after the old and infirm. But the sole form of employment was a “Tailor Shop” where some of the women produced clothes sufficient to cover the cost of the materials and their “fair wages.” Government departments covered implements, subsistence, and maintenance on the five government farms

near Arlington, and the laborers received monthly wages ranging from \$2 to \$10 but had no share of the crops. Criticism of the village's mode of operation and of the supposed losses to the government from the farms revealed a strand of Northern white opinion convinced that African-American dependence on government provision for any length of time told against "any improvement in the character or conduct of the Adults." This sector of opinion reasoned that farming operations had to be subject to the discipline of economic success. Thus even within Union areas of Virginia, where only a relatively modest number of former slaves were involved, there were different but limited possibilities of economic activity on the land. Yet evidence from not too far away told a different story. As the Freedom Village was starting up it was already clear in parts of Union-occupied North Carolina that women former slaves and children supported themselves successfully. They did laundry and sold cooked food to soldiers, and the American Freedmen's Inquiry Commission was assured that the former slaves saw it as their duty to work for the Union cause.¹⁶

The 15,000 African-Americans under Union authority on the Sea Islands off the South Carolina coast after the occupation of late 1861 have intrigued observers and scholars. Their local history revealed with exceptional clarity not only the preferences of the de facto freed people but also the interplay and conflicts of interest and perspective between them and other actors involved in this early process of reconstruction. Those other actors—Treasury Department agents, military officers and soldiers, reformers, missionaries, Northern entrepreneurs, and, indirectly, Confederate raiders—competed to shape the conditions that ex-slaves faced in seeking control of their own lives. Because the masters had fled, and the different elements of the Union occupation had to improvise, the great majority of the slaves who had refused to accompany their owners initially had more latitude in how they lived. The army and navy put some to work but most stayed on or about their plantations. There they prepared the ground for food crops, especially corn, and by April, 1862, were working "in the potato field planting sweet potatoes, swinging their hoes in unison timed by a jolly song." Although some of the Treasury Department agents charged with handling the 1861 cotton crop enlisted blacks in dealing with it, the freed people were unwilling to begin work on the next crop. They refused to enter the fields without all the items they had expected from their masters. Their priority was food cropping of the kind they had engaged in on their plots under slavery. Staple crop production was a matter of negotiation of terms.¹⁷ During the course of 1862, however, government plantation superintendents claimed to notice greater willingness to work in cotton. One of them, Edward Philbrick, believed it showed the laborers beginning to act on the civilizing basis of economic self-interest. Yankee entrepreneurs, including Philbrick, were on hand with offers to lease the cotton estates for

the next year. Reformer and missionary advocates of the freed people feared what treatment the African-Americans might receive as wage laborers from lessees. Government policy, however, limited the alternatives. Most military and civil officials in the Sea Islands believed that black improvement, both a moral and an economic objective, required the inculcation of the habit of “steady labor.” They doubted individual cultivation or fishing produced the right effect. Wage labor, whether for government or private entrepreneurs, was the correct solution because officials believed it promoted blacks’ understanding of the link between work and reward. Wage work combined with the schooling and religion of Northern missionaries was to be the basis for African-American progress. Since much of the wage labor was to cultivate cotton, the policy maintained the existing economic pattern and, in addition, government-run plantations brought benefit to the Treasury. Schooling was available, some of it provided not only by Northern free black teachers such as Charlotte Forten but by former slaves such as Susie King Taylor. She forcefully demanded sufficient books for her task of “forty children to teach, beside a number of adults who came to me nights, all of them so eager to learn to read above anything else.”¹⁸

Some whites, including Saxton, the military commander on the islands and a believer in the virtues of wage labor, assumed that the African-Americans should also work their own grounds. Blacks themselves believed “the possession of land by our people either individually or collectively . . . will give us the claim of home; and no life gives to a people that spirit of independence as the tillage of the soil.” They raised food crops from plots at the same time as laboring on the estates. When Philbrick and his associates began to run some of the estates black people soon gained the confidence to voice complaints about the low level of wages, occasional whipping, and to claim that Philbrick had promised to turn over blocs of land to them at a dollar an acre. They exhibited “a most republican spirit” and took every chance to go off and work for themselves. Almost three years after Union control was established on the Sea Islands in the eyes of the Superintendent of Contrabands young women continued to be particularly unruly. This spirit of assertion was despite recurrent harsh treatment of the African-Americans on the part of some Union soldiers. Their best chance of acquiring more land might have come from land sales under the Direct Tax Act (1862) that put rebel land forfeit to the United States for nonpayment of taxes on the market. Eventually the government allowed very little of it to be set aside for purchase by the former slaves and they were unable to compete on the open market with buyers like Philbrick.¹⁹

Revealing as these developments were, they involved a small minority of former slaves. Most of those in Union territory en route to freedom were in southern Louisiana and the Mississippi Valley. Often masters were still in place after Union occupation because they had proclaimed their loyalty

to the United States and assumed they should remain in control of their slaves. Confirmed in this view by the recognition of exempted areas in the Emancipation Proclamation, they found collaborators in Union military commanders (notably Benjamin F. Butler in New Orleans) anxious to maintain plantation production. They pledged their authority to the “protection and inviolability of the rights of property.” But slaves, Yankee troops, and abolitionist officers such as John W. Phelps, in command at Fort Parapet, above New Orleans, disturbed these intentions. Slaves of loyal masters saw no necessity for this to affect their intentions and joined those of rebel owners in moving to Union lines, where often soldiers protected and employed them. Slaves remaining on the estates sometimes refused to continue as before. A Louisiana owner found some of his bondsmen “in a state of insurrection [*sic*] . . . some of them would not work at all & others wanted wages.” Near by blacks drove an overseer off the estate. Not only owners but officers trying to enforce Butler’s orders were convinced that disorder was fomented by black troops with the encouragement of their camp commander, Phelps. He allegedly allowed his men “to range the country, insult the Planters, and entice negroes away from their plantations.” In conflict with Butler, eventually Phelps resigned his commission.²⁰ Butler’s successor in the Department of the Gulf, Nathaniel P. Banks, determined to bring order to the labor system. His regulations of January, 1863, and February, 1864, set wage rates, standards of treatment and conditions, and promised some education for children. But they placed limits on the movement of the laborers, punished poor discipline by loss of wages and held back payment of half of earnings to the end of the year to ensure consistency of work. Many blacks protested, unavailingly, that “the beneficent intentions of the government, if it has beneficent intentions,” were being undermined.²¹

Beginning in 1863 in the Mississippi Valley, the Lincoln administration leased out seized or abandoned plantations to Southern loyalists or incoming Yankees. As Union forces had penetrated deeper into the Confederacy so whole families of black people had come over to their lines. To help absorb the growing number of black fugitives, lessees were encouraged to employ the freed people gathered in contraband camps as wage laborers. The policy was particularly intended to draw the women, children, and older freed people unsuitable for military recruitment into self-supporting work. The experience of the ex-slaves in working for lessees was very mixed. One observer reported the women and their dependants (especially when their men began to be recruited into the army) as victims of lessees who ignored government regulations and were “only adventurers, camp followers, ‘army sharks’, as they are termed.” Often wages were unpaid and they left the workers in “miserable huts.” Some women protested at these conditions. Other lessees, however, appeared as “liberal-minded philanthropic

Gentlemen,” desiring to make a profit but with regard for black rights. In yet other cases the lessee might have been driven off by Confederate raids or simply neglected the property so that “the negroes subsisted mainly on the corn and meat obtained from the country around.” The government also made efforts in the Mississippi Valley to lease farms, many of them as small as five acres, to blacks. According to an experienced official, if they also foraged and cut wood, “I doubt if any . . . have, for months, required or received any aid from the Government.” Where they were near army camps they sold produce to the soldiers and some of the women became cooks, laundresses, or prostitutes. Yet, as in the Sea Islands, the administration placed limits on the ex-slaves’ ability to accumulate land. The Proclamation of Amnesty and Reconstruction, issued in December, 1863, allowed former rebels to resume property rights (except for slaves) on swearing an oath of loyalty and accepting wartime laws and proclamations in relation to slavery. Prewar owners in the early months of 1864 resumed two-thirds of the plantations leased in the Mississippi Valley in 1863, displacing ex-slaves.²²

In Southern towns and cities under Union rule black people encountered very variable material conditions. Around Norfolk, Virginia, circumstances were harsh. Hundreds were living in “cheap houses & sheds” and suffering high levels of mortality. But with a little property and accumulated capital Samuel Larkin moved from northern Alabama to Nashville, bought horses, and made a living hauling stores for local merchants. Even so, Nashville exemplified the contradictions African-Americans faced in the transition to freedom. The local black community supported a hospital and schools “taught by colored people who have got a little learning somehow” but in the summer of 1864 the local Union commander was still returning fugitives to claimants.²³

Border slave states remaining within the Union imposed some of the toughest conditions on blacks in pursuit of freedom. Especially in the first two years of the war, slaves worked under tightened slave codes for a class of owners prepared to use all the political influence they could muster to ensure protection of their interests in return for their Unionism. Some military commanders in these states exempted from the Emancipation Proclamation long continued to return escapees to loyalists. Subordinate officers occasionally refused or found the task distasteful, so slaves did find allies in maintaining freedom but must have experienced pervasive uncertainty. The choice they faced at best seemed to involve running for the North or seeking federal protection in becoming military laborers or soldiers. Progressively in 1863–64 Union authorities in the loyal slave states ignored the Unionism of owners when they took in fugitives as laborers and in responding to Washington’s sanctioning of black recruitment in Maryland and Missouri in 1863 and in Kentucky in the spring of 1864. Union military success from the summer of 1863 and the shift towards antislavery

politics within both some of the loyal and nearby ex-Confederate states made it easier to do so.²⁴

Even then securing freedom was far from smooth. Men from Maryland and Kentucky who became military laborers or recruits often left their families behind. But they “are most shamefully and inhumanly treated by their masters in consequence of their husbands having enlisted in the union army.” Mere suspicion that men were contemplating enlistment could lead to their harsh treatment. Some blacks in the loyal slave states did manage to loosen the constraints of forced labor in advance of local emancipations by exploiting the scarcity of field workers after military labor and black recruits had been taken. They worked under informal wage agreements or for a share of the crop. Masters could renege on these unrecorded agreements but workers complained to the military authorities in some instances.²⁵

The absorption of many of the men in military labor or soldiering meant that the women, children, and older males did much of the other work—if work was available. When groups were not cultivating abandoned land or laboring for lessees, they worked from contraband camps. Visitors to some of the early camps in 1862–63 glimpsed “misery and wretchedness.” Crises of overcrowding recurred whenever Union military progress shook African-Americans loose from their old locations. Camp superintendents organized improved health measures and food supplies, and the camp established forms of work such that the former slaves “should as far as practicable support themselves.” In strict accounting terms this was unlikely to have been achieved, but whites believed they were inculcating the need to work among the fugitives. When there was no work in the camps along the Mississippi in 1863, Adjutant General Lorenzo Thomas encouraged the ex-slaves to return to their old places. Believing masters realized slavery was at an end, he supposed, controversially, they would employ them for wages. A year later, in more favorable circumstances, workers filtered out of camps to jobs in towns like Vicksburg.²⁶

Initially military labor was a practical response by commanders faced with fugitives reaching their lines. Soon politicians and soldiers began to see significant advantages to employing black labor; the policy contributed to the Union war effort what had been removed from the Confederacy and released white troops from ancillary work, making them available for fighting. Many laborers gladly escaped to military work. The army also impressed many thousands into labor. In 1864 in Tidewater, Virginia, and North Carolina this was done on a false prospectus when laborers were left unpaid and were “in a poor way.” The construction of the fortifications at Nashville in 1863 used very large numbers (3,000). The scale of the operation defeated any efforts at proper treatment; “. . . they worked well, and through all that were cheerful, although in the fifteen months they have been employed at that fort . . . about 800 have died.” In the District of Columbia

and other places the government made provision for the unemployed—women, children, and the sick—by deducting \$5 per month from the wages of teamsters and laborers working for the army. As a measure it saved the government money but it also calmed the anxieties of the laborers about their families.²⁷

Hopes

Military and naval action expressed most dramatically African-Americans' break from their earlier circumstances but since it is the subject of another chapter in this volume a number of points will be made only briefly here to link to the final part of the chapter. Recruitment for the three-quarters of the 180,000 who served who were ex-slaves expressed the logic of the war becoming one of liberation, gave a great psychological fillip to the soldiers themselves, and had a striking effect on other Americans, black and white. Potentially it also marked a large stride towards citizenship. Yet a variety of obstacles still barred the road to fulfillment. Sometimes violent forms of impressment persuaded some African-Americans to avoid soldiering. Nor did recruitment lead immediately to the equal treatment a potential citizen might anticipate or to full participation in all military activities. Some commanders considered them uniformed military laborers, to be used primarily "for fatigue duty." The commander of a North Carolina black regiment complained of insults to his soldiers from officers of other units. Their menial work, he thought, "throws them back where they were before and reduces them to the position of slaves again." Under the Militia Act that established their terms of service, black troops were paid less than white, often had poor equipment, and did not have the complement of black officers many of them desired. African-Americans devoted much energy to protests demanding equal pay, culminating in the 54th and 55th Massachusetts black regiments refusing any pay, including the offer of their state government to make up the difference. They could thus deny that they were "holding out for money, not from principle." But Congress so delayed in enacting legislation for equal pay—the measure passed on June 15, 1864—that near mutinies occurred in both Massachusetts regiments.²⁸

Black troops' belief that they had just claims on citizenship was reinforced by a sense of achievement. In 1864 Sergeant George Hatton of the 1st Regiment, U.S. Colored Troops, expressed it simply: the African-American "has proved . . . that he is a man." The onrush of events lifted their aspirations and raised their hopes. They knew that in combat their conduct, especially at Port Hudson, Milliken's Bend, and Fort Wagner in the spring and summer of 1863, but also in dozens of other incidents, had dramatically improved their reputation as soldiers. Some of them acted openly as liberators, as when troops from the 1st Louisiana Native Guards visited plantations in

St. Bernard Parish, commandeered horses, mules, and wagons and carried off blacks to New Orleans. Protest against discriminatory treatment was thus intimately linked to the increasingly assertive roles soldiers were playing. A sense of a shift in power relations invigorated the Missouri black soldier Spotswood Rice, writing to his daughter's owner about coming to get her back. "I will have bout a powrer and autherity to bring hear away and to exacute vengencens on them that holds my Child." It was a short step to demanding the means to exercise full citizenship. Soldiers asked for "a general system of education . . . for our moral and literary elevation" and sometimes contributed funds towards unit libraries. In a Louisiana black regiment "the cartridge box and spelling book are attached to the same belt." The other necessary instrument was the franchise. The initial impetus came from free Northern blacks, most of them having been denied it under their state constitutions, though some petitions also emerged from the South. In Louisiana it was a major political question in 1864–65 within the context of Lincoln's Reconstruction proposals for the state based on a loyalty oath taken by one-tenth of those who had voted in 1860. Despite private indications from Lincoln that he was prepared to see some blacks possess the franchise "for instance, the very intelligent, and especially those who have fought gallantly in our ranks" the new Louisiana constitution excluded them. Protests focused on the fighting efforts of black troops and on the literacy many of these same troops had acquired in the army. They refused to accept proposals which drew any distinctions according to race or between the mulatto elite and the mass of the black population based upon education. This principled solidarity ensured that non-whites remained excluded. The Lincoln administration was not prepared to intervene further.²⁹

The African-American experience during the Civil War was very varied. Blacks sometimes found more room to exercise choices than they had previously, though the ways in which they did so were often familiar—flight, plot agriculture, small scale-marketing. They also chose to assert their human and family priorities against the tendency of slaveowners and Northern civil and military authorities to ignore them. Many insisted on formalizing the marriage bond, asserting its integrity whatever the attitude of former masters. In three Mississippi River towns in 1864 and early 1865 army chaplains recorded over 1,400 marriages. Discovering their sense of parental rights to match their personal feelings, the newly free battled, with mixed success, against the attempts of former owners to retain ex-slave children as "apprentices" and to insert their authority between fathers, mothers, and children. Some gained new work arrangements from hard-pressed masters, well short of complete autonomy but giving families more control over their daily lives and use of labor. Military laborers and soldiers reminded whites that they needed security for their families or communities. Their local actions demonstrated a desire for a negative freedom from bondage but also

for the opportunity to shape individual and community economic and cultural life. Collective actions on occasion revealed values and a social consciousness blending the instrumental and a symbolic reversal of the social order. Such surely was the situation in Beaufort, South Carolina, when black people took items that they lacked from abandoned planter houses and seized and passed on family portraits, destroyed furniture, and smeared furnishings with excrement. Above all, soldiers achieved a human stature as agents and pride in helping shape the course of events. “What step wee [*sic*] should take to become a people,” the ideal for which they reached, equally manifested in that “republican spirit” displayed by their womenfolk, was citizenship-rooted, wherever possible in the independent proprietorship of land. But achievements were intertwined with constraints; the meaning for many African-Americans of their experience during the war was ambiguous. That very ambiguity prompted them to become political beings for the first time, to seek a more positive outcome.

African-Americans’ struggle, with whatever mixed success, to shape their own ways of living was, in very many cases, founded ultimately upon the incalculable but deeply emotional sense of transformation in individuals. Higginson caught a glimpse of it in his account of the reading of the Emancipation Proclamation on the Sea Islands. “The very moment the speaker had ceased . . . there suddenly arose, close beside the platform, a strong male voice (but rather cracked and elderly), into which two women’s voices instantly blended, singing, as if by an impulse that could no more be repressed than the morning note of the song sparrow—“My Country, ’tis of thee, / Sweet land of liberty, / Of thee I sing.”³⁰

Notes

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29. Litwack, *Been in the Storm*, pp. 64–76; McPherson, *Negro's Civil War*, pp. 183–92, 228–34; *Black Military Experience*, docs. 299A–B, 248, 252, pp. 689–90, 615, 618; McPherson, *Negro's Civil War*, pp. 276–85.
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CHAPTER 13

“To bind up the Nation’s wounds”

Women and the American Civil War

SUSAN-MARY GRANT

Writing in *Harper’s New Monthly Magazine* in 1864, when the Civil War was in its fourth and bloodiest year, Belle Spencer recalled her reaction to her husband’s departure for the battlefield over two years previously:

I had seen much before, and borne a great deal, yet it seemed but little comparatively when I came to take leave of my husband, and turned back to my lonely room to await his return. True, I had expected this, was prepared for it in a measure; yet a strange and overpowering sense of my position came over me that I had not felt before, when I stood by the window to catch a last glimpse of a beloved form. He was standing upon the deck of a large boat, with hundreds of others around him; yet I seemed to see him only, his sad face turned to me in mute farewell as the bell clanged and the ponderous vessel swept slowly out into the stream, and turned her prow toward the mouth of the Tennessee. It was but a moment, during which I leaned against the casement, breathless, agonized. There the waters lay cold and glittering under the spring sunbeams, and the sadness of utter desolation seemed to have fallen upon my spirits.¹

Belle Spencer was not the type of woman content to weep at home, however. As she herself put it, “with three hospitals in sight of my window” the direction her war work would take was obvious and, indeed, commenced soon after her husband left. Initially welcomed by the doctor to whom she

applied, her horror at the conditions she encountered soon set her at odds with the hospital authorities. Undeterred, she struggled to bring comfort to the men she encountered, noting their “rapid improvement” under her care. Her response to the news that her husband had been killed at Shiloh was to set off in search of him or his body. Finding him wounded but alive, she took him home to nurse him back to health, in time, she noted, “for the Fall campaign.”²

Belle Spencer’s story is, in many ways, typical of our image of women during the Civil War. Its publication some two years after the events described in it suggests that it was published with the specific intention of reinforcing morale on the Northern home front in an important election year. It did not dwell on Belle Spencer’s difficulties with the hospital authorities, although it did hint that these did not abate. Instead, the central thrust of the article was the wife’s willingness to support, first, her husband and, second, through him the Union cause. At the article’s conclusion, it is made clear that Belle has nursed her husband back to health, not for herself, but for the benefit of the Union army. In her selfless devotion to the cause, in her work to support it through nursing the troops, and especially in her willingness to give up the man she loved to it, Belle Spencer was the ideal soldier’s wife of her time. Although critical of male authority within the medical environment, she never directly challenged it; although devastated by the risk of personal loss, she never flinched from it.

For women like Belle Spencer the Civil War was one of the most significant events of their lives and that of their nation; it is, indeed, the central event in America’s national story. It was the nation’s defining conflict, the war whose outcome justified both America’s claim to nationhood and the central ideals of freedom and equality supporting that claim. Yet the war established neither freedom, in anything but the legal sense, for African-Americans nor equality in any sense for women.

Although historians continue to challenge the image of the Civil War as a “brothers’ war” that ultimately reaffirmed national unity, and specifically work to bring women in to the history of the conflict, our understanding of why women’s role in the Civil War has been so downplayed remains incomplete. Only by placing the women’s Civil War within the broader context of America’s struggle for national identity in the nineteenth and early twentieth centuries can we trace the process that led to women’s exclusion from the war’s narrative. Such exclusion was by no means reflective of contemporary perspectives on women’s importance to the war effort and their role in sustaining it. Nineteenth-century warfare was a man’s game, no doubt, but, as Belle Spencer’s experience shows, it was also a woman’s business. War work—at home or on the battlefield—presented women with new social and even political opportunities, even as the traditional social structures altered in the absence of men.³

For all women, North and South, black and white, the responsibility of running the home, farm, or plantation was only the most obvious change in their circumstances. For white Southern women, many of whom lost not just husbands but homes and, for the planter class, an entire way of life predicated on slavery, the impact of the conflict was particularly acute. African-American Southern women kept the hope of freedom alive even in the face of the brutal reality of physical upheaval, loss of family, an increased work load, and the realization that some northerners were as racially blinkered as their former owners had been. The shift away from the Victorian “cult of true womanhood” ideal in response to the war’s many challenges—more of an issue for white than for black women, as the latter were frequently excluded from these restrictive precepts—the need to reestablish a marital relationship unsettled by the male war experience or disrupted by slavery or, worse, the economic and personal responsibilities involved in facing the future alone, all point to gender boundaries in flux during and after the Civil War.⁴

The war had reached its most brutal, and crucial, juncture in 1864 when Belle Spencer’s story appeared and when Abraham Lincoln was reelected for a second term. In his Second Inaugural, delivered the following March, Lincoln stressed the need to “strive on to finish the work we are in; to bind up the nation’s wounds; to care for him who shall have borne the battle, and for his widow, and his orphan.” Of course, Lincoln did not have in mind the actual bandaging of battlefield wounds, but rather the binding together of a severed nation, the reconstruction of a body politic dismembered by a brutal internecine war. Yet, paradoxically, the requirements of this reconstruction operated against the recognition of the full extent, and implications, of women’s Civil War experiences. The need “to bind up the nation’s wounds” resulted in the diminution of women’s role in the America’s most destructive, and yet nationally most formative, war. Although it was not his intention, Lincoln’s words neatly encapsulated the traditional image of Civil War women who, in their nursing capacity, were called upon to quite literally “bind up the nation’s wounds,” a phrase frequently deployed to announce studies of or exhibitions on medical care during the Civil War. Alternatively, if not stereotyped as nurses, then Civil War women were allotted the role of grieving dependant, consolidated, as Elizabeth Leonard argues, “in the culture’s historical memory into *the* dominant paradigm of the intersection between women and the Civil War: Civil War women as the weeping widows of the dead.”⁵

Historians have, over the years, sought to challenge this paradigm in studies that highlight women’s very real contribution to the Northern and Southern war effort within the broader context of those that explore the war’s impact on women, families, and society in general. The Civil War reinforced traditional gender roles in theory, but in practice the upheaval of

war produced a reformulation of the prevalent gender stereotypes of the day. The historiography of the women's Civil War acknowledges, indeed is to a large extent structured around, this gap between ideal and reality, but it is also constrained by the limitations of the available evidence. At its most simple, the historiography of the women's Civil War had, until quite recently, a tripartite structure, comprising: works on Northern women and the longer-term political implications of their Civil War involvement; studies of Southern women, their support—or lack thereof—for the Confederacy and their function in the development of the Lost Cause; and studies of African-American women, whose war and postwar experiences, somewhat opaque to historians as a result of fewer first-hand accounts, were couched mainly—although by no means exclusively—in the context of the changing work patterns and familial structures that freedom introduced.

Of these three groups, Southern elite white women have received by far the lion's share of scholarly attention, in part because the war affected them in such dramatic ways, in part because so many of them left written accounts of their war experience, composed either during or, more usually, after the war, but mainly because of the central role accorded such women in the war's aftermath, as the Lost Cause emerged as a response to, in some ways a rejection of, but ultimately a means of coming to terms with, defeat. For all of these reasons, Southern women can no longer be termed the “half-sisters of history,” as Catherine Clinton once described them, but both the Northern and the African-American woman's Civil War has been overshadowed, to a great extent, by the attention given to the Confederacy.⁶

Just over a decade ago, George Rable—himself a historian of Confederate women—noted that, traditionally, Civil War historians have been rather dismissive of women's history while social historians, in their turn, are too frequently simply contemptuous of military history. The Civil War, he suggested, might constitute “the badly needed common ground for a rapprochement . . . The sources are so rich and varied that the possibilities for striking combinations . . . of fields and methods are nearly endless . . . studying social definitions of gender and the ways in which real people embraced, lived up to, or rebelled against these ideal types should,” he argued, “have a broadening rather than a narrowing effect on Civil War studies.” Yet, despite the shift in Civil War historiography toward what used to be called the “new military history,” and the merging of home front and battle-front in the work of many historians, the subject of women in the Civil War continues to sound a jarring note. Women's experiences of war, according to some, cannot be as valid as men's experiences, even if both fought, even if neither did. The popular image of the Civil War as a “white man's fight” has been slow to give way to a more inclusive picture of a war involving many players, black and white, male and female, soldier and civilian.⁷

Battlefields: Women and the Union

In her study of women's writing and the Civil War, Elizabeth Young quotes Henry Ward Beecher's declaration that "manhood,—*manhood*,—MANHOOD, . . . has made this nation." She goes on to observe that Lincoln, too, "offers a fantasy of national self-fathering, in which masculinity circulates as the literary lifeblood, as well as the literal cannon-fodder, of the injured body politic. In the land of the self-made man," she notes, "the story of national self-division—like the birth of a nation—apparently needs no mothers." As a consequence, the focus of studies of the Civil War has been on its male protagonists, be they politicians or soldiers, "reproducing a narrative in which Lincoln, his generals, and their privates successfully labor to reunify the nation." Warfare is, of course, as Jeanie Attie reminds us, "naturally gendered," juxtaposing "masculine" qualities of aggressiveness and strength with what are perceived as more "feminine" nurturing qualities. The battlefield, in this context, is regarded as a wholly masculine environment, while the home front is feminine. Patriotic propaganda both reinforces and is itself predicated on these distinctions, encouraging men and women to "assume gender-appropriate roles to further nationalist objectives."⁸

As far as Civil War historiography is concerned, the most obvious outcome of this has been a persistent reluctance to acknowledge that some women actually served in the ranks as soldiers or if the fact is accepted a tendency to dismiss such individuals as cranks. This, according to Deanne Blanton and Lauren Cook, is very much a twentieth-century perspective that developed in the period following World War I. In the Civil War's immediate aftermath there was widespread—if not universal—support for women who were revealed as having adopted a male guise and taken up arms for their cause, so long as their motives for doing so were deemed to be romantic and/or patriotic rather than purely economic. However, by the time that historians such as Bell Wiley and Mary Elizabeth Massey turned their attentions to the subject in the mid-twentieth century, such women were viewed in a less positive light. Wiley described the reaction of their contemporaries to such "[f][reaks and distinct types]" as "one of amused tolerance," while Massey suggested that female soldiers were seen as "mentally unbalanced or immoral" individuals and concluded that there was "no question that many and probably most of the women soldiers were prostitutes or concubines." Modern scholarship has challenged this conclusion, and has suggested that contemporary observers sought "to emphasize reasons for women soldiers' transgressive behavior that provided some comfort: moral debasement on the one hand, or love of a man, pure adventuresomeness, and ardent patriotism on the other." In part, such negative imagery has held since women's direct military contribution cannot be deemed to be decisive, so the impulse to challenge the stereotype has, until

recently, been lacking. Women's absence from the Civil War's purely military narrative does not skew the interpretation of tactics and strategy in any significant way—although it does raise the question of how each side maintained an army in the field in the first place.⁹

The focus of much recent work on female combatants, therefore, is essentially corrective. It aims to highlight, and explore the implications of, the fact that women took a larger role in the actual fighting of the Civil War than the following index entry—which appeared in a relatively recent study of Civil War soldiers—might suggest: “women, Confederate treatment of; flags made by; military camps visited by; as widows.” It is now clear that some women did, in fact, take a combatant role. Exactly how many did so remains a moot point. Civil War nurse Mary Ashton Livermore noted that a figure of about 400 was circulated at the time, but she estimated that to be on the low side. Leonard proposes a figure of anywhere between 500 and 1,000. To put this in some perspective, some 20,000 women served the Union as nurses or general support staff, and over 3,000 nurses were regular employees of Union army. It is worth stressing that neither Wiley nor Massey dismissed the idea of the female soldier entirely. Wiley discussed a wide selection of women who were discovered disguised as men in the Union army, and in assessing their motivations for seeking combat concluded that many were inspired by a purely patriotic impulse. Massey, too, took seriously the tendency she noted among Civil War woman “to be breaking out in all directions at once, and nothing said to or about them could force them back into the fold . . . Instead of talking about their rights,” she argued, “they were usurping them under the cloak of patriotism.” It is all the more unfortunate, therefore, that in discussing women who chose a combatant role they used such inflammatory words such as “freaks” and “prostitutes.” Indeed, the Union general William Rosecrans was exhibiting a more restrained—but recognizably military—sensitivity when he expressed no more than his “flagrant outrage” on the occasion of one of his sergeants giving birth, an act which, he observed, “is in violation of all military law and of the army regulations.”¹⁰

Historians have put a great deal of effort into identifying individual women whose combatant role can be verified, including Sarah Emma Edmonds, Jennie Hodgers, and Sarah Rosetta Wakeman. In the process, of course, some of the more dramatic stories of female valor that did the rounds in the aftermath of the war have taken a bit of a beating. Livermore singled out the actions of both Nadine Turchin and Annie Etheridge, of the 19th Illinois and 3rd Michigan, respectively, in her “story of the war.” Turchin, according to Livermore, took over command of the regiment when her husband, John, fell ill, while Annie Etheridge “was found in the field, often in the thickest of the fight.” Leonard, however, has stripped away much of the veneer from Livermore's story of Turchin, noting the improbability

of her ever being permitted to assume command of the 19th Illinois, and offering evidence from Turchin's diary that, by 1863 at least, she was not in the habit of joining the troops on the battlefield. At the same time, she does not dismiss the validity of Turchin's complaint that women were, in her words, "Eternal slaves of fatal destiny," permitted by men "to be everything but intelligent beings authorized to enjoy the rights guaranteed to *ALL!* by the American constitution: freedom, equality, and the pursuit of happiness." Annie Etheridge was rather a different case. She, too, had accompanied her husband to war, but when he deserted she did not, becoming instead the "daughter" of the 3rd Michigan, transferring, along with the troops, to the 5th Michigan later in the war. Her presence on the battlefield does not seem to be in much doubt, but she was there in a nursing capacity, in recognition of which she was accorded the unprecedented honor of being buried in Arlington National Cemetery.¹¹

Etheridge did not challenge men, either by seeking to adopt their dress or by usurping their combatant role. Her behavior reached but did not exceed the accepted gender boundaries of the day. Yet nurses still faced opposition in their attempts to support the soldiers. Women who abandoned the home in favor of the battlefield not only entered a violent world deemed unsuitable to their natures, but in the process relinquished the security and protection that the home environment provided, and were therefore prey to both suspicion and censure. Even in a time of war—perhaps especially in a time of war—women were expected to be all things to all men: they "were supposed to be brave and strong but at the same time remain loving and refined; endurance and perseverance were to characterize the actions of young girls who had traditionally been seen as weak and frivolous." It was a circle women could not hope to square. Even professionally qualified women met with outright hostility from the men they encountered. One of the best examples is that of Mary Edwards Walker, a medical doctor who served with the Army of the Cumberland. Initially, the medical profession disparaged her training, on the grounds that it was not appropriate for a woman to practice medicine. Walker, unlike Etheridge, did challenge the gender conventions of her day on several levels: in her expertise, in her dress, and above all in her determination neither to compromise her ideals nor downplay her abilities. The Union army was more than happy to use her skills in an informal, voluntary way but not to recognize them as they would those of a male surgeon, nor to recompense her properly for her work. In frustration, Walker vented her spleen in a letter to Lincoln himself. She pointed out that she had "been denied a commission, solely on the ground of sex," despite her work having "been tested and appreciated without a commission and without compensation." "[H]ad a man been as useful to our country," she concluded, "a star would have been taken from the National Heavens and placed upon his shoulder."¹²

Walker's experiences go to the heart of one of the main issues facing women during the Civil War: the general unwillingness to acknowledge the validity and, more significantly, the value of their varied services for the cause, and historians are increasingly exploring the broader implications of this. There is some irony, however, in the fact that most works on the war itself and also, less explicable, studies of women's role on the battlefield, be it as combatants or nurses, avoid any discussion of the Union's most active woman on the battlefield and beyond, Harriet Tubman. Tubman was not challenging the gender conventions of her day—although, like Walker, she sought to wear the more practical bloomers in the course of her work, evidence enough for contemporaries of a woman deranged—conventions from which she, as an African-American, was largely excluded, but she was certainly challenging all the rest. It is remarkable, therefore, that she, of all women, should be missing from the women's Civil War story. In part, it is the exceptional nature of Tubman herself that has produced this lacunae: her dramatic escape from slavery, her efforts to help others escape via the Underground Railroad, her support for John Brown's famous raid on Harpers Ferry, her activities as a Union spy, scout, and nurse, and her advocacy in support of emancipation as an essential Union war aim, made Tubman a national icon, but this iconic status actually prevented, until very recently, her incorporation into the field of women's history. We might better understand the reasons for this if we see Tubman as one of the nineteenth century's "invented greats"—to use Nell Painter's phrase—an individual whose public persona has been available to historians largely through its construction by others, resulting in the loss of much of the complexity of the actual life. Painter uses the phrase in her analysis of the other prominent African-American woman of this period, Sojourner Truth, but the parallels, in so far as their respective historiographical positioning is concerned, are obvious.¹³

Despite her work on behalf of National Freedman's Relief Association and her efforts to aid former slaves who had escaped to the North during the Civil War, Truth is, like Tubman, largely missing from the history of the Civil War. Two studies of Tubman appeared during World War II, but both were descriptive biographical works rather than interpretative studies and there has been no shortage of dramatic tales of her life, many intended for a junior market. A recent flurry of interest has resulted in no fewer than three new biographies, all informed by the scholarship on slavery that has appeared between the 1940s and today, by Catherine Clinton, Kate Clifford Larson, and Jean M. Humez. Truth has received rather more sustained scholarly interest over the years, but has yet to become the fixture in Civil War history that her activities as abolitionist, activist, and evangelical merit. Both Tubman and Truth are in some senses crossover figures, whose position on the middle ground between slavery and freedom, North and South, makes it difficult for

scholars to place them in the Civil War narrative. In both cases, the historical individual is subsumed in the symbolic figure of the strong black female; “Truth created a persona that filled a need in American political culture,” Painter explains, and her image as “former black slave and emblematic black feminist abolitionist, works metonymically as *the* black woman in American history.” She highlights the fact that Truth is frequently (mis)appropriated by historians of Southern slavery seeking a powerful symbol to stand for women under that institution. In Truth they find it, despite the fact “that Truth was a northerner, that her bondage ended before the antebellum era began, and that she never set foot on a plantation.” Both dominant in and yet simultaneously obscured from the historical gaze, Truth and Tubman stand outside the historiography of Civil War women, sidelined by a combination of their own very public histories and by a profession that, as Clinton suggests, prefers “movements, collective identities” rather than individual stories, however significant these may be.¹⁴

Tubman’s unrecompensed work for the Union army, her struggle for a pension after the war—she eventually received one, \$8 per month, in 1892—was doubtless exacerbated by her race but not atypical, and it is in the white Northern women’s experience that historians have, to date, identified the trends and “collective identities” that they seek. The Civil War highlighted the very different relationship that men and women enjoyed with the state, a relationship that historians such as Attie and Judith Anne Giesberg have explored in some depth. Men who volunteered to serve in the army received payment, along with a substantial bounty, making economic considerations a prime factor in the decision to enlist. Women, by contrast, were not only expected to provide the additional manual labor that the absence of their menfolk entailed, but encouraged to produce a variety of homemade goods for distribution among the troops. In this way, Attie points out, the “connection between labor and nationalism was not only brought home, it emanated from the home.” Women’s relationship with the state was not premised—as men’s was—on their role as citizens, but on the supposition that they were “apolitical and altruistic members of society.” Rather than being a direct relationship, it was one that women sustained only through the men they supported, the men whose health they struggled for, not for their own sake but for that of the nation. As a consequence, there was a general expectation that women’s services—indeed, women’s patriotism—would not only be for the benefit of men, but directed by men. When women showed an inclination to act for themselves—most dramatically by seeking a combatant role, less controversially by offering their nursing or other support services—they encountered a multitude of difficulties.¹⁵

The most recent research on the role of Northern women, especially, in the Civil War positions their activities within the continuum of women’s activism and the broader reform impulse. Giesberg, for one, argues that

women's work on behalf of the U.S. Sanitary Commission during the Civil War can be seen as the "missing link" between the localized reform activities of the antebellum period and the national reform movements of the Progressive era. The lessons women learned during the Civil War, she suggests, established "the groundwork for the sweeping reform efforts and the emergence of mass women's politics that characterized the rest of the nineteenth and most of the twentieth century." Attie, too, sees the Civil War as the catalyst for change for American women, and an important arena for the "development of new social theories to justify equality between the sexes." In the short term, however, the most significant lesson that women learned from the Civil War was that men were not readily willing to share either authority or responsibility with them. The Civil War brought opportunities for both men and women: when these opportunities coincided, as in the case of the USSC, a clash was, in the context of the times, almost inevitable. In theory, "the professionalization of women as nurses, medical personnel, sanitary agents, and so forth, meant the sharing of a type of public stature and power previously reserved for men." In practice, much more was at stake than simply the care of the wounded. What the USSC sought to inculcate was nothing less than "a new consciousness, a new national culture," and female benevolence and supposedly disinterested patriotism became a means to that end.¹⁶

The USSC was happy enough to channel women's philanthropic impulses—and in the case of nurses even ensure that they received remuneration for their endeavors—but resolutely adhered to strict gender divisions in terms of labor and responsibility. In this context, it is not surprising that stories "about the disorganized character of female benevolence and the confusion it produced at the warfront" proliferated. These formed "the basis of a narrative about the creation of the USSC that depicted the organization as the embodiment of rational benevolence," and gave it the edge it needed to promote itself as uniquely positioned to support the troops. This, Attie argues, throws into sharp relief the "unequal balance of social and economic power between the sexes in mid-nineteenth-century America." Not only did the women behind it feel the need to involve what she terms, somewhat anachronistically, "non-feminist men," but they proved powerless to prevent these men "from appropriating their organizational ideas and structure to serve a distinctly masculine nationalist agenda." Nevertheless, as the war dragged on, the USSC increasingly came into conflict with women who did not share its view of how their benevolence should be directed nor what forms it should take. By challenging the nationalizing tendencies of the USSC via a range of local initiatives—notably the Sanitary Fairs that took place in towns across the North—Northern women were able "to expose, if only for a moment, the erroneous beliefs about female voluntarism." In the process, they rejected "the dominant version of female patriotism" and

instead “stressed the parity between their loyalties and those of men.” In this way, Attie explains, “women tried to make public the nature of their real economic contributions not only to the nation but to their families and local economies as well.” The most public women of all in the context of the Civil War North, of course—Harriet Tubman and Sojourner Truth—remind us that the struggles of the elite white women who challenged the USSC represent only the most visible tip of an iceberg of female activism during and after the war; what lies beneath the surface has yet to be explored fully.¹⁷

Beyond the Battlefield: The Confederacy

Civil War women struggled to make their voices heard and their patriotism acknowledged in large part because the war itself placed expectations on them and on their behavior that, although constructed within the bounds of gender, could hardly be achieved by adherence to antebellum gender norms. Specifically, the gendered division between battlefield and home front privileged the former despite the obvious fact that the support of the latter was paramount in a war fought between mainly volunteer troops. The concept of a “home front,” of course, is an anachronism in Civil War America—the term derives from World War I—but nevertheless the link between civilian and soldier was crucial for both sides. For the Confederacy, in particular, the Civil War was more “total” than it was for the Union, if only because it was fought mainly on Southern soil, which may in part explain the greater interest in Southern women’s war experiences. However, the structure of the historiography of the women’s Civil War has, to a great extent, followed the pattern set in the immediate post-Civil War period by according the Southern elite white woman not merely a central role, but a far more complex one. Although the heroism, self-sacrifice, and patriotic impulses of Union women were acknowledged during the war, in popular literature, in ballads such as John Greenleaf Whittier’s “Barbara Freitchie” (1863), in numerous short stories published in *Harper’s Weekly* and the *Atlantic Monthly*, in first-hand accounts such as Louisa May Alcott’s *Hospital Sketches* (1863) and in postwar tribute volumes such as Mary C. Vaughn’s *Women’s Work in the Civil War: A Record of Heroism, Patriotism, and Patience* (1867), once the fighting stopped the Northern woman very soon faded from sight. The outpouring of Civil War reminiscences and stories in publications such as *Century* magazine and *McClure’s* between 1887 and 1900 did not acknowledge women’s war experiences at all, and only four stories concerning Northern women appeared in *McClure’s*, *Harper’s Weekly* and the *Ladies’ Home Journal* between 1880 and 1900. As Fahs notes, Louisa May Alcott’s *Little Women* (1868) excepted, “popular literature rarely explored Northern women or girls’ experiences on the home front,” nor, it might be added, on any other. Yet what Fahs identifies as a “new masculinization

of the memory of the war” as far as popular literature was concerned needs to be placed in the broader context of a Civil War memorializing process that was not, in itself, overtly masculine, indeed in some senses distinctly feminized but from a Southern perspective.¹⁸

The general “understanding of white Southern women’s Civil War as a negotiation between the pull of tradition and the forces of change,” Thomas Brown observes, “was a powerful framework of memory that would adapt readily to a broader vision of modern womanhood.” It was perhaps inevitable, therefore, that the landmark modern study of American women was Anne Firor Scott’s *The Southern Lady: From Pedestal to Politics, 1830–1930*, which appeared in 1970. Scott’s pathbreaking study of the emergence of the Southern belle from the chrysalis of the antebellum cult of true womanhood into the wider social and political world of the New South, a process for which the Civil War acted as catalyst, was the opening shot in what has become a veritable salvo of studies of the Southern white woman. Emphasizing the trauma and upheaval of the war on Southern women’s lives, but also the resourcefulness with which some of these women faced invasion and the loss of home and husband, Scott introduced the Southern belle to the historiography at a time when women’s history was a relatively new subject. In the decades since, those historians who took up her baton have focused on the Southern woman’s contribution to the Confederate war effort and the postwar cult of the Lost Cause. In studies that explore the Civil War as a “crisis in gender” to an exploration of the persistent postwar influence of “Dixie’s daughters,” historians have located the Southern woman firmly at the heart of Civil War America.

“Defeat and postwar conditions in the South undermined the patriarchy,” Scott observed, but the full extent to which this was already undermined during the war itself has been the focus of studies by, among others, LeeAnn Whites, Catherine Clinton, and Drew Gilpin Faust, all of whom have significantly advanced our understanding of the subtle—and more obvious—shifts in gender relations that the pressures of war produced. The focus of many of these studies has been the planter class, the elite women of the South who had the most to lose, and lost it, in the course of the Civil War. The historiography in this case has taken, in part, a source-driven direction, but is also the result of a determination both to highlight Southern women’s role during the war and to construct something positive out of their experiences in the form of a New Woman narrative that could interpret the conflict as one in which more than the slaves were liberated. In this regard, the women’s Civil War story, at least in its Confederate construction, has served to reinforce the broader interpretation of the war as America’s very bloody transition to modernity, a theme that Faust has explored in her study of mortality and its meaning during the war. It has also provided a wealth of evidence for the existence of an enduring Confederate/Southern nationalism

that both aided the South in coming to terms with defeat and entrenched it in a world view at odds with that of the nation as a whole. In addition, the rather downbeat assessment of women's activities in regard to any hands-on support for Confederate troops has resulted in far less interest in Southern women's battlefield experiences—be it as nurses or, more rarely, as combatants—than in the gender implications for a society in flux between 1861 and 1865, virtually destroyed by 1865, and seeking to reconstruct itself—to a great extent in its antebellum image—in the years following the war.¹⁹

This is not to suggest that no Southern woman was to be found near a battlefield. Whites highlights a couple of examples of women warriors, whose behavior, perhaps more so the esteem in which it was held, suggested “an apparent breakdown of gender conventions altogether,” but these isolated cases hardly started a trend. No more did the dramatic exploits of Confederate female spies, such as Belle Boyd, whose ability, as Faust describes it, “to live in two genders and two worlds of gender relations simultaneously” hardly represented the norm for Southern women. Loreta Velazquez, the Cuban woman who straddled the gender divide as both female spy and male soldier, Harry T. Buford, fascinates those searching for challenges to conventional norms. Her story, in all its ambiguities, may reveal an individual capable of transcending both gender and race, and the identities predicated on these apparent fixtures, but she remains as elusive a figure to historians as she must have been to her contemporaries. Whether fabricated or real, the figure of Velazquez points toward the existence of alternatives, even in an environment as apparently traditional as the nineteenth-century South. In the traditional role of nurses, Southern women's experience was mixed. On the one hand, they fared rather better than their Northern sisters by achieving official recognition with the 1862 Hospital Bill, “an important statement,” Faust observes, “of Confederate policy concerning the relationship of the state to its female citizens”; on the other, the apparent unwillingness of Southern women to volunteer in the numbers required—which in many ways paralleled the problems Robert E. Lee encountered with military recruitment—was a source of frustration to dedicated nurses such as Kate Cumming, who perceived such reluctance as a major factor in Confederate defeat. Historians have concurred with Cumming. Rable, for one, has shown that disillusion set in as the war progressed. Increasingly, Southern women wrote to request the return of their husbands or sons from the army, mostly on the grounds of economic need, frequently because the soldier in question was under-age. He recounts the story about the dead letter bag in a post office in Richmond, in which almost all the letters from wives to their soldier husbands advised desertion. Although this story is doubtless anecdotal, Rable reminds us that “women *had* contributed to the decline of Confederate military power,” and that from the outset they had “both sustained and undermined the war effort.”²⁰

Faust took up Rable's argument when she suggested, perhaps provocatively, that "it may well have been because of its women that the South lost the Civil War." To paraphrase George Pickett's explanation for his famous charge's failure at Gettysburg, the Union army had a lot more to do with the Confederacy's defeat than did its women. Yet Faust is making an important, if somewhat overstated, point. In the process of persuading Confederate women to support the war effort, southerners constructed a "discourse about women's place in Confederate society" which emphasized women's patriotism but, more significantly, glorified its sacrificial aspects. Recent scholarship suggests that the notion of sacrifice produced renewed enthusiasm for the cause rather than defeatism. Jackie Campbell, for example, has explored the reaction of Confederate women to Sherman's march through the Carolinas. She shows how, so far from undermining their support for the war, direct contact with the enemy merely stiffened their resolve. As Union troops invaded their territory, ransacked their homes, and threatened their families, Southern women became ever more vituperative towards them and increasingly supportive of the Confederacy. In many cases, Campbell shows, "the hard hand of war" served as a prop to patriotism; unlike Rable and Faust, she maintains that Southern women grew more, not less, resolute as the conflict progressed. The link between patriotism and sacrifice, however, although viewed from a different angle, remains. The Confederate woman, indeed, was expected not merely to make personal sacrifices for the war effort but "also to celebrate and sanctify the martyrdom of others." Mourning in the Confederacy was not just an individual reaction to loss but "a significant social, cultural, and spiritual duty." Women's grief, in essence, sanctified the Confederate cause, and established the centrality of women's role in Confederate national identity. This narrative's "deference to women's importance," Faust argues, fitted "neatly with an emergent twentieth-century feminist historiography eager to explore women's contributions to past events previously portrayed from an exclusively male point of view." This women-centered narrative is, she stresses, as much a fabrication as its exclusively male-focused variant, and one that we need to dispel in order to better understand Confederate women's experiences.²¹

Yet, if anything, the woman-centered narrative is becoming more firmly entrenched in the historiography of the Civil War generally, and specifically in studies that explore the Lost Cause. Through its rise, the reconfiguration of the South's antebellum gender norms can most clearly be traced. "For a slaveholding woman," Elizabeth Fox-Genovese observed, "the self came wrapped in gender, and gender wrapped in class and race," but such a self could not be sustained in the face of war. "In ladyhood southern women accepted gender subordination in exchange for continuing class and racial superiority," Faust explains, but "their understandings of that bargain . . . changed profoundly in the course of the war." At its most basic level, the

antebellum gender barrier was breached by the absence of men, more fundamentally by the realities of life in their absence, and fell altogether with the emancipation of the slaves, on whose labor, on whose very existence, the notion of the Southern lady had been predicated. Scott, Clinton, Whites, and Faust, in particular, have traced this process as it developed in relation to slave management, to violence, to the rise of female organizations, and especially in the context of burying and commemorating the Confederate dead. Initially, Southern women were faced with stark reminders of all they could *not* do under the gender conventions of their day: the importance of violence in the antebellum South, and then the organized violence of the war itself, not only excluded women but “undermined their effectiveness” in controlling a slave population long held in check only by the threat of violence. Initial support for the war effort, which stretched as far, according to Laura Edwards, as encouraging “militarism in children,” was couched within antebellum gender conventions, and understood as such by both men and women. Whites has explained how “patriotism took on a peculiarly domestic cast” for Confederate women, in that it was a continuation, and an extension of, their normal household tasks. The Southern soldier, she argues, “had to recognize, if only unconsciously, the extent to which his manhood and independence was relational—a social construction built upon the foundation of women’s service and love, out of the fabric of his women’s dependence.” Yet, as the war went on, as sacrifice *for* the family became sacrifice *of* the family, Southern women were forced “toward new understandings of themselves and toward reconstructions of the meanings of Southern womanhood that would last well beyond the Confederacy’s demise.”²²

It was in the postwar world that this reconstruction had its most visible and lasting impact. Whites’s analysis of the Confederate commemorative tradition reveals how it was the very exclusion of Southern women from the male world that enabled them to construct “an alternative arena for the reconstruction of self-worth in the face of the very real public defeat they had suffered.” Although a “public manifestation of the fraternal bond,” Whites shows that the Confederate memorial tradition actually empowered a “particularly *female* experience of the white familial bond . . . the act of mothering the dead, she reveals, “emerged . . . as the basis upon which a viable post-Confederate tradition could be built.” Whites’s interpretation of the gendered nature of the commemorative impulse has influenced a range of studies, from Karen Cox’s study of the ways in which the United Daughters of the Confederacy positioned themselves as the keepers of the flame of Confederate culture, through William Blair’s trenchant analysis of the memorial tradition, to Scott Poole’s exploration of the persistence of a conservative ideology in postwar South Carolina. “The growth of the Ladies’ Memorial Association in South Carolina,” according to Poole, “reveals

the ways that women shaped the aesthetic of defeat while showing how class and gender conjoined in the celebration of the Lost Cause.” Unwilling to acknowledge openly that the war had transformed Southern gender relations, southerners “divinized women able to approximate the antebellum ideal. The women of South Carolina who, sequestered by wealth, could still represent the ideal of the Old South naturally became the keepers of its hearth fires,” but, more significantly, “played a central role in Southern conservatism’s challenge to modernity.” In some senses, then, the historiography reveals that Southern women did represent the “weeping widow” paradigm, but in their sorrow they shed “no tears of penitence,” as Poole has astutely observed, but rather inaugurated a process of, in Blair’s pithy phrase, “guerrilla warfare through mourning.” Their cause may have been lost, but the Southern elite white woman had certainly ensured that neither it, nor she, would be forgotten by history.²³

Beyond the Plantation: Emancipation

In much the same way that the Southern elite woman’s identity depended on the interaction between gender, race, and class, Southern black women’s identity was defined by conventions over which she had no control; she was trapped, as Fox-Genovese describes it, “between the gender conventions of Southern society and the gender relations of the slave community,” and both “were subject to constant violation.” Despite the wealth of scholarship on emancipation generally, and African-American women specifically, the historiography of the black woman’s Civil War remains somewhat at odds with that of the white women’s experience and with the historiography of the war as a whole. Over ten years ago, Clinton assessed the problems and the opportunities facing historians interested in “reconstructing freed-women.” Her own work, especially *Tara Revisited: Women, War, and the Plantation Legend*, has taken up the challenge and, crucially, combines the black and white, male and female, worlds that should not be, but sometimes are, explored in isolation from each other. Indeed, it is in the interaction, or perhaps clash, of previously distinct antebellum worlds that the African-American women’s Civil War can most clearly be located. At the same time, in this context, one essentially of chaos and upheaval, generalizations are dangerous. The war affected both slaves and free blacks in very different ways, depending on their geographic location, their proximity to Union lines, and, in the case of slaves, whether their owners sought to move them out of the way of Union troops or even sent them to one of the loyal slaveholding border states that were not affected by Lincoln’s Emancipation Proclamation of 1863. For women who were frequently either already effectively single parents or became so as their partners joined the Union army or were conscripted to work for the Confederacy, the number of

proximate dependants, and their ages, was a crucial factor in the decision whether to make a bid for freedom or remain on the plantation. Some black women worked for the Confederate war effort as nurses, cooks, or general support staff; others remained on plantations or in city households and had to cope with an urban environment increasingly swamped by refugees and characterized by an almost total breakdown of antebellum social norms. There was, in short, no single definable African-American women's Civil War, nor even broad parameters within which this can easily be reconstructed. There are, however, certain dominant "themes" to the historiography of the black female war experience of war.²⁴

The historiography of the war years and the emancipation process, at least since the late 1960s, was initially devoted to correcting the impression of slaves as passive victims and establishing them as active participants in a process that, from the war's outset, gradually dismantled the antebellum South's peculiar institution. The massive "Freedmen and Southern Society" project, begun in 1976 at the University of Maryland, reflected this initial impetus and in its structure echoed, and to a degree also influenced, the general shape of the historiography on black women in the Civil War. At the start it was, on the one hand, "a documentary history of emancipation" and, on the other, a study of "the wartime genesis of free labor"; the second series explored the black military experience; the most recent volume looks at land, capital, and labor; but we will have to wait for the fifth series before we get to the black community and to the larger themes of families, education, and society during and after the Civil War. The broader historiography, some of which has developed as an offshoot of the Freedmen project, has, however, followed a similar pattern. The 1970s and 1980s saw a plethora of studies appear—from Clarence Mohr's study of the bumpy road to freedom in Civil War Georgia, through Roger Ransom and Richard Sutch's analysis of the "the economic consequences of emancipation" and the racism that hampered African-American economic stability, to Julie Saville's exploration of *The Work of Reconstruction*—that focused primarily on the transition from slave to free labor. Women were part of that story, of course, but with the notable exceptions of Jacqueline Jones's *Labor of Love, Labor of Sorrow* and, over a decade later, Leslie Schwalm's *A Hard Fight for We*, not its focus. Black women's shifting expectations, the gendered nature of the expectations placed upon them, and the sometimes insurmountable difficulties that changing work patterns caused them and their families were sometimes sidelined in studies that sought to paint the larger picture of the processes involved in the transition from Old to New South.²⁵

Some of the studies that did focus their attention on black women were influenced, to some degree, by the contemporary political issues of the late 1960s and 1970s, specifically the Moynihan Report of 1965 that identified the apparently weakened family bonds of slavery as influential in

twentieth-century black family structures. Concerned to challenge and repudiate the matriarchal myth, historians devoted much of their attention to the composition of, and the complex support mechanisms that sustained, the slave family, but this focus slanted the historiography away from the Civil War as a transition period and toward slavery itself or its aftermath, specifically the processes involved in shifting from slave to free labor systems in the South. More nuanced studies of black Southern women's lives within and beyond the family both during and after the war are appearing now, but for the period of the war itself much work remains to be done. Here the difficulty regarding sources is acute, but there is another problem deriving from the African-American war experience as a whole, specifically the challenge it poses to the portrayal of the Civil War as the conflict that transformed a Union into a nation. From the letters reproduced in the Freedmen project volumes that have appeared to date, the accounts of owners attempting to maintain control of enslaved children as one means of stemming the tide of flight during the war to the forcible separation of families by federal troops and the removal of women from contraband camps back on to plantations historians have traced a process that pitted the white desire for control against the black demand for freedom, a process that hinged, to a great extent, on the black woman. The sobering reality of the black women's Civil War conflicts with the image of the war as an emancipatory experience for America as a nation; to incorporate fully the black women's Civil War into the story means changing, in fundamental ways, not just the form but the substance of the narrative.²⁶

The work of both Jones and Schwalm highlighted the fact that emancipation was fundamentally a gendered experience in the American South, as elsewhere in the Atlantic world in the nineteenth century. For enslaved women particularly, but not exclusively, the middle ground between slavery and freedom during the Civil War was defined by the need to sustain the family, both proximate and extended. With the care of the young, the old, and the infirm falling on their shoulders, combined with the upheaval induced by the war, the pressure on enslaved women was acute. When partners left to join the Union army, their problems only intensified, forcing many women to follow their partners into Union lines, where their reception was, at best, mixed. "Union territory symbolized the end of an old life and the beginning of a new one," Jones observed, but "it was an inauspicious beginning. Crowded together, often lacking food, shelter, and medicine, these human 'contraband of war' lived a wretched existence." Branded—as many white Northern women who followed their menfolk to war also were—as either prostitutes or "idle, lazy vagrants," freedwomen forced into close contact with the Union army often had a hard time of it. Work was sometimes difficult to find, and there were cases of flagrant and sadistic sexual abuse by Union troops whose attitude toward black women expressed in an

overt and sometimes brutal way the most negative gender and racial assumptions of the nineteenth century. In contrast to black men, whose value to the Union was obvious, even in a non-military capacity, black women were frequently regarded as a hindrance, a drain on crucial federal military resources, which to an extent they were, if only because of the practicalities of waging a war on a slaveholding society—even before emancipation became a recognized war aim—had not been adequately thought through. Neither the military nor Northern politicians were prepared, physically or psychologically, for the numbers of contrabands who escaped to Union lines. As the war progressed, and Union forces penetrated deeper into the South, the responsibilities placed on black women's shoulders increased. On the one hand the proximity to Union lines made flight an option; on the other, it also meant an increased likelihood of their partners joining Union forces, leaving them either to endure the anger of their white owners or face the challenge of leading their families out of slavery alone and into an extremely uncertain future.²⁷

Race and gender, Thavolia Glymph stresses, combined to define the African-American woman's war experience; together they "established a rigid line of demarcation that seemed to rule out any public or quasi-public supporting roles for black women." White Northern women's contribution may have been challenged but was usually grudgingly accepted; white Southern women defined their own role, up to a point, amidst the confusion of war, and firmly so in the postwar era; but black women were viewed as, at best, dependants of black males, with no contribution of their own to make. Despite standing "for freedom and the Union and as the wives, mothers, daughters, and sisters of black soldiers," Glymph observes, "black women found their efforts rebuked and Federal guarantees of protection rarely honored." Their position as women, and specifically as mothers with dependants, only exacerbated their situation. As Wilma King reminds us, slave "mothers lived and prospered only to the extent that their children did. They shared each other's triumphs and defeats. Their lives were so firmly interlocked that they did not behave as individuals with singular purposes." When the war brought the possibility of freedom, "mothers and children were often seen fleeing together. Anything to the contrary would have been incongruous." For many enslaved women, of course, the war did not bring the opportunity for flight, but forced them to stand and fight on the home front, confronting and encouraging the disintegration of the peculiar institution in the domestic arena. Schwalm detailed this process in her study of the South Carolina low country, and Noralee Frankel has highlighted the valuable material to be found in federal records, Civil War soldiers' pension files and the Freedmen's Bureau records, material that she has used to provide us with a study of the war's impact on black women and their families in Mississippi. Here the story is one of increasing deprivation as the

Union blockade bit and concomitantly increased work loads as goods—notably clothing—previously purchased were now manufactured by slaves and the removal of men to work on military projects left even more of the field work in women’s hands.²⁸

It is with some degree of understatement that Frankel identifies federal “arrangements” for providing plantations with female contraband labor as problematic “for African-American women because they were inadequately compensated and they were separated from their families.” Frankel, like Jones and Schwalm, emphasizes black women’s continuing struggle to hold families together as slavery was collapsing across the South, and highlights the start of a trend regarding female labor and its application that would persist into Reconstruction and beyond. Understanding the practicalities of the free labor system is the key to understanding the emancipation process, since, as Jones pointed out, control “over one’s labor and one’s family life represented a dual gauge by which true freedom could be measured. Blacks struggled to weld kin and work relations into a single unit of economic and social welfare so that women could be wives and mothers first and laundresses and cotton pickers second.” Yet the odds were against freedwomen achieving that kind of crucial compromise: excluded from the middle-class domestic ideal, during Reconstruction the pressure to return to the fields was exerted from both former owners and northerners. The “victorious Yankees and the vanquished Confederates agreed on very little,” Jones observed, “but one assumption they did share was that black wives and mothers should continue to engage in productive labor outside their homes.” By the end of the Civil War, Glymph wryly notes, no consensus on the question of contraband women had emerged beyond the debate over “how best to put black women to work.” White women’s war work was seen, both at the time and since, as remarkable, and frequently as a significant step on the road toward equality. Black women’s wartime efforts were assumed to be little more than an extension of the norm. In the transition from slavery to freedom, both their gender and their race remained the constants through which they were understood, by which they were judged, and from which freedom itself offered them only a limited form of escape.²⁹

Conclusion: A National Vision

As a result of the work done to date on the African-American women’s Civil War, we are gradually coming closer to hearing what Clinton describes as “the historical voices of black women, so long muffled by the din of alternate interpretations, incorporating their roles into this emblematic era.” Yet their historical voices, taken together with those of white women, North and South, sound a descant chord in the larger historiography of the war, still dominated by the battlefield and the maneuvers, political and military,

centered on that; part of the explanation for this lies in the impulse behind the construction of the public Civil War narrative, and the war's place in America's national story. Although Leonard takes issue with the writers who in "chapter after chapter . . . denied the war's function as a crucible of change for the interrelationship of men, women, and power," she also notes—almost in passing—that the construction of the Civil War narrative had a definite purpose. That purpose was not, in fact, to denigrate women's achievements, but rather to resurrect "a stable world temporarily battered by strife, a pre-war Victorian world to which they would happily return once peace was declared." Women's role in the Civil War, however, was an uncomfortable reminder of all that the war had cost, and what the nation had endured. In the process of challenging the paradigm of Civil War women as no more than weeping widows, historians have sometimes been in danger of sidelining the fact that the war did leave a great number of women widowed, children orphaned, and communities destroyed. That was the harsh reality that postwar Americans had to deal with. How they did so offers some clue to the process that gradually excluded women from the Civil War story. Victorian Americans, Rose argues, were unwilling "to let suffering stand in war as the final word. The will to recover a positive message threaded equally through peace and war because they perceived the conflict's trials to be spiritual as much as physical." Yet to dwell on the woman's Civil War narrative, and in particular on the African-American women's war, was to dwell on suffering; only by avoiding the troubling reminder of that suffering—by removing women from the picture—could a more positive narrative of the Civil War be constructed.³⁰

The Civil War was for many years the most sanitized of conflicts. It was a war fought between two great generals in the figures of Ulysses S. Grant and Robert E. Lee whose troops fought for heroic ideals and did not, apparently, indulge in any of the less savory activities to which armies have, historically, been prone. The tendency to portray the Civil War in this way only increased over time, as General William Sherman's famous change of heart on the matter makes clear. War is hell, he asserted in 1880. A decade later he had revised his opinion: the Civil War, he told a group of veterans from the Army of the Tennessee, was "the holiest fight ever fought on God's earth." In the process of transforming the Civil War from hell to holy, the very real suffering that the war involved became muted, blurred, and, eventually, all but obliterated. The women's war suffered a similar fate because it offered too sharp a reminder of the fact that Sherman had been closer to the mark in 1880 than he was ten years later. Yet historians have sometimes been too concerned to right the wrongs done to women in Civil War historiography to place the problem in its broader context. Leonard, for example, takes issue with Henry Bellow's admittedly dismissive observation that Civil War nurses had received a spiritual reward for their work

and sacrifice for the Union cause. His attitude, she argues, “contributed to an early post-war image that cleansed the topic of women in Civil War nursing of its unpleasant and threatening aspects.” Yet the Civil War was, in its entirety, fairly promptly cleansed of many of its most unpleasant aspects, and the diminution of the work of Civil War nurses comprised only one element in that process.³¹

The problem facing Americans, North and South, in the war’s aftermath can be divided into two segments: the local, involving men and their communities, and the national, involving the war and the nation. From the perspective of local communities, both during and after the war they had to deal with the troubling issue of what war does, of the changes it effects in those involved in combat. There was, as Reid Mitchell has argued, a very real need to avoid confronting the reality of what it is that people actually do in war: kill. “Too much attention to the horrors that Northern soldiers inflicted,” he points out, “would have raised questions about their reintegration into post-war society.” Both men and women were instrumental in the construction of a narrative that succeeded in avoiding the reality of healthy soldiers and of conflict by portraying the war in almost romantic terms, even as they acknowledged the horrors perpetrated in war’s name. Within the context of the times, of course, what Linderman has termed the “idiom of elevated sentimentality” was simply the means by which the horrors of war were made bearable. The “language of heroism,” with its vocabulary of brave soldiers, spirited action, and noble sacrifice was “the foundation of public discourse, the language of speechmaking, Sunday sermons, newspaper reportage, and even soldiers’ letters.” It was a language that Americans continued to employ to describe the war long after the fighting ended, and especially in their efforts to translate the war from horrific ordeal to heroic catalyst of national definition. The gendered nature of its vocabulary, however, excluded women from the war’s narrative, even as they employed it to describe their own war experiences.³²

In national terms, North and South predicated their rather uneasy peace on the battlefield experience, on the military heroism of both sides, on the stories of the “Blue and the Gray.” This process reached a peak of sorts during the semicentennial of the battle of Gettysburg in 1913, summed up in the grainy newsreel footage of old soldiers, former enemies, shaking hands across the stone wall over which they had battled fifty years before. This was the Civil War as, in the *Nation’s* phrase, a “triumph of brotherhood,” and white brotherhood at that. The Gettysburg commemoration ceremony of 1913, David Blight argues, “represented a public avowal of the deeply laid mythology of the Civil War.” By then the war was seen “primarily as a tragedy that forged greater unity, as a soldier’s call to sacrifice.” Women were not entirely absent from proceedings. The *New York Times* had hired Helen D. Longstreet, the widow of Confederate general James Longstreet, to report

on the reunion. In her columns she reminded readers of women's sacrifice during the war, and called for a tribute to their endeavors to form the theme of a future Blue–Gray reunion. But the ceremony really belonged to men. In the process of binding up the nation's wounds the women's story was not all that was lost, but it was nevertheless a casualty of a process that transformed a brutal and bloody conflict into a war for national unity. The work of historians to reintegrate women into the Civil War story, to highlight both race and gender as crucial determinants of that story, is not simply a process of recovering the voices of the forgotten or of reinstating women as significant players in America's most critical national experience to date. It represents a fundamental challenge to traditional explanations of how that war, or any war, functions as a force for national cohesion and shows how such cohesion is almost always achieved via a process of exclusion as much as inclusion. Integrating black and white women into the war's narrative clarifies some of the reasons for their exclusion in the first place but also, and more fundamentally, reveals the racial and gendered constructions that both defined and undermined America as a nation.³³

Notes

1. Belle Z. Spencer, "From a Soldier's Wife," *Harper's New Monthly Magazine* 26: 173 (October 1864), pp. 622–9, quotation p. 622. The author refers to the aftermath of the battle of Shiloh, which took place in April 1862, hence I surmise that her husband left for the war in that year.
2. Spencer, "From a Soldier's Wife," pp. 622, 629.
3. For a valuable survey of the work done to date on women in the Civil War, see Theresa McDevitt, *Women and the American Civil War: An Annotated Bibliography* (Westport, CT, and London, 2003) which offers a comprehensive listing of books, articles, and Web sites on women's war activities on home front and battlefield, North and South.
4. Extremely valuable essays on the impact of the war on courtship and marriage during and after the Civil War can be found in Patricia L. Richard, "'Listen, ladies, one and all': Union Soldiers yearn for the Society of their 'Fair Cousins of the North,'" and Megan J. McClintock, "The Impact of the Civil War on Nineteenth Century Marriages," both in Paul A. Cimbala and Randall M. Miller, eds., *Union Soldiers and the Northern Home Front: Wartime Experiences, Postwar Adjustments* (New York, 2002), pp. 143–81, 395–416. On women pushing against the gender conventions of the day, see Richard, "'Listen, ladies.'" pp. 177–81 and passim.
5. Abraham Lincoln, Second Inaugural Address, March 4, 1865, in Roy F. Basler, ed., *The Collected Works of Abraham Lincoln* (New Brunswick, NJ, 1953) VIII, p. 333; Elizabeth Leonard, *Yankee Women: Gender Battles in the Civil War* (1994, repr. New York and London, 1995), p. xv.
6. Catherine Clinton, ed., *Half Sisters of History: Southern Women and the American Past* (Durham, NC, 1994).
7. George C. Rable, "'Missing in action': Women of the Confederacy," in Catherine Clinton and Nina Silber, eds., *Divided Houses: Gender and the Civil War* (New York and Oxford, 1992), pp. 134–46, quotation pp. 134–5.
8. Elizabeth Young, *Disarming the Nation: Women's Writing and the American Civil War* (Chicago, IL, 1999), p. 1; Jeanie Attie, "War Work and the Crisis of Domesticity in the North," in Clinton and Silber, *Divided Houses*, pp. 247–59, quotation p. 247.
9. DeAnne Blanton and Lauren M. Cook, *They Fought like Demons: Women Soldiers of the American Civil War* (Baton Rouge, LA, 2002), passim; Leonard also notes that "by the time of the First World War women's historical centrality to the military had been all but forgotten." Elizabeth Leonard, *All the Daring of the Soldier: Women of the Civil War Armies* (New York and London, 1999, repr. London, 2001), p. 101; Bell Irvin Wiley, *The Life of Billy*

- Yank: The Common Soldier of the Union* (1952, repr. Baton Rouge, LA, 1989), p. 339; Mary Elizabeth Massey, *Women in the Civil War* (originally published as *Bonnet Brigades*, New York, 1966, repr. Lincoln, NE, 1994), pp. 78–9, 84. Wiley also suggested that a “few” of the women who disguised themselves as men “were persons of easy virtue who enrolled as soldiers to further their lewd enterprises,” but he stressed that “the majority . . . were reputable characters, motivated by patriotism or a desire to be near husbands or sweethearts.” Wiley, *Life of Billy Yank*, pp. 138–9; Leonard, *All the Daring of the Soldier*, p. 248. See also Richard Hall, *Patriots in Disguise: Women Warriors of the Civil War* (New York, 1993).
10. Index entry in Reid Mitchell, *Civil War Soldiers: Their Expectations and their Experiences* (New York, 1988). It should be noted that an entry of “combatants” appears under “women” in a survey study of the Civil War that also acknowledges that women soldiers did exist and that they “fought for many reasons—to uphold political principles, to enjoy the drama of battle, to support themselves, and to accompany their loved ones.” David Herbert Donald, Jean Harvey Baker and Michael F. Holt, *The Civil War and Reconstruction* (New York and London, 2001), p. 375; Mary A. Livermore, *My Story of the War* (Hartford, CT, 1889), p. 120; Leonard, *All the Daring of the Soldier*, p. 165, and see her discussion of estimating figures in her notes, pp. 310–11. Figures for nurses are from Leonard, *Yankee Women*, pp. 7–8; Wiley, *Life of Billy Yank*; Massey, *Women in the Civil War*, p. 174; Rosecrans, quoted in Massey, *Women of the Civil War*, p. 84.
 11. Leonard, *All the Daring of the Soldier*, pp. 168 ff. and passim; Livermore, *My Story of the War*, p. 112; Leonard, *All the Daring of the Soldier*, pp. 135–6, Turchin quotation p. 140; on Etheridge, pp. 106 ff., esp. pp. 109, 113.
 12. Leonard, *Yankee Women*, p. 13; George C. Rable, *Civil Wars: Women and the Crisis of Southern Nationalism* (Urbana and Chicago, IL, 1989), pp. 124, 127; Leonard, *Yankee Women*, p. 157, Walker quotation pp. 129–30.
 13. Nell Irvin Painter, “Representing Truth: Sojourner Truth’s Knowing and Becoming Known,” *Journal of American History* 81: 2 (September 1994), pp. 461–92, quotation p. 462.
 14. Henrietta Buckmaster, *Let my People Go: The Story of the Underground Railroad and the Growth of the Abolition Movement* (New York, 1941); Earl Conrad, *Harriet Tubman* (Washington, DC, 1943); for an example of a more popular treatment of Tubman, see Ann Petrey, *Harriet Tubman: Conductor on the Underground Railroad* (New York, 1996); Catherine Clinton, *Harriet Tubman: The Road to Freedom* (Boston, MA, 2004); Jean M. Humez, *Harriet Tubman: The Life and the Life Stories* (Madison, WI, 2003); Kate Clifford Larson, *Bound for the Promised Land: Harriet Tubman, Portrait of an American Hero* (New York, 2003); on Sojourner Truth, see Carleton Mabree and Susan Mabree Newhouse, *Sojourner Truth: Slave, Prophet, Legend* (New York, 1993); Painter, “Representing Truth,” p. 464, and for an extended (and the best to date) treatment, *Sojourner Truth: A Life, a Symbol* (New York, 1996), pp. 272–3. In fairness, Truth herself did present herself as the symbolic Southern slave in her public appearances, *ibid.*, pp. 140–1; Clinton quotation from her interview with David Mehegan for the *Boston Globe*, 2004, see www.boston.com/news/globe/living/articles/2004/02/05/up_from_the_underground/ (May 2, 2005).
 15. Jeanie Attie, *Patriotic Toil: Northern Women and the American Civil War* (Ithaca, NY, and London, 1998), pp. 37, 1.
 16. Judith Ann Giesberg, *Civil War Sisterhood: The U.S. Sanitary Commission and Women’s Politics in Transition* (Boston, MA, 2000), pp. 11–12; Attie, “War Work and the Crisis of Domesticity in the North,” p. 259; Leonard, *Yankee Women*, p. xxiii; Attie, *Patriotic Toil*, pp. 5, 53.
 17. Attie, *Patriotic Toil*, pp. 5, 53; Attie, “War Work and the Crisis of Domesticity in the North,” pp. 259, 253, 255.
 18. Thomas J. Brown, *The Public Art of Civil War Commemoration: A Brief History with Documents* (Boston, MA, and New York, 2004), pp. 58–9; Alice Fahs, *The Imagined Civil War: Poplar Literature of the North and South, 1861–1865* (Chapel Hill, NC, and London, 2001), pp. 140, 316–17 and passim.
 19. Anne Firor Scott, *The Southern Lady: From Pedestal to Politics, 1830–1930* (Chicago, IL, and London, 1970), p. 96.
 20. LeeAnn Whites, *The Civil War as a Crisis in Gender: Augusta, Georgia, 1860–1890* (Athens, GA, and London, 1995), pp. 39–40; Drew Gilpin Faust, *Mothers of Invention: Women of the Slaveholding South in the American Civil War* (Chapel Hill, NC, and London, 1996), pp. 219, 97–8, 111; Loreta Velazquez’s autobiography *The Woman in Battle* (1876) is available through the “Documenting the American South” resource at the University of North Carolina,

- <http://docsouth.unc.edu/velazquez/menu.html> (May 3, 2005) and has been republished with an introduction by Jesse Aleman: Loreta Velazquez, *The Woman in Battle: The Civil War Narrative of Loreta Velazquez, a Cuban Woman and Confederate Soldier* (Madison, WI, 2003); Rable, *Civil Wars*, p. 89.
21. Drew Gilpin Faust, "Altars of Sacrifice: Confederate Women and Narratives of War," in Clinton and Silber, *Divided Houses*, pp. 171–99, quotations pp. 199, 172, 174, 184; Jacqueline Glass Campbell, *When Sherman Marched North from the Sea: Resistance on the Confederate Home Front* (Chapel Hill, NC, and London, 2003), passim. Earlier studies that also stress the strengthening of women's resolve in the face of the enemy are Stephen V. Ash, *When the Yankees Came: Conflict and Chaos in the Occupied South, 1861–1865* (1995, repr. Chapel Hill, NC, 2002), esp. pp. 38 ff., and Gary Gallagher, *The Confederate War* (Cambridge, MA, 1999), passim.
 22. Elizabeth Fox-Genovese, *Within the Plantation Household: Black and White Women of the Old South* (Chapel Hill, NC, and London, 1988), p. 372; Faust, *Mothers of Invention*, p. 247; on violence, p. 65; on concepts of ladyhood, p. 7; on plantation mistresses' difficulties with slaves in their husband's absence see also Clarence L. Mohr, *On the Threshold of Freedom: Masters and Slaves in Civil War Georgia* (Athens, GA, and London), pp. 186, 221–2; Laura F. Edwards, *Scarlett doesn't Live here Any more: Southern Women in the Civil War Era* (Urbana, IL, 2000), p. 73; LeeAnn Whites, "The Civil War as a Crisis in Gender," in Clinton and Silber, *Divided Houses*, pp. 3–21, quotation p. 16; Faust, *Mothers of Invention*, on sacrifice, p. 17, quotation pp. 6–7.
 23. Whites, "Civil War as a Crisis in Gender," pp. 149, 165–6, 168; Karen L. Cox, *Dixie's Daughters: The United Daughters of the Confederacy and the Preservation of Confederate Culture* (Gainesville, FL, 2003); W. Scott Poole, *Never Surrender: Confederate Memory and Conservatism in the South Carolina Upcountry* (Athens, GA, and London, 2004), pp. 67–8, 70; William Blair, *Cities of the Dead: Contesting the Memory of the Civil War in the South, 1865–1914* (Chapel Hill, NC, 2004), p. 54.
 24. Fox-Genovese, *Within the Plantation Household*, p. 373; Catherine Clinton, *Tara Revisited: Women, War, and the Plantation Legend* (New York, 1995); "Reconstructing Freedwomen," in Clinton and Silber, *Divided Houses*, pp. 306–19.
 25. For full information on the Freedmen project and the published volumes to date, see the project Web site at www.history.umd.edu/Freedmen/fssphome.htm (May 2, 2005); Mohr, *On the Threshold of Freedom*; Roger L. Ransom and Richard Sutch, *One Kind of Freedom: The Economic Consequences of Emancipation* (Cambridge and New York, 1977); Julie Saville, *The Work of Reconstruction: From Slave to Wage Laborer in South Carolina, 1860–1870* (1994, repr. Cambridge and New York, 1996); see also Michael Wayne, *The Reshaping of Plantation Society: The Natchez District, 1860–1880* (Baton Rouge, LA, 1983), and Thavolia Glymph and J. J. Kushma, eds., *Essays on the Post-bellum Southern Economy* (College Station, TX, 1985); Jacqueline Jones, *Labor of Love, Labor of Sorrow: Black Women, Work, and the Family, from Slavery to the Present* (New York, 1985); Leslie A. Schwalm, *A Hard Fight for We: Women's Transition from Slavery to Freedom in South Carolina* (Urbana, IL, 1997).
 26. Daniel Patrick Moynihan, *The Negro Family: The Case for National Action* (Washington, DC, 1965); see also Lee Rainwater and William L. Yancey, *The Moynihan Report and the Politics of Controversy* (Cambridge, MA, 1967).
 27. Jones, *Labor of Love*, pp. 48–9; Leon F. Liwack, *Been in the Storm so Long: The Aftermath of Slavery* (1979, repr. New York, 1980), pp. 129–31.
 28. Thavolia Glymph, "'This species of property': Female Slave Contrabands in the Civil War," in Edward D. C. Campbell, Jr., and Kym S. Rice, eds., *A Woman's War: Southern Women, Civil War, and the Confederate Legacy* (Richmond, VA, 1996), pp. 55–71, quotations pp. 59–60, 61; Wilma King, "'Suffer with them till death': Slave Women and their Children in Nineteenth Century America," in David Barry Gaspar and Darlene Clark Hine, eds., *More than Chattel: Black Women and Slavery in the Americas* (Bloomington and Indianapolis, IN, 1996), pp. 147–68, quotation p. 161; on this point see also Jones, *Labor of Love*, pp. 47, 51; Glymph, "'This species of property,'" pp. 61–2, 64–5; Schwalm, *Hard Fight for We*, pp. 78–9; Noralee Frankel, *Freedom's Women: Black Women and Families in Civil War Era Mississippi* (Bloomington and Indianapolis, IN, 1999); on her use of sources in reconstructing freedwomen's lives see also Noralee Frankel, "From Slave Women to Free Women: The National Archives and Black Women's History in the Civil War Era," *Prologue* 29: 2 (summer 1997), at www.archives.gov/publications/prologue/summer_1997_slave_women.html (May 3, 2005)

29. Jones, *Labor of Love*, pp. 45–6; Frankel, *Freedom's Women*, p. 48; Glymph, “This Species of Property,” p. 68.
30. Clinton, *Tara Revisited*, p. 17; Leonard, *Yankee Women*, pp. 182, 179; Anne C. Rose, *Victorian America and the Civil War* (1992, repr. New York and Cambridge, 1994), p. 240.
31. Gerald F. Linderman, *Embattled Courage: The Experience of Combat in the American Civil War* (1987, repr. New York and London, 1989), pp. 283–4; Leonard, *Yankee Women*, 48–9.
32. Reid Mitchell, *The Vacant Chair: The Northern Soldier leaves Home* (1993, repr. New York and Oxford, 1995), pp. 146–7; Thomas P. Lowry, *The Story the Soldiers wouldn't Tell: Sex in the Civil War* (Mechanicsburg, PA, 1994), p. 4; Linderman, *Embattled Courage*, p. 98, 99–100.
33. David Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge, MA, and London, 2001), pp. 381–7.

PART **IV**

Legacy

CHAPTER 14

From Union to Nation?

The Civil War and the Development of American Nationalism

SUSAN-MARY GRANT

It is generally accepted that the American Civil War of 1861–65 and its immediate aftermath—the Reconstruction period of 1865–77—represents a watershed in American national development. In practical terms, the war that Henry James referred to as the “great convulsion” certainly provides a definitive turning point in the “timeline” of American history.¹ In recognition of this, student textbooks frequently divide American history neatly in two, with a first volume covering the period up to the Civil War and Reconstruction, and a second picking up the history of America from Reconstruction onwards. As the years pass this divide will surely have to change, although it is hard to predict what new turning point the textbook publishers will select once the sheer volume of post-Civil War American history forces an alternative division. More fundamentally, the Civil War is regarded as that event which transformed a “Union” into a “Nation.” The Civil War certainly succeeded in holding America together as one nation at a time when it might have come apart. It resolved the question of whether the Union was a voluntary organization from which the separate states had the right to secede—as the South had argued—or whether it was, as Lincoln described it in 1861, perpetual. The Union’s perpetuity, according to Lincoln, was assured not only by the Constitution and the law (although he interpreted both in such a way as to deny absolutely the South’s right of secession) but by geography. “Physically speaking, we cannot separate,” he pointed out. “A husband and wife may be divorced, and go out of the presence, and beyond the reach of each other; but the different parts of our country cannot do this.”²

However, the transition from “Union” to “Nation” involved much more than the establishment by force of federal authority over the physical territory of the United States. The military and moral defeat suffered by the Confederacy changed the South dramatically and forever. For the North, too, the change was no less dramatic. The very process of taking up arms against the Southern challenge prompted a transformation in the Northern response both to the idea of Union and to the imperatives of national construction. The specifics of this transformation have yet to be fully explored either by historians of America or by nationalism scholars, although the words of Abraham Lincoln provide a tantalizing starting point for those interested in the process. In his First Inaugural in 1861, Lincoln frequently invoked the “Union,” using the word some twenty times in the course of his address. He did not, however, refer directly to America as a “nation,” relying instead on a vaguer phraseology concerning America’s “national fabric.”³ By 1863, however, on the occasion of his famous Gettysburg Address, Lincoln’s chosen emphasis had changed. In that short but significant speech he did not mention the Union once, but instead referred five times to America as a “nation.”⁴ The question this chapter seeks to address is how and to what extent the Civil War brought about a perceptible shift in American nationalist ideology. Did Lincoln’s reference to the American nation rather than to the Union in 1863 in any sense reflect a change in thinking in America as a whole, and what difference—if any—was there between the idea of the “Union” and that of the “Nation”?

Union or Nation?

Any essential difference between the Union and the Nation is obscured by the fact that the two are, clearly, linked in terms of American national development. The nature of the link, however, is not as obvious as it might be. Over thirty years ago Paul Nagel’s study of the Union between the Revolution and the Civil War concluded that the Union “meant many things to many Americans from 1776 to 1861.” Specifically, he argued, the American response to the Union before the Civil War provides scholars with “a treasure-trove of the values and images by which Americans sought to comprehend their nature and destiny.” Nagel did not perceive any clear distinction between the idea of the Union and the idea of the Nation, as the title of his work, *One Nation Indivisible: The Union in American Thought*, makes clear. Indeed, he saw the Union as an essential component in the construction of a distinctive American national identity that, over time, focused increasingly on the Union as the “supreme legend.”⁵ The year after Nagel’s book appeared, however, another American historian was able to devote a full-length study to the “awakening of American nationalism” without discussing the role of the Union in this at all.⁶

Over thirty years later, the scholarly approach to the subject of American nationalism remains diverse. Some argue that in the period before the Civil War both the Union itself and American nationalism were, in certain fundamental ways, weak, and that it was this weakness which led first to secession and then to four years of bloody fighting between North and South.⁷ This view has, over the years, come under attack from those who detect the existence of nationalizing forces both in the eighteenth century and in the antebellum period. Those who adhere to this latter view, however, face the task of explaining why, if nationalist sentiment was strong and the Union stable, Civil War broke out in 1861. The recent upsurge in scholarly interest in the subject of nationalism has extended the boundaries of the debate without really bringing the alternative approaches to American nationalism into the same orbit. Nationalism scholars have, in the main, avoided the American example, and American historians continue to approach the subject from a variety of perspectives. Initially, the colonial and revolutionary periods were seen as crucial in the development of a distinctive American nationalism. The act of revolution against Great Britain was regarded as both the outward expression of and the catalyst for a fledgling but fast-growing sense of national identity.⁸ More recent studies, although they take the Revolution as their starting point, have examined the early republic, or what used to be called the “early national period.” These emphasize the role played by festivals and celebrations, such as the Fourth of July festivities, in nationalism construction in the years before the Missouri Compromise (1820).

Since the focus of the most recent studies is primarily on the emergence of the American political system, the growth of American nationalism is examined in the context of the development of party politics and the creation of a “national popular political culture” in America during this period.⁹ What they reveal is that it was conflict rather than consensus which encouraged the growth of national sentiment, “as contestants tried to claim true American nationality and the legacy of the Revolution.” The danger is that, from this perspective, American nationalism can be interpreted as little more than “a political strategy, developed at different times by specific groups” within American society.¹⁰ There is no doubt that the different parties, from the early national period onwards, frequently sought to make political capital out of national images and ideology. It would be wrong, however, to conclude that the ideology itself was either produced or contained within the parameters of partisan debate. From the outset, the process of American national development was entangled with wider sectional impulses which drew on, but at the same time undermined, an overarching national ideology. Indeed, Americans in the eighteenth and nineteenth centuries were no more in agreement about the status and function of the Union and its relationship to the American nation than twentieth-century scholars are. Consequently,

whichever period a historian selects from the years before the Civil War is likely to provide evidence of conflict over both the function of the federal Union and the nature of American nationalism.

Conflict, in fact, is the key to understanding the shifting responses both to the idea of Union and to that of Nation in America: conflict between the fledgling political parties of the early republic but also, and more damaging for the nation as a whole, conflict between North and South. That a coherent sense of “the nation” should derive from conflict is not as contradictory an argument as it might at first appear. The growth of any nationalist sentiment is normally sustained by opposition to a perceived threat, usually but not exclusively external in nature. In the American case the threat was first and foremost Great Britain, but that threat was removed by the act of revolution. Having successfully achieved independence, Americans found themselves facing the “crisis of legitimacy” which all post-revolutionary societies face once the unifying impulse created and sustained by the external enemy has disappeared.¹¹ For the revolutionary generation the most immediate requirement was the construction of a functioning political Union. This was rendered problematic by the fact that although the separate colonies had acted in concert to some degree in order to achieve independence, in fundamental ways the Revolution had really comprised thirteen separate revolutions. As Daniel Boorstin put it, the American nation was really a “by-product of the assertion of each colony’s right to govern itself” rather than the result of a spontaneous outpouring of national sentiment. The result in political terms was that the period between the Revolution and the Civil War “was overcast by a federal vagueness.”¹²

Political instability was not the only problem facing the new nation. The experience of revolution had also bequeathed it a divisive legacy. The Revolutionary War itself was a conflict which pitted the colonists against each other as much as one waged solely by the colonists against an imperial power. In the aftermath of the Revolution the loyalists had, for the most part, fled to Nova Scotia, Canada, New Brunswick, or back to Britain, but the revolutionary generation could hardly have forgotten the existence of loyalist sentiment or its implications. The Union’s position was, from any angle, a precarious one. America represented an experiment in a new form of government, and not everyone expected the experiment to succeed. During the early years of the republic the prediction that the Union would not last was so common as to be “a standard conversational gambit.” Indeed, as Linda Kerber reminds us, “it was the persistence of union which excited surprise rather than recurring secessionist sentiment.” David Humphreys, a former aide to George Washington, posed, in 1804, what even by that early stage in the new republic’s existence was a loaded question when he asked, “What but disunion can our bliss destroy?” Disunion was the specter at the feast at every nation-affirming celebration held in the early republic, which

is not to say, as Elizabeth Varon reminds us, that the idea of disunion was synonymous with secession; far from it, in some respects. Instead, disunion, “once the most provocative and potent word in the political vocabulary of Americans,” both “contained, and stimulated, their fears of extreme political factionalism, tyranny, regionalism, economic decline, foreign intervention, class conflict, gender disorder, racial strife, widespread violence and anarchy, and civil war”; and was seen, simultaneously, as a “deformity, a disease, a monster, a storm, a sea, a whip, an arrow, a poison, a fire, a spell, and a curse.”¹³

Disunion, as Varon has analyzed it, functioned within five “registers”: “as a *prophesy* of national ruin, a *threat* of withdrawal from the federal compact, an *accusation* of treasonous plotting, a *process* of sectional alienation, and a *program* for national independence.” By the antebellum period, however, these registers were increasingly reinforcing each other along a North–South axis, and it seemed increasingly probable that if the Union were to come apart then it would do so because of the essential differences between the North and the plantation South. There was, in effect, little real unity in the early Union. Local and sectional loyalties always threatened to subvert the developing sense of national mission and destiny. In the American case, as has been argued, “the fears of Montesquieu and older political theorists were not without foundation. If a single great republic was to survive here, it would have to find a way of stemming the secessionist tide.”¹⁴

One of the ways national consolidation was attempted was through celebratory rites focused on the Revolution, such as the Fourth of July festivities, but also through the elevation of the war’s supporting documents—the Declaration of Independence and the Constitution—and the conflict’s military leader and America’s first President, George Washington to the status of national symbols. Over the years additional symbols were added, most notably the Great Seal with its classical allusion “*Incipit novus ordo saeculorum*” (a new order of the ages is born) and the motto “*E pluribus unum*” (one out of many). Both were, however, more expressive of future hopes than contemporary realities. The need to downplay the harsh realities of the Revolution led to its outcome being portrayed less as the fruit of military victory over both internal and external foes than as the logical product of an Enlightenment philosophy which found its fullest expression in the new, democratic republic that America represented.¹⁵ This was the beginning of a process whereby Americans sought to justify the Revolution by transforming it into the bedrock of a unifying national mythology. The Revolution soon took its place alongside the foundation myths of the arrival of the Pilgrim Fathers aboard the *Mayflower* and the “Great Migration” of the Puritans in the seventeenth century in a fast-developing sense of American historical achievement and an as yet “still inchoate national tradition.”¹⁶ At the centre of this fledgling national

mythology stood the Union, the symbol of all that America had achieved by the act of revolution. As “a divine instrument, as Liberty’s harbinger, and as the nation’s triumph” the Union encapsulated America’s past success and future destiny.¹⁷

Before the Civil War, however, the Union seemed to be strong only in the face of an external threat. Great Britain played that role once again at the start of the nineteenth century in the so-called “second war for independence,” the War of 1812. At the conclusion of the conflict the American diplomat and Secretary of the Treasury Albert Gallatin felt enthused enough to observe that the war had “renewed and reinstated the national feelings which the Revolution had given and which were daily lessened. The people have now more general objects of attachment with which their pride and political opinions are connected. They are more American; they feel and act more like a nation; and I hope that the permanency of the Union is thereby better secured.”¹⁸ Gallatin’s recognition of the connection between the Union and a sense of the nation is revealing, but his optimism was premature. The upsurge of nationalism induced by the War of 1812 was somewhat soured by the memory of New England federalist extremists advocating secession from the Union in 1814. In the years following, overconfidence in the American democratic experiment and in the strength of the Union went hand in hand with deep-rooted fears over the national character and the nation’s future. The Founding Fathers had been all too conscious that the Union represented at best a “perilous political experiment.” Succeeding generations, however, held a somewhat different view—or views, rather, since consensus proved difficult to achieve in the years between the Revolution and the Civil War.

Rush Welter has argued that the Americans of this period saw themselves as “heirs of all the ages,” and their nation as the fulfillment of “the progressive dreams of mankind.”¹⁹ Heirs of the ages they may have been, but nineteenth-century Americans could never forget the fact that they were more directly heirs of the revolutionary generation, and that the challenge they faced was to live up to the ideals enunciated in the Declaration of Independence. In effect, they felt—indeed, they welcomed—a sense of responsibility to “create the excellence which the revolutionaries had demanded.”²⁰ This was a tall order, and in a sense Americans were not equal to the task. Although conscious of an imbalance between their new nation’s professed ideals—most notably its devotion to liberty—and the reality of a Union in which slave states coexisted with free, the revolutionaries’ progeny failed to grasp the political and moral nettle of slavery and sought compromise rather than closure on this most divisive of issues. In some senses the continuous search for a workable compromise reveals how hard Americans were prepared to strive for the Union. Their efforts were, however, unsuccessful. The Union that they created was built on sand. One did not have to be an abolitionist

to realize that there was a fundamental difference in outlook between the North and the South—although, of course, that helped—and that as time passed the difference was becoming more, not less, pronounced. Americans north and south had much in common: a shared history, however brief, of which migration and the Revolution formed the bedrock; shared heroes, most notably Washington and Jefferson; a shared political system, albeit one prone to change; a shared way of life, in the main; a shared belief in the merits of popular government; and a shared commitment to the ideals of liberty. Alternative interpretations of this last point, however, served only to widen the gulf between the free and slave states.

We all declare for liberty [Lincoln observed in the course of the Civil War] but in using the same *word* we do not all mean the same *thing*. With some the word liberty may mean for each man to do as he pleases with himself, and the product of his labor; while with others the same word may mean for some men to do as they please with other men, and the product of other men's labor.²¹

Lincoln was, in this context, referring quite specifically to slavery, but he well knew that the argument over the definition of “liberty” went beyond the issue of slavery alone. In the midst of the secession crisis in 1861, Lincoln was moved to consider “what great principle or idea it was that kept this Confederacy so long together.” The answer he arrived at was that the sentiments enunciated in the Declaration of Independence offered “liberty not alone to the people of this country, but hope to the world for all future time.”²² For Lincoln, as for many Americans, the Declaration of Independence encapsulated all that the Union represented. It was the American nation's key foundation document. Its ambitious sentiments and inspiring rhetoric not only held out the hope of liberty to the world, but provided the only means to nationhood for a population as diverse and varied as Americans were in the nineteenth century. In the course of the famous Lincoln–Douglas debates in 1858, Lincoln had addressed the question of American nationality and the role of the Revolution and the Declaration of Independence in this. Aware that many Americans could not “carry themselves back into that glorious epoch” on the grounds of ancestry, Lincoln argued that the Declaration of Independence enabled them to establish their American nationality, since they had the “right to claim it as though they were blood of the blood, and flesh of the flesh” of those who penned it. The moral sentiment of the Declaration of Independence, Lincoln averred, constituted an “electric cord” which linked the nation together.²³

Union and Nation?

The Declaration of Independence, as Lincoln interpreted it, provided a basis both for ideological unity and, by extrapolation, for political Union, but not everyone saw it that way. Indeed, its precepts were a major bone of contention for Lincoln's generation. The North came increasingly to interpret the Declaration of Independence as their nation's "mission statement," and used it to justify an expansive and outward-looking philosophy which drew on America's revolutionary heritage both to define and encourage a growing sense of what would, in the 1840s, be termed "Manifest Destiny." Building on the eighteenth-century belief that America represented the New Israel and its population God's new chosen people, many Americans regarded it as their divinely inspired right to expand across the continent. When Lincoln argued in his First Inaugural that the North and South could not physically separate, he was expressing a belief in geographic predestination that informed America's expansionist aims.²⁴ This was not solely a Northern perspective. The South was equally, if not more, keen on expansion in the years prior to the Civil War. However, the fact that it saw this as a means to consolidate the "peculiar institution" of slavery rather than as an opportunity to spread the benefits of liberty placed it at odds with the sense of national mission that Lincoln had invoked both in 1858 and 1861. From a European perspective, of course, Lincoln's argument was hardly watertight. It may have been undesirable, but it was certainly not inconceivable that the United States should have split into two separate countries, as many in the South came to argue in 1861. For the South, the Declaration of Independence came to represent less a mission statement than an insurance policy against the encroachments of central power. The argument that a people had the right to "alter or abolish" a government which no longer guaranteed their "safety and happiness" became more important to southerners than the "life, liberty, and the pursuit of happiness" philosophy that, Lincoln argued, informed America's national doctrine.

In the decade immediately prior to the Civil War, opinion on the meaning, and the future, of the American democratic experiment was mixed. In 1853 the Massachusetts senator Caleb Cushing exuberantly described his country as "that colossus of power, that colossus of liberty, that colossus of the spirit of nations."²⁵ In the following year, however, the famous New York lawyer and diarist, George Templeton Strong, sounded a more cautious note when he confided to his diary that Americans "are so young a people that we feel the want of nationality, and delight in whatever asserts our national 'American' existence. We have not, like England and France, centuries of achievements and calamities to look back on; we have no record of Americanism and we feel its want."²⁶ In the absence of any strong sense of nationality, all Americans really had was the Union, but in the antebellum period it was becoming clear that without a strong sense of nationality the

existence of the Union was in serious jeopardy. The link between the Union and the nation was evident, too, in that none of the potentially unifying, nationalizing, features of American life made sense without the Union. By the antebellum period Americans had constructed a basis for national definition predicated on a number of factors: the “Great Migration” of the Puritans to New England in the seventeenth century, and the eventual establishment of a Godly Commonwealth in the New World; success in the Revolution, a success that was later validated by France’s adoption of America’s revolutionary principles; and, above all, the construction of a functioning Federal Union which represented a new, democratic, popular form of government. The outbreak of Civil War placed all this in jeopardy. If the Union failed, the American experiment failed, and both the physical struggle across the Atlantic and the military upheaval of the Revolution would have, in a sense, been in vain.

As far as national construction was concerned, initially it seemed as if the Confederacy, at least, had been successful. In the second year of the Civil War, the British Chancellor of the Exchequer, William E. Gladstone, speaking at a dinner in Newcastle upon Tyne, expressed the view that of the two sides involved in the war it was the South which deserved the appellation “nation.” The North, he argued, ought to accept the dissolution of the Union, since “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.”²⁷ Whether the Confederacy did constitute a separate “nation” has been a matter of debate among historians for many years. Part of the confusion stems from a lack of consensus on what, exactly, is meant by nationalism. Is it the construction of a strong central state? Does it refer to that now overused phrase of Benedict Anderson’s, the “imagined community”? Or is it a combination of the two? Another part of the debate derives from the perceived differences between nationalist sentiment in the antebellum South and that which developed during the Civil War. Scholars frequently acknowledge the growth, in the antebellum period, of a distinct sense of “the South,” and some go so far as to argue that this constituted a fledgling “Southern nationalism.” The Confederacy’s failure in the Civil War, however, is offered up as evidence that Southern nationalism as an ideology was insufficient to sustain southerners in their attempt at national construction and that it was, therefore, not a true nationalist ideology at all. Whilst it is recognized that “Confederate nationalists surely existed,” Confederate nationalism is dismissed as “more a dream than anything else.”²⁸

The argument that military defeat revealed a fatal flaw in Confederate nationalist sentiment relies, however, on hindsight. The Civil War’s outcome validated Northern nationalist claims, and placed the Confederacy firmly and for ever in the “Lost Cause” camp. The nationalism of the Union

triumphed, and so historians too frequently reason that the Northern variant of American nationalism had always been the stronger and more valid. From the perspective of the time, however, the war's outcome was by no means certain, and in any case the failure of the South to break away from the Union does not in itself prove that Confederate nationalism was fundamentally weak—only that it was, ultimately, unsuccessful. Neither does it prove that American nationalism as promulgated by the North was, by comparison, strong. More recent research has succeeded in showing that Confederate nationalism was rather more than a pipe dream and that the ideology that sustained the South's attempt at secession had both form and substance. Yet, crucially, these studies continue to examine the Confederacy almost in isolation. Lacking the wider context of the Union's search for national meaning, they continue to present the Confederacy very much as a world, and a nation, apart.²⁹ Certainly that is what the Confederacy very much hoped to be, but despite its best efforts the battle for Confederate nationalism was conducted both in the context of and in ironic parallel with a similar process in the North. The Confederate struggle toward national definition was tightly bound up with the Union's defense of the Civil War and its reformulation of American nationalism during the war years. Each relied, in fundamental ways, on the other. Conflict—ideological as well as military—between the Union and the Confederacy helped each side to construct and then defend its relative position. The Union victory ensured that its particular interpretation of American nationalism would dominate, but this new nationalism was both forged and, to a degree, tainted by the challenge offered to the Union by the South. In short, the experience of the Civil War operated on the construction and refinement of both Union/American and Confederate nationalism in much the same way.

Studies of the contemporary response to the war have concluded, for example, that “a substantial portion of the Confederate people identified strongly with their southern republic.” Using the letters and diaries of southerners written during the conflict, Gary Gallagher has shown how southerners frequently employed terms such as “our nation,” and “my country,” which clearly “reflected national identification and purpose.” Yet Union troops were equally prone to such sentiments, and similarly cited love of their “country” as their motivation to fight.³⁰ In referring to their “country,” of course, Johnny Reb and Billy Yank meant rather different things, but their devotion to their respective “nations” was equally strong. Similarly, troops in both the Federal and the Confederate armies, as well as the civilians on the home front, found that military service encouraged the development of a broader, more national outlook than had prevailed before the war began. Gallagher has argued that this was particularly the case for Southern civilians, whose links with loved ones fighting far from home “broadened their horizon and led them to think nationally as well as

locally.”³¹ However, the same was true for northerners, many of whose relatives were fighting on battlefields even farther away from their homes. For the troops themselves, as the war progressed and casualties mounted, they often found themselves fighting alongside men from different units and other states. This experience intensified and made solid a nationalist perspective that many of them had in theory but which, until the war, few had experienced in practice. Indeed, as Peter Parish has argued, the Union army itself “was one of the most potent agencies of American nationalism.” Not only did it introduce its troops to “places and people hitherto remote, but now fixed in their minds as part of the same American nation to which they belonged,” but the involvement of noncombatants in supporting and maintaining the army inculcated a far stronger sense of “commitment and loyalty” to the nation than had ever existed prior to 1861.³²

In a very real sense, too, both North and South drew on exactly the same ideas and symbols of nationhood in their defense of the Union and the Confederacy respectively. Both sides were completely immersed in the ideology and symbolism of the Revolution, with the result that it was held up as defense and justification for both the act of secession and the military response against it. As Reid Mitchell notes, indeed, the Civil War “proved curiously filled with echoes of the American Revolution.”³³ Keeping the example of the Revolution continuously before them, troops, noncombatant spokesmen, and politicians on both sides saw themselves as defenders of the nation’s glorious past, and frequently compared themselves to the revolutionaries of the previous century. A captain in the 5th Alabama Infantry, therefore, felt prompted to consider how “trifling were the wrongs complained of by our Revolutionary forefathers, in comparison with ours,” while an officer in the 101st Ohio recalled how “our fathers in coldest winter, half clad, marked the road they trod with crimson streams from their bleeding feet that we might enjoy the blessings of free government.”³⁴ Both sides argued, too, that they were upholding the ambitions of the revolutionary generation and sticking to the letter, and the sentiment, of both the Constitution and the Declaration of Independence. The point is often made that, in constructing a separate Confederate constitution, southerners did little more than imitate the Constitution of 1787, and in their declarations of the causes of secession the various states similarly drew on the Declaration of Independence. There were, of course, telling differences between the original documents and the revised Confederate versions. Most obviously, the idealistic desire “to form a more perfect union” contained in the Preamble to the original Constitution became, in the Confederate version, a rather prosaic intention “to form a permanent federal government.” Nevertheless, this reliance on America’s founding documents as support for a nation which was attempting to secede from the Union not only revealed that the South was, and remained, very much in two minds

about its actions, but also demonstrated that southerners regarded themselves as “the authentic heirs of the Founding Fathers, the true defenders of the ark of the covenant.”³⁵

In many ways, it was a much more straightforward matter for southerners to find historical precedents for their attempt at separate nationhood than it was for northerners to defend their opposition to secession. Southerners could far more easily align themselves with the revolutionary generation, and declare:

Rebels before
Our fathers of yore,
Rebel's the righteous name
Washington bore.
Why, then, ours be the same.³⁶

Put so starkly, the South's assertions brooked little argument. The invocation of George Washington was a particularly powerful symbol. As a southerner himself, and as Father of his Country, the Confederacy could not have found a more impressive figure to appropriate for their cause in the America of the nineteenth century. Washington was the ultimate national figure, and if southerners perceived any irony in using the man who had warned his countrymen to beware of sectional rivalries and to “properly estimate the immense value of your national Union to your collective and individual happiness” to support their destruction of that Union they did not show it.³⁷ As Jefferson Davis patiently explained, in “order to guard against any misconstruction of their compact, the several States made explicit declaration in a distinct article—that “*each State retains its* sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this Confederation *expressly delegated* to the United States in Congress assembled.”³⁸ Faced with this deadly combination of emotive and legalistic argument in favor of secession, northerners struggled to offer not just an alternative, but an overwhelmingly persuasive argument in support of their assertion that America was constructed as, and ought to remain, one nation.

Initially, those who supported the Union set out a variety of relatively straightforward arguments in its favor. In an article written for the *London Times* and published just over a month after the start of the war, John Lothrop Motley praised the Northern response to Lincoln's initial call for troops, noting that “the loyalty of the Free States has proved more intense and passionate than it had ever been supposed to be before. It is recognized throughout their whole people that the Constitution of 1787 had made us a *nation*.” Motley set out the case for Union, succinctly, arguing that the “Union alone is clothed with imperial attributes; the Union alone is known

and recognized in the family of nations; the Union alone holds the purse and the sword, regulates foreign intercourse, imposes taxes on foreign commerce, makes war and concludes peace.” The Revolution, he reminded his readers, had made America “a nation, with a flag respected abroad and almost idolized at home as the symbol of union and coming greatness.” Yet, in recalling the Revolution, Motley had hit on an important and troubling point, although it is doubtful if he recognized the fact. Secession, he argued, was nothing more than a case of “rebellion.” However, if it proved successful, then it became “revolution.”³⁹ This was much more than a distinction without a difference. The difference between “rebellion” and “revolution,” in an American context, was vast. The American nation, and the Union that the North was fighting to save, was the product of a revolution, a fact that the South had not been slow to pick up on and use in defense of its actions in 1861. Although equally keen to align themselves with the ideals of the revolutionary generation, northerners found it difficult to break through this particular part of the South’s defenses. As it was understood at the start of the war, the Revolution seemed better suited as justification for the Confederacy than as prop for the Union. To acknowledge that the South was engaged in an act of revolution was, in a very real sense, to validate secession and to recognize that the South had the right to attempt to establish a Confederate nation.

One possible response, and the one favored by Lincoln himself, was to argue that the act of secession was less an attempt to construct a separate nation than an attack on an established Union which had to be met with force. Lincoln regarded secession as rebellion, pure and simple. Further, he saw it as rebellion not of but in the South. This was a theme he developed throughout the first year of the war. Some months before the fall of Fort Sumter he had questioned “what principle of original right is it that one-fiftieth or one-ninetieth of a great nation, by calling themselves a state, have the right to break up and ruin that nation as a matter of original principle?” Once war had broken out, he encouraged support for the Union by reflecting that “this issue embraces more than the fate of these United States. It presents to the whole family of man the question, whether a constitutional republic, or a democracy—a government of the people, by the same people—can, or cannot, maintain its territorial integrity against its own domestic foes.” By the end of the year he was still reiterating his firm belief that secession constituted nothing more or less than “a war upon the first principle of popular government—the rights of the people.”⁴⁰ Lincoln would continue to develop and refine his arguments in defense of the Union throughout the war—putting them most succinctly and powerfully in his Gettysburg Address of 1863—but his position, however persuasive it seems with hindsight, was by no means impregnable. Throughout the conflict, Lincoln, and those who concurred with his viewpoint, had to work hard to defend

themselves against attack not just from the South but from opposition forces within the Union.

Union to Nation?

As the war progressed, the initial enthusiasm which Motley had described began to wane. The dreary and dangerous reality of fighting, combined with military setbacks for the federal forces in 1861 and 1862, resulted in an overall decline in morale on both the military and the home fronts. The Emancipation Proclamation of January 1, 1863, was not especially well received at first, and this, too, led to a crumbling of support for the Union cause. Increasingly, Lincoln and his government came under attack from Democratic opponents of the war like Clement L. Vallandigham, who was critical of the impact that the war was having on civil liberties. Under Lincoln, he declared, “[c]onstitutional limitation was broken down; *habeas corpus* fell; liberty of the press, of speech, of the person, of mails, of travel, of one’s own house, and of religion; the right to bear arms, due process of law, judicial trial, trial by jury, trial at all; every badge and muniment of freedom in republican government or kingly government—all went down at a blow.”⁴¹ Peace Democrats like Vallandigham walked—and frequently overstepped—a very fine line between loyal opposition to the Republican government and actual disloyalty to the Union, a fact that caused the epithet “Copperhead” (a venomous pit viper) to be applied to them. Nevertheless, the accusations they made had to be countered if support for the Union was not to suffer further. Lincoln defended the particular point about Habeas Corpus in a famous letter to his Democratic critics in 1863, when he repeated his belief that secession was nothing more than “a clear, flagrant, and gigantic case of rebellion; and the provision of the Constitution that ‘The privilege of the writ of Habeas Corpus shall not be suspended, unless when in cases of rebellion or invasion, the public safety may require it’ is *the* provision which specifically applies to our present case.”⁴² No matter how accurate, however, a constitutional defense of the federal government’s actions was never going to be enough to silence all criticism, nor persuade the Northern public to continue supporting a war that many in 1861 had believed would be but a brief affair but which, by 1863, showed little sign of ending.

Increasingly, the federal government found itself under attack on issues far beyond the constitutional. John O’Sullivan, the editor of the *Democratic Review*, and the man credited with coining the phrase “Manifest Destiny,” argued, for example, that the North’s attempt to force the South back into the Union served “to stultify our revolution; to blaspheme our very Declaration of Independence; to repudiate all our history.” This was a serious allegation, and one that had to be answered.⁴³ The Northern response could not help but be informed by the South’s swift appropriation of America’s national

symbols and its use of the Revolution that had created the Union for its own secessionist ends. Northerners had, in a sense, to return to first principles, not so much to reconstruct but rather to reinterpret the ideology of the American Revolution and the actions of the Founding Fathers in order to defend themselves against the criticism that, in seeking to suppress secession, they were acting against the basic tenets of “Americanism.” As George Fredrickson has shown, northerners soon found themselves “led into far-reaching speculations on the deeper meaning of such current bywords as loyalty, patriotism, and nationality.”⁴⁴ In effect, Northern politicians, soldiers and intellectuals found themselves forced to look far longer and harder at the basis of American national construction than they would otherwise have done. Although one of the most widely published propagandist pamphlets of the Civil War argued that “the true solution of our whole difficulty, the only force which can give vitality or permanence to any theory of settlement” was military success, in fact the problem that the Union faced stretched far beyond the battlefield.⁴⁵

The outbreak of the Civil War had highlighted the fault lines in America’s national fabric. Ultimately, North and South could not agree on either the form or the function of their federal union. As a result, their nation, *qua* nation, between 1861 and 1865, ceased to exist. The issue was complicated by the fact that the threat to American national survival came not from an external foe but from within. The problem that the North faced between 1861 and 1865, therefore, was twofold: the defense of the political Union went hand in hand with the defense of the ideological nationalism which supported that Union. Forcing the South back into the federal fold required military success; justifying the attempt to do so required a different approach entirely. In the face of the South’s desire to wreck the republican experiment, to dissolve the Union handed down to Americans by the revolutionary generation, those who supported the Union felt rightly indignant. Barely a month after the fall of Fort Sumter, a *Boston Post* editorial argued that it was “the age of nationalities. Fired by our example, the oppressed of the world would have aspired to the dignity of nationalities. Shall the first to set the example, and the grandest in the procession of the nations,” the paper asked, “suffer its nationality to depart, at the bidding not of a foreign foe, but of rebel traitors of the soil?”⁴⁶ There was no easy or immediate answer to this question. As events were to show, the federal forces were able to save the Union on the battlefield, but military victory was only one part—admittedly the major part—of the process of American national construction.

The ideological issues accompanying the war forced the North to move toward a redefinition of nationalism that both justified its actions in the face of the challenge offered by the Confederacy and offered a basis for post-war reconstruction of the American nation. The centrality of the Revolution, to American as well as Confederate and Union nationalism, meant that the

Union had to find some way of showing that the original Revolution had been the result of “a legitimate nationalistic impulse” which bore no relation whatsoever to the act of secession that had prompted the Civil War. Northerners had, in short, to show that “the American Revolution was over and that revolutionary ideology had no further application to American society.”⁴⁷ In the process of addressing this problem, intellectuals like the German political exile Francis Lieber and New England minister Horace Bushnell gradually shifted the ground on which American nationalism was constructed. In arguing against the South’s right of secession and in favor of loyalty to the Union, these conservative intellectuals sought to bring American nationality down to earth, as it were. The Union, they asserted, merited support not because it represented the hope of liberty for the world but because it provided the rather more tangible and traditional basis of American national power. Further, since their arguments in support of loyalty to the Union were directly linked to their support of the federal war effort, the logical conclusion of their deliberations was to show that “the ultimate America to which allegiance was due was not some vague and improbable democratic utopia but the organized and disciplined North that was going to war before their eyes.”⁴⁸

The intellectual debate over American nationalism, however, although undoubtedly persuasive in terms of both defining and defending the North’s position, offered little that would help North and South come together again once the fighting was over. Although informed by the experience of war, the debates of intellectuals took place in a world far removed from the harsh reality of the battlefield. Northern thinkers and writers such as James Russell Lowell may well have believed that the Civil War had “increased the power and confidence of the nation and certified ‘to earth a new imperial race;’” but their view of the war was, as Richard Marius somewhat harshly concludes, “humidly sentimental . . . like war imagined in a greenhouse.”⁴⁹ Equally sentimental is the description, frequently employed, of the Civil War as a “brothers’ war.” This glib phrase, so redolent of childhood arguments, disguises the brutal reality of a conflict in which Americans killed Americans in appallingly large numbers and in fairly gruesome ways. There was little brotherly sentiment in the reaction of one Southern officer who, after the battle of Fredericksburg, described how he “enjoyed the sight of hundreds of dead Yankees. Saw much of the work I had done in the way of severed limbs, decapitated bodies, and mutilated remains of all kinds. Doing my soul good. Would that the whole Northern Army were as such & I had my hand in it.”⁵⁰ Finding some basis for national reconciliation in the light of such deep-rooted hatred was hardly going to be a straightforward matter.

In the end, sentimentality too frequently acts as a hindrance to an understanding of the American Civil War, both of the issues involved and of

the outcome. Frequently the relative positions of the North and South during the war are oversimplified. In particular, the cause for which the South was fighting is too readily romanticized. In recalling the “Lost Cause” of the Confederacy, Americans and Europeans frequently think of Robert E. Lee, “Stonewall” Jackson, and *Gone with the Wind*. Of course, the South also stood for slavery, a brutal system of coerced labor which denied the most fundamental human rights to the slave and bequeathed to the South a racist outlook which was extreme even by the standards of the nineteenth century. There was, therefore, a certain moral justice in the South’s defeat in the Civil War. Yet the tragic overtones of that defeat, the hubris that afflicted the South, is too often seen to reside in its aspirations to separate nationhood, not in its essential racism, and so the romance of the “Lost Cause” prevails. The North, by contrast, represents the pragmatic element in the uneasy equation that comprised the antebellum American Union. More firmly wedded to the practicalities of Union, less overtly racist, although hardly enlightened in that regard, the North is seen as being more in tune with and ahead of the sweeping changes that were transforming nineteenth-century America. If Confederate nationalism was a dream, Northern nationalism was the reality. There was no romance in the Northern soul, scholars conclude, and so during the Civil War the “issue for the Northern states, clearly, was one of the territorial and political extent of the American nation, rather than its ideals.”⁵¹ Certainly this was the logical conclusion of much of the Northern intellectual debate that took place during the Civil War. Similarly, Lincoln’s famous declaration to Horace Greeley, editor of the New York *Tribune*, that his “paramount object in this struggle *is* to save the Union, and is *not* either to save or to destroy slavery;” can be taken at face value to support this interpretation of Northern war aims.⁵²

However, if the Confederacy was, in reality, rather less romantic than history has chosen to portray it, then the North was certainly more idealistic than it sometimes appeared. His deceptively straightforward answer to Greeley notwithstanding, Lincoln knew very well that there was more involved, and much more at stake, in the federal war effort than the maintenance of the Union. American national ideals represented the heart of the Union’s position. The North continued to hanker after that “more perfect Union” of the nation’s Founding Fathers, and saw the Civil War as the means to achieve it. This was the essence of Lincoln’s “Gettysburg Address,” and the reason that Lincoln chose that occasion to emphasize the nation over the Union. In the Gettysburg Address it was the nation’s ideals that concerned him, and he reminded his audience not only that the Founding Fathers had brought forth “a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal,” but that men had given their lives to consecrate that nation and that proposition. Obviously enough, when Lincoln spoke on the battlefield at Gettysburg he was not addressing

a truly national audience, but he was certainly reaching out to one with his carefully chosen words. It was not the first or the last time that he did so. “We are not enemies, but friends. We must not be enemies,” Lincoln urged in the emotive conclusion to his First Inaugural and, as at Gettysburg, he invoked the revolutionary generation and the “mystic chords of memory, stretching from every battlefield, and patriot grave” which bound the American nation together.⁵³ In these statements, and in others made throughout the war, Lincoln set out his belief in the inspirational side to the American Union, his reverence for the nation’s ideals, and the importance of the struggle to live up to them.

Lincoln was not alone in seeing the Civil War as an opportunity not just to save but to improve on the federal Union. The African-American writer and activist Frances Harper argued for a radical transformation of the American nation:

This grand and glorious revolution which has commenced, will fail to reach its climax of success until, throughout the length and breadth of the American Republic, the nation shall be so color-blind, as to know no man by the color of his skin or the curl of his hair. It will then have no privileged class, trampling upon and outraging the unprivileged classes, but will be then one great privileged nation, whose privilege will be to produce the loftiest manhood and womanhood that humanity can attain.⁵⁴

Harriet Beecher Stowe, similarly, expressed the hope that the Civil War would bring America “forth to a higher national life.”⁵⁵ The North’s victory in the Civil War gave impetus to such aims, and hope for the future. The war was seen to have settled, once and for all, the lingering questions over slavery and states’ rights which had undermined the Union. The Massachusetts senator Charles Sumner certainly saw the outcome of the war as an unqualified victory for the nation, asserting that if “among us in the earlier day there was no occasion for the word Nation, there is now. A Nation is born.”⁵⁶ As a result of the Civil War, the “federal vagueness” of the antebellum Union was replaced by an integrated state with both territorial and political sovereignty. Yet the enmity between North and South, both a cause and a consequence of the Civil War, was not so easily dispelled. American nationalism was, therefore, left in an extremely fragile position in the years immediately following Appomattox. Ultimately, North and South used the war that had driven them apart as one means of bringing them back together again. For the troops who had fought, battlefield commemoration ceremonies provided some ground—both literally and figuratively—on which the opposing sides could meet. For Confederate veterans, particularly, such ceremonies offered a way back into the American nation. This was not,

however, a quick process, but one which took several decades and which involved a certain amount of compromise, to the detriment of those ideals which Lincoln held to be so important to the American nation. It would be going too far to say that the outcome of the Civil War was a pyrrhic victory for the North, but it was certainly not all that Lincoln himself might have hoped for.

The revolutionary generation had passed on a divided legacy to the nation, and the Civil War generation did the same. As the Civil War took its place alongside the Revolution in the civic religion of the American nation it came to be seen less as a brutal and bloody conflict, and more as a process of redemption, as the war that had preserved the nation and made it both better and stronger than it had been before. Certainly the nation that emerged from the conflict was very different from the Union that had entered it. The emancipation of the slaves had not only been effected, but consolidated in important amendments to the Constitution. The validity of the American experiment in democratic government had been established. As Lincoln had hoped, the federal government had proved to the world “that those who can fairly carry an election, can also suppress a rebellion—that ballots are the rightful, and peaceful, successors of bullets; and that when ballots have fairly, and constitutionally, decided, there can be no successful appeal back to bullets.”⁵⁷ The antebellum Union had been open to interpretation, but after the Civil War the nation was built on firmer ground. Yet the transition from Union to Nation was not without cost, and not just in lives. By resorting to warfare to compel a national identity that was clearly not going to be established by voluntary means, the North found itself in the paradoxical position of breaking the original contract of the Declaration of Independence in the process of defending it. Further, the emancipation of the slaves, and the passage of the Thirteenth and Fourteenth Amendments, was not accompanied by any obvious lessening of racism, and it was not too many years before the South had managed to establish the racial status quo ante bellum in all but the strictly legal sense; ultimately, although the North’s victory in the Civil War succeeded in welding North and South together more firmly than before, the transition from Union to Nation left a legacy of racial and sectional bitterness that to this day continues to divide America’s national landscape.

Notes

1. Henry James, *Hawthorne* (London, 1879), p. 144, quoted in George M. Fredrickson, *The Inner Civil War: Northern Intellectuals and the Crisis of the Union* (1965, repr. New York, 1968), p. 1.
2. Abraham Lincoln, *First Inaugural Address*, March 4, 1861, in Peter J. Parish, ed., *Abraham Lincoln: Speeches and Letters* (London, 1993), pp. 161–9, quotations at pp. 163, 167.
3. Lincoln, *First Inaugural*, in Parish, *Abraham Lincoln: Speeches and Letters*, p. 165, and passim.

4. Abraham Lincoln, *Address at Gettysburg*, Pennsylvania, November 19, 1863, in Parish, *Abraham Lincoln: Speeches and Letters*, pp. 266–7.
5. Paul C. Nagel, *One Nation Indivisible: The Union in American Thought, 1776–1861* (New York and Oxford, 1964), pp. 3, 177. See also Nagel, *This Sacred Trust: American Nationality, 1798–1898* (New York and Oxford, 1971).
6. George Dangerfield, *The Awakening of American Nationalism, 1815–1828* (New York, 1965).
7. The Union's relative weakness prior to the Civil War, and the role of the war in establishing both the Union and American nationalism, are discussed in, among others, Liah Greenfield, *Nationalism: Five Roads to Modernity* (Cambridge, MA, and London, 1992), and Richard Franklin Bensel, *Yankee Leviathan: The Origins of Central State Authority in America, 1859–1877* (New York and Cambridge, 1990).
8. One of the earliest studies of American nationalism is to be found in Hans Kohn, *The Idea of Nationalism: A Study in its Origins and Background* (New York, 1945), followed by his *American Nationalism: An Interpretative Essay* (New York, 1957). More recent studies which assess the colonial and revolutionary eras include Greenfield, *Nationalism*, and Anthony D. Smith, "Origin of Nation," *Times Higher Education Supplement*, January 8, 1993, pp. 15–16. For additional commentary on this, see Susan-Mary Grant, "When is a Nation not a Nation? The Crisis of American Nationality in the Mid-nineteenth Century," *Nations and Nationalism* 2: 1 (1996), pp. 105–29.
9. Simon P. Newman, *Parades and the Politics of the Street: Festive Culture in the early American Republic* (Philadelphia, PA, 1997), p. 6. See also David Waldstreicher, *In the Midst of Perpetual Fetes: The Making of American Nationalism, 1776–1820* (Chapel Hill, NC, and London, 1997).
10. Waldstreicher, *In the Midst of Perpetual Fetes*, pp. 6, 9. On this subject see also Newman, *Parades and the Politics of the Street*, pp. 112–13, and Grant, "When is a nation not a nation?" p. 113.
11. Seymour Martin Lipset, *The First New Nation: The United States in Historical and Comparative Perspective* (1963, repr. New York and London, 1979), p. 16.
12. Daniel J. Boorstin, *The Americans: The National Experience* (1965, repr. New York and London, 1988), pp. 400–1. The same point is made by John M. Murrin in "A Roof without Walls: The Dilemma of American National Identity," in Richard Beeman et al., eds., *Beyond Confederation: Origins of the Constitution and American National Identity* (Chapel Hill, NC, and London, 1987), pp. 333–48, p. 339.
13. Linda Kerber, *Federalists in Dissent: Imagery and Ideology in Jeffersonian America* (1970, repr. Ithaca, NY, and London, 1983), pp. 1–35, quotation at p. 34. On the Federalists and the South, see also Waldstreicher, *In the Midst of Perpetual Fetes*, pp. 251–62; Humphreys quoted in Ernest Lee Tuveson, *Redeemer Nation: The Idea of America's Millennial Role* (Chicago, IL, and London: University of Chicago Press, 1968) pp. 121; Elizabeth R. Varon, *Disunion! The Coming of the American Civil War, 1789–1859* (Chapel Hill: University of North Carolina Press, 2008) pp. 1, 7.
14. Varon, *Disunion*, p. 5; Boorstin, *The Americans: The National Experience*, p. 418.
15. This point is explored further in Susan-Mary Grant, "Making History: Myth and the Construction of American Nationhood," in Geoffrey Hosking and Georg Schöpfung, eds., *Myths and Nationhood* (London, 1997), pp. 88–106, and see also John Shy, *A People Numerous and Armed: Reflections on the Military Struggle for American Independence*, rev. edn. (Ann Arbor, MI, 1990), pp. 25–6.
16. Boorstin, *The Americans: The National Experience*, p. 368. On the role of the Revolution in American historical development see Reid Mitchell, *Civil War Soldiers: Their Expectations and their Experiences* (1988, repr. New York, 1989), pp. 1–2, and esp. Michael Kammen, *A Season of Youth: The American Revolution and the Historical Imagination* (New York, 1978). On the impact of the "Great Migration" to national myth, see Virginia deJohn Anderson, *New England's Generation: The Great Migration and the Formation of Society and Culture in the Seventeenth Century* (New York and Cambridge, 1991). For a fuller assessment of this process see Susan-Mary Grant, "'The Charter of its Birthright': the Civil War and American Nationalism," *Nations and Nationalism*, 4: 2 (1998), pp. 163–85.
17. Nagel, *One Nation Indivisible*, p. 147.
18. Albert Gallatin to Matthew Lyon, May 7, 1816, quoted in Dangerfield, *The Awakening of American Nationalism*, pp. 3–4.
19. Rush Welter, *The Mind of America, 1820–1860* (New York and London, 1975), pp. 23, 3–5.

20. Kerber, *Federalists in Dissent*, pp. 1–2. On this point, see also Jean H. Baker, “The Ceremonies of Politics: Nineteenth Century Rituals of National Affirmation,” in William J. Cooper et al., eds., *A Master’s Due: Essays in Honor of David Herbert Donald* (Baton Rouge, LA, and London, 1985), pp. 161–78.
21. Abraham Lincoln, *Address at Sanitary Fair, Baltimore, Maryland*, April 18, 1864, in Parish, *Abraham Lincoln: Speeches and Letters*, pp. 276–8, quotation at p. 277.
22. Abraham Lincoln, *Speech in Independence Hall, Philadelphia*, February 22, 1861, in Parish, *Abraham Lincoln: Speeches and Letters*, pp. 158–9, quotation at p. 158.
23. Abraham Lincoln, *Speech at Chicago, Illinois*, July 10, 1858, in Parish, *Abraham Lincoln: Speeches and Letters*, pp. 88–95, quotation at p. 93.
24. On this point, see Albert K. Weinberg, *Manifest Destiny: A Study of Nationalist Expansion in American History* (1935, repr. Gloucester, MA, 1958), pp. 38 ff.
25. Cushing, quoted in Weinberg, *Manifest Destiny*, p. 203.
26. Diary entry for November 8, 1854, in Allan Nevins and Milton Halsey Thomas, eds., *The Diary of George Templeton Strong*, 4 vols. (New York, 1952) III, *The Turbulent Fifties, 1850–1859*, p. 197.
27. Gladstone, quoted in Peter J. Parish, *The American Civil War* (New York, 1975), p. 448.
28. Richard E. Beringer et al., *Why the South lost the Civil War* (Athens, GA, and London, 1986), p. 77. This work contains an extremely useful summary of the historiography (to 1986) of Southern nationalism on pp. 64–81. A more recent study of “Southern nationalism,” showing how this was reinforced if not actually created by the Civil War, and why the Confederacy’s defeat did not obliterate it, is Anne Sarah Rubin’s *A Shattered Nation: The Rise and Fall of the Confederacy* (Chapel Hill, NC, 2008). This should be read in conjunction with Melinda Lawson’s *Patriot Fires: Forging a New American Nationalism in the Civil War North* (Lawrence, KS, 2002) for an appreciation of the competing “nationalisms” of the Civil War era.
29. See Drew Gilpin Faust, *Confederate Nationalism: Ideology and Identity in the Civil War South* (Baton Rouge, LA, and London, 1988) and Gary Gallagher, *The Confederate War* (Cambridge, MA, and London, 1997).
30. Gallagher, *The Confederate War*, pp. 7 and 63; James M. McPherson, *What they Fought for, 1861–1865* (Baton Rouge, LA, and London, 1994), pp. 11, 33 and *passim*.
31. Gallagher, *The Confederate War*, p. 73.
32. Parish, *American Civil War*, p. 637.
33. Reid Mitchell, *Civil War Soldiers: Their Expectations and their Experiences* (New York and London, 1988), p. 1.
34. McPherson, *What they Fought for*, pp. 9, 28.
35. Peter J. Parish, “The Road not quite Taken: The Constitution of the Confederate States of America,” in Thomas J. Barron, Owen Dudley Edwards, and Patricia J. Storey, eds., *Constitutions and National Identity* (Edinburgh, 1993), pp. 111–25, quotation at p. 113.
36. Quoted in Faust, *The Creation of Confederate Nationalism*, p. 14.
37. Quotation from Washington’s *Farewell Address*, 1796, in Robert Birley, ed., *Speeches and Documents in American History I, 1776–1815*, p. 223.
38. Jefferson Davis, *Message to the Confederate Congress*, April 29, 1861, in Birley, *Speeches and Documents II, 1818–1865*, p. 261. Davis was here referring to Article X of the Bill of Rights.
39. John Lothrop Motley, “The Causes of the American Civil War: A Paper contributed to the *London Times*” (New York, 1861) in Frank Freidel, ed., *Union Pamphlets of the Civil War, 1861–1865*, 2 vols. (Cambridge, MA, 1967) I, pp. 29–54, quotations at pp. 31, 42, 48, 51. Motley’s article first appeared in the paper on May 23 and 24, 1861.
40. Abraham Lincoln, *Speech at Indianapolis*, 11 February, 1861; *Message to Congress in Special Session*, July 4, 1861; *Annual Message to Congress*, December 3, 1861, all in Parish, *Abraham Lincoln: Speeches and Letters*, pp. 154–6, quotation at p. 156; 173–86, quotation at p. 177; 189–93, quotation at p. 191.
41. Clement L. Vallandigham, “The Great Civil War in America (speech in the House of Representatives, January 14, 1863), in Freidel, *Union Pamphlets II*, pp. 697–738, quotation at p. 700.
42. Lincoln to Erastus Corning et al., June 12, 1863, in Parish, *Abraham Lincoln: Speeches and Letters*, pp. 244–51, quotation at p. 247.
43. John O’Sullivan, quoted in Fredrickson, *The Inner Civil War*, pp. 132, 144.
44. Fredrickson, *The Inner Civil War*, p. 132.

45. Charles Janeway Stillé, "How a Free People conduct a Long War: A Chapter from English History" (Philadelphia, 1862), reproduced in Freidel, *Union Pamphlets* I, pp. 381–403, quotation at p. 397.
46. *Boston Post*, May 16, 1861.
47. Fredrickson, *The Inner Civil War*, pp. 133, 135.
48. Fredrickson, *The Inner Civil War*, p. 150. For an extended and detailed discussion of the intellectual response to the war, see esp. pp. 130–50 and passim.
49. Fredrickson, *The Inner Civil War*, p. 185. The poem under discussion is James Russell Lowell's "Commemoration Ode" (1865), which can be found, together with his comments on it, in Richard Marius, ed., *The Columbia Book of Civil War Poetry: From Whitman to Walcott* (New York and Chichester, 1994), p. 372.
50. McPherson, *What they Fought for*, p. 23.
51. Greenfeld, *Nationalism*, p. 473.
52. Abraham Lincoln, letter to Horace Greeley, August 22, 1862, in Parish, *Abraham Lincoln: Speeches and Letters*, pp. 214–15, quotation at p. 215.
53. Both the "Gettysburg Address" and the First Inaugural can be found in Parish, *Abraham Lincoln: Speeches and Letters*, pp. 266–7 and 161–9 respectively, quotations at pp. 266 and 169.
54. Frances E. W. Harper, "We are all bound up together," from *Proceedings of the Eleventh Women's Rights Convention* (1866), in Karen L. Kilcup, ed., *Nineteenth Century American Women Writers: An Anthology* (Cambridge, MA, and Oxford, 1997), p. 157.
55. Harriet Beecher Stowe, "The Chimney Corner," *Atlantic Monthly*, January 15, 1865; Louis P. Masur, *The Real War will never Get in the Books: Selections from Writers during the Civil War* (1993, repr. New York and Oxford, 1995), p. 251.
56. Charles Sumner, "Are we a Nation?" (1867), quoted in Greenfeld, *Nationalism*, p. 480.
57. Abraham Lincoln, "Message to Congress in Special Session," July 4, 1861, in Parish, *Abraham Lincoln: Speeches and Writings*, pp. 173–86, quotation at p. 185.

CHAPTER 15

Individual Rights and Constitutional Powers

The Impact of the Civil War

PAT LUCIE

“There is quite as much trouble in the reformation of an old constitution as in the establishment of a new one, just as to unlearn is as hard as to learn,” as Aristotle reminds us.¹ In 1861 the American Constitution was indeed in much trouble. Abolitionists had styled it a “covenant with death,” an “agreement with hell,” a scaffold for slavery. When the Southern states walked out of the Union in anger that it was insufficiently protective of Southern interests, pessimists feared the Constitution was doomed to be a suicide pact, lacking even the means of self-preservation. In both the North and South, this question had to be addressed—was there a fatal flaw in the Constitution? The years of civil war and reconstruction that followed were to be, in effect, a second Constitutional Convention, another chance to “secure the blessings of liberty.” Bruce Ackerman has called it one of only three “transformative moments” in American constitutional history, when the people addressed the nature of their fundamental law and sanctioned the making of “higher law,” rules which govern but are beyond ordinary politics.² The Philadelphia Convention was the first, when the Constitution was framed and ratified. The second was the Civil War, in the wake of which the Constitution was repaired and in a sense completed by its adoption of freedom and equal citizenship. The New Deal was the third, when the balance of federalism altered decisively in favor of the federal government, with respect not only to the economy, but also to the meaning of citizenship. The Supreme Court laid the foundations of a new era in constitutional jurisprudence which came to put individual rights at its heart and in practice nationalized the Bill of Rights.

There are always risks in selecting and describing transformations. On close inspection they turn out to be complex processes and invariably they invite dispute. In the case of the American Constitution there is another peculiar hazard in describing change. Lawyers, judges, and politicians, who write most of the history of the Constitution, have a vested interest in legitimacy. Their investigations of the past are often prompted by the need to find a believable genetic link between their present constitutional agenda and the fundamental law of the Constitution. This means that, even as the Constitution is in the process of change, there is a constant “spin” put on it to explain and reorder the past in such a way as to define an orderly or a true lineage and to oust illegitimate offspring.

The Civil War was fought by two sides claiming legitimacy. Each championed constitutional liberty and self-government, and each aspired to achieve it by remaining faithful to the design of the Founding Fathers. The Southern states were the first to make textual changes. The Confederacy was established in 1861 under a new Constitution, which took only two weeks to write and which was closely based on the words and structure of the U.S. Constitution. It did, however, also contain many significant changes, most of which were designed to redress grievances against the North’s supposed misinterpretations of the Constitution in the antebellum period. The end result, I shall argue, neither preserved the work of 1787 nor improved upon it. Had the Confederacy survived, its leaders would have to have acquired more insight into the science of government as well as the nature of liberty.

The Union side had the advantage of fighting with the ready-made machinery of government as well as the text of the Constitution, though its adequacy to the task of self-preservation was not a foregone conclusion. Although no changes were made to the text until the Thirteenth Amendment in 1865, the Republicans embarked on a steep learning curve as soon as the first shots were fired at Fort Sumter. Curiously, until then, the Constitution had led a relatively unexamined life. True, it was seldom out of the news in antebellum America. Every purveyor of sectional argument or civic piety wrapped himself in its authority. Serious critical study, however, began with war. President Lincoln and the Congress found within the Constitution the powers and tools of self-preservation.³ But in the course of war they also discovered a flaw in the Constitution’s design. It had come to be so centered on states’ rights, so focused on denying powers to the federal government which might deprive citizens of their rights, that it lacked the power to protect and guarantee individuals these rights when they were threatened by the states themselves or by private powers. The vacuum at the heart of federalism was at its most obvious when the government began working out how to protect emancipated slaves in hostile local environments far from Washington. But it also became clear that it was more than a question of

“What shall be done with four million freed slaves?” The larger question was about the liberty of all Americans. The guarantees of the Bill of Rights applied to “persons” and “the people.” What did they amount to if states and local governments could take them away and the federal government could do nothing to stop them? What did it mean for the integrity of government if the federal government could not protect its citizens in Massachusetts or South Carolina? These were questions which could not be answered without transforming the Constitution, not only in text but in habits of mind, in what people expected of their governments and their neighbors.

In a nutshell, the Republicans made the individual rights of all persons federal business. Between 1865 and 1870 the Constitution was amended three times. The Thirteenth Amendment forbade slavery everywhere except as a punishment for crime. The Fourteenth Amendment guaranteed all persons born in the United States the privileges and immunities of citizenship and prohibited states from making or enforcing any law abridging these. It also prohibited states from depriving any person of life, liberty, or property without due process of law, or denying any persons the equal protection of the laws. The Fifteenth Amendment denied any government, state or federal, the power to deprive U.S. citizens of the right to vote on account of race, color, or previous servitude. The powers of Congress were enlarged to enforce these guarantees, and Congress passed a number of important civil rights laws to do so. The federal courts, as we shall see, became the lynchpin of constitutional change, and to them fell the greatest share in the task of explaining the meaning of the amendments, how far-reaching or otherwise they were intended to be, what was legitimate to build out of them, and how they fitted in to the lineage of the Constitution.

The most cursory glance at the business of the Supreme Court in the early twenty-first century reveals the centrality of these Reconstruction amendments and civil rights laws to modern American constitutional law and its endless debates about the scope and content of rights. Litigants making claims about everything from gay rights to abortion to discrimination in private housing continue to use the pathways into federal courts created in the 1860s, and lawyers on all sides frequently return to the congressional debates of those years to recruit arguments about original intentions. The apparent continuity between the past and the present, however, lays a trap for assessing the legacy of the Civil War. The discontinuities are equally evident.⁴ Between 1877 and 1954 victories won for individual rights in federal courts were few and far between. Over the course of these eighty years or so the prevailing orthodoxies in constitutional law pared the rights guaranteed in the three constitutional amendments and their legislative offspring right down to the barest meanings consistent with the English language and the interests of the post-Reconstruction governing elites. Arguably the “separate but equal” doctrine that sustained Jim Crow

represents the apogee of these efforts. It is tempting to interpret this period as some kind of aberration before returning to a post-New Deal period in which liberal values finally triumphed and the “true” legacy of the Civil War’s promise of equality was, and continues to be, implemented. Something more realistic will be argued here. The legacy of the Civil War remains contested. Some of its “aberrations” still prevail, some of its “truths” still lie dormant, and scholars are divided about what belongs to each category.

There is another link between the Civil War and contemporary contests over constitutional rights. The “war on terror,” and the deployment of troops in Afghanistan and Iraq have reminded Americans that war powers invoked in the name of defending and securing liberty can also endanger it. Lincoln, it seems, was not the last Republican president to be accused of trampling on civil liberties by arresting civilians, denying them the right of Habeas Corpus, and even sanctioning their trial by military tribunals where the ordinary courts were open. Once again in American public life there is a great debate about rights in time of war, about the relative balance between order and liberty, and between collective and individual rights. Whilst the jurisprudence of individual rights continues to be centered on the meaning of the Bill of Rights, and particularly its application to the states through the Fourteenth Amendment, there is fresh interest in structural questions and in the checks and balances that the Framers in 1787 believed were the most important guarantee of liberty.⁵

Liberty Created? The Philadelphia Contribution

For all the preoccupation with individual rights in the recent life of the Constitution, the framers in 1787 were a great deal more exercised by how to prevent governments infringing them than how to define them as “entitlements.” Nobody has stated it more succinctly than Leonard Levy: “Americans understood that the individual may be free only if the government is not.”⁶ The Constitution is about the arrangements they made to empower the government enough to govern but not enough to imperil the rights which belonged to man by nature. If the body politic was disarmed from the potential for tyranny by a web spun from federalism and separation of powers, then it followed that, in the best of all possible worlds, the freedom of the individual was secure. It is a tale too well known to be retold that the Bill of Rights was added to the Constitution only as an additional reassurance that liberty was beyond the reach of a government already sufficiently limited by the checks and balances of the original text. The price of not agreeing could have been failure to ratify the Constitution. Madison, the “Father of the Bill of Rights,” was no admirer of the art of writing lists of rights and regarded the attempts of colonies to do so as rhetorical puff, or parchment barriers. Nonetheless he made a passable job of drafting it. He

even waxed enthusiastic in his great speech to a bored audience on June 8, 1789, when he presented the resolutions, famously predicting, “if they are incorporated into the Constitution, independent tribunals of justice will consider themselves in a peculiar manner the guardians of those rights; they will be an impenetrable bulwark against every assumption of power in the legislature or Executive; they will naturally be led to resist every encroachment upon rights stipulated in the Constitution by the declaration of rights.”⁷

This is not, however, the genesis of the rights-bearing individual, armed with a federal lawsuit to vindicate her entitlement. Indeed, the Bill of Rights is what one writer has called a “mixed ore” of individual rights, rights of “the people,” and rights of states.⁸ It is highly selective. Madison had a couple of hundred suggestions for inclusion on his desk. Some of his personal preferences were omitted. The final draft contained twenty-two rights. It was not that he could not think of more, but there was no perceived need to write an exhaustive list. Indeed, to do so would not have been prudent. The Bill of Rights was as much about structure and the distribution of powers as is the rest of the Constitution. The enterprise is summed up by the Ninth and Tenth Amendments. The Ninth Amendment makes it clear that writing some down did not deny the importance of others. Enumeration was not to be construed as denying or disparaging “others retained by the people.” It was the conditions of liberty and not its definitive description that mattered. The theme permeates the Constitution. The Tenth Amendment, reserving to the states or the people powers not delegated to the United States or prohibited to the states, embodies Madison’s conviction that the powers of the federal government were so textually limited that they could not endanger individual rights.

Madison failed to carry the day on two issues which would assume importance later. One was that he originally proposed to slot the amendments into the Constitution at the place he deemed most relevant, after the section dealing with limitations on the powers of Congress. The reason for this does not seem to have had ideological implications and it was not regarded as a crucial issue. As it happened the placing of the Bill of Rights as a free-standing “codicil” may have made it more plausible for antislavery advocates and some Republicans in the antebellum period to argue that it was a source of power to the federal government and a declaration of the rights of all Americans wherever they resided.⁹ The other issue on which Madison failed to gain support was one that he regarded as of much greater importance. His fifth resolution for amendment was a limit on the states rather than on the federal government. It prohibited them from violating “the equal right of conscience, freedom of the press, or trial by jury in criminal cases.” His belief that the states were just as likely to be the source of danger to rights was borne out by history. It could not be fairly argued, however, that the road to civil war begins with the Founding Fathers’ failure to adopt this resolution.

Madison himself acknowledged that his resolution bound the states only partially, with respect to “particular rights.” There was never a serious prospect of imposing limits on state powers in a Congress whose eyes were firmly focused on potential dangers from the federal government. Madison’s proposal to give Congress a veto power over state legislation met the same fate.¹⁰

As it turned out, the federal government never became a routine transgressor against individual rights. For most of the Constitution’s history, indeed up to the New Deal, it was not sufficiently engaged in the everyday lives of its people to make such an impact. There was, for example, very little federal criminal law, and hence little need to invoke the protections which the Bill of Rights guaranteed to the accused. That is not to say that the fears of the Framers were unjustified. In times of emergency or conflict the federal government was potentially dangerous. In 1798, when the young United States seemed on the brink of war with France, President John Adams signed the Sedition Act into law. One of four pieces of repressive legislation, it ruthlessly restricted freedom to write, publish, or speak critically of the government. Interestingly, its Republican opponents reached not only for the First Amendment to argue against its unconstitutionality but for the Tenth Amendment and a structural argument that the power to limit expression had not been delegated to the government of the United States. These arguments did not prevail and the law was never tested in the Supreme Court. It did, however, occasion a serious debate about the meaning of the First Amendment and the importance of making constitutional limitations work. In this case the danger of war passed, calm returned, the law itself expired on March 3, 1801, and incoming President Thomas Jefferson pardoned those who had been convicted under it and freed those languishing in jail. If it was a lesson in vigilance, however, it was not one about the dangers posed by state and local governments.¹¹

But what of Madison’s insight that states were just as likely to endanger the rights of man? No theory of the Constitution allowed that states had such a power. The text of the Constitution, however, was thin on limits to state powers. There were some specific limitations, including a ban on ex post facto laws, bills of attainder, and laws impairing the obligation of contracts. There was also federal protection from possible discrimination by states for those who traveled or did business outside their own state. The federal courts were given jurisdiction in cases between citizens of different states. And to the traveling citizen the Constitution guaranteed that “The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.” The best known judicial interpretation of this clause, in the 1823 case of *Corfield v. Coryell*, made it clear that strangers could expect to enjoy fundamental rights and be treated equally with respect to the protections of the law. The judge made no attempt to enumerate all the rights

the clause guaranteed. It “may include” the franchise. Enumeration was “too tedious,” he said.¹² Traveling slaves had no right to federal protection, though their owners did, as the history of Dred Scott’s travels demonstrated.

If the visiting citizen had rights out of state, and in some very limited circumstances could call upon the Constitution and a federal court to protect them, it was more than the person who never crossed state lines could count on. If he found his rights in danger from his own state, the Bill of Rights was no help. Chief Justice John Marshall was only expressing a constitutional orthodoxy when he held, in the 1833 case of *Barron v. Baltimore*, that it was a limitation on the federal government and not on the states.¹³ The belief persisted, however, that states were adequately limited by their own state constitutions, their courts, and the art of responsive, participatory citizenship. Rascals could be voted out, and justice done. And it worked like that for some. The white, male, conforming, voting citizen probably did enjoy an unparalleled freedom in a spacious, energetic young democracy. Slaves did not. And if freed slaves after the Civil War looked to the existing legal status of free African-Americans, women, Chinese, or aliens as a model for freedom, they would not have advanced much further than under the infamous Black Codes with which the South greeted their emancipation. Even white male citizens who did unpopular things, who spoke “out of turn” against slavery, got caught helping fugitives, or sought state justice against the better judgment of an angry citizenry, might talk to the moon about their rights. They certainly could not talk to the federal government. Between the federal government and the individual in the states there was a constitutional black hole, a place which in 1861 became of vital interest to the North . . . and of no interest at all to the Confederacy, to judge from their new Constitution.

Liberty Defended? The Confederate Contribution

The Confederacy drafted a constitution in great haste after secession. Its Congress unanimously approved the final draft, the fruits of two weeks of work and forty years of argument, on March 11, 1861. Superficially it bears a close resemblance to the U.S. Constitution, which is not surprising, given that the southern states’ stated complaint was against the perversion of the Constitution by Republican politicians rather against the inadequacy of the Framers’ design. Their task was to purify, however, as well as to imitate, and there was no longer any need for some of the impurities of compromise which had marked the efforts of a less homogeneous society in 1787. The Confederate constitution looks reassuringly familiar. Most of the words of the U.S. Constitution are there. There are quite a lot more of them, however, and some of the most important are missing or altered. Although the layout of the document is remarkably similar, it conceals quite extensive changes

to the original “checks and balances,” with considerable impact on individual rights.

Slavery was nailed into every corner of the Constitution and named unashamedly. Whatever room for argument there was about the accuracy of William Garrison’s charge that the U.S. Constitution was a “covenant with death,” this one left little doubt.¹⁴ In the events leading up to secession, the South’s constitutional arguments had been opportunistic about the role of federal government. As Arthur Bestor observed, the South demanded the active protection of the government for slaveowners’ “property” out of state or in the territories, but made a battering ram of state sovereignty to resist any and all other uses of federal power.¹⁵ The Confederate constitution was testimony to the possibility that one can have and eat cake at the same time. It empowered its government to protect slavery, and trussed it up like a turkey from impairing it.

The Confederate constitution actively worked to insure that there were no bridgeheads between central government and the individual which could threaten state sovereignty by giving an individual recourse to anything but the laws and courts of his own state. Take, for example, the relocation of the Bill of Rights. The first eight amendments are there verbatim, but placed in the section limiting the powers of Congress. Although this was no more than what Madison himself had proposed in 1789, the South’s relocation of it in 1861 made it very clear indeed that it had no relevance to the relationship between an individual and the government, at a time when antislavery groups in the North argued otherwise. Of still greater significance, however, the Ninth and Tenth Amendments were separated from the rest of the Bill of Rights and reworded as well as relocated in Article 6, the supremacy clause. Rights were now retained by “the people of the several States” rather than by “the people.” And powers not delegated to the central government or prohibited to the states were now retained by the states or “the people thereof” rather than by the “States or the people.” A subtle shift it may seem, but it plainly locked the central government out of the states for the purpose of protecting as well as infringing rights, and just as plainly locked individuals into the states on both counts. Add to this the omission of the general welfare clause from the Preamble to the Constitution, the absence of a stated ambition to make a “more perfect Union” and the new-found presence of God in it (surely an unconstitutional establishment of religion under the U.S. Constitution!) and there is not much comfort for anybody who did not implicitly trust her liberty in the hands of her home state.

The Confederacy altered even the fragile pathways the U.S. Constitution built to prevent discrimination against out-of-state citizens who traveled or did business in another state. The clause which gave federal courts jurisdiction of cases between citizens of different states, to ensure impartial adjudication, was omitted. The comity clause, which entitled the citizens of

each state to all privileges and immunities of citizens in the several states, remained, but with an addendum. Citizens were to be entitled to travel to or stay in any state with their slaves without impairment to their property right. What appears to be an afterthought, an extra, is in fact the definition of the clause as far as slaveowners were concerned. It is a codification of *Dred Scott v. Sanford*.¹⁶

The Confederacy had no vision of the “individual rights bearer,” able to call on the protection of central government for any reason other than the protection of slave property. Even then, much of the paranoia of the Confederate constitution on that point reflects past anxiety rather than perceived dangers after secession. The Confederate faith was still in the local community. Historians have found much to admire in it, and the rediscovery of “republican” values of civic virtue, community, and public service have appealed to some as a more attractive alternative to a culture of individual rights.¹⁷ But is it to be found in the Confederacy?

There were certainly interesting innovations. The President was limited to a six-year term in office and authorized to exercise more budgetary controls over Congress through a line veto. Congress could authorize Cabinet Ministers to sit and speak to their measures in Congress. Evidence of fiscal frugality and suspicion of party corruption abounds. Peter Parish has written thoughtfully about these and other aspects of “The Road Not Quite Taken,” concluding that, whatever merits it had, the constitution’s design was so wedded to serving and perpetuating slavery that the road was ultimately not worth taking. It is hard to argue that civic virtue can be achieved at the price of denying the membership of 4 million people living in that community.¹⁸

Wars test liberty. Governments need to raise armies, tax, regulate many of their citizens’ activities, and order compliance and loyalty. Throughout the war the Confederacy found itself trapped in the paradox of its commitment to states’ rights and its need to exercise sufficient powers to survive. The political culture of the South favored “hands-off” libertarianism, but there was also a longing for order that was never matched by its political and judicial institutions. Although Jefferson Davis’s record on civil liberties was once thought to have been more sensitive than Abraham Lincoln’s, at least in terms of his restraint in suspending the writ of Habeas Corpus without first seeking congressional authority, Mark Neely calls some of the “myths of Confederate constitutionalism” into question.¹⁹ Governments on a war footing both north and south pursued unpopular policies, conscripting unwilling recruits, confiscating property, and restricting aspects of trade and travel. The state courts on both sides did a brisk business in dealing with complaints and there was no shortage of lawyers minded to speak of Magna Carta. Just as in the North, many Confederate citizens did not have their day in a civil court. Over 4,000 military arrests were made,

consisting of the same mixed bag of noncombatants, dissidents, informants, smugglers, and deserters as the Union army picked up in greater numbers in its own turbulent backyards. Where military tribunals were frequently used to try these people in areas under federal control, the Confederate War Department had its equivalent in the Habeas Corpus commissioners, who, after a cursory examination, decided whether a prisoner should face trial. A decision not to send to trial meant detention for an indefinite time.

The competing claims between liberty and order in the Confederacy had nowhere to go for resolution other than a volatile, largely decentralized political thicket. It had no central nervous system, no arteries to take Confederate laws into the states, adjudicate disputes from or among the states and their citizens, or give meaning to the checks and balances of the new constitution. The tumult of war, of course, had meant there was not much time to create one, but, more important, there was no inclination either. Although the constitution provided for a Supreme Court, none was established. Opposition to creating one came from decades of opposition to the ways in which the U.S. Supreme Court had created the foundations of an ever-expanding judicial power. "When we decide that the State courts are of inferior dignity to this Court, we have sapped the main pillars of this Confederacy," argued William Yancey.²⁰ In March, 1863, the furies erupted over a proposal in the Judiciary Act which would have given a Confederate Supreme Court an even more extensive appellate jurisdiction over state supreme courts than that exercised by the U.S. Supreme Court. No agreement could be reached and a weaker version was also blocked. Although by this point in the war there was a demonstrated need to resolve issues arising from conflicting interpretations of Confederate laws, past experience raised fears, in some cases, to fever pitch.²¹ *Dred Scott v. Sanford* had been a lonely, temporary victory for slaveowners and did nothing to allay the suspicion that a Supreme Court would be dangerously inventive and expansive in interpreting implied power and national authority at the expense of states. However good a friend Chief Justice Roger B. Taney had been to slavery, he was as good a friend of the supremacy of national judicial power. It was the North and not the South which was about to find some of his opinions very useful in building bridges into the states, turning them to serve emancipation and Reconstruction.

There were Confederate district courts, but of limited jurisdiction. Their weakness was compounded by the fact that the Confederate constitution made its district judges removable by a vote of two-thirds of the state legislature, where the U.S. Constitution guaranteed its federal judges independence. State courts were the ones that mattered. The supremacy of Confederate law was a matter of state consent. Given the lack of a Confederate legal presence in the states, the success of the government in organizing its war effort is in some respects more remarkable than its

ultimate failure. Yet in the end its looseness endangered what was common or collective about the liberty it aspired to achieve. There was no mutually binding or enforceable obligation between government and citizen and no means of resolving disputes between and among citizens and states. It was not a design that could have sustained harmonious or effective government for long. Even discounting harmony and effectiveness in favor of maximizing the liberty of individuals, it was never going to survive in anything but the most homogeneous society and for anybody other than the strongest.

Liberty Secured? The Republican Contribution

Like the proverbial fate of eggs in an omelette, it would have been remarkable if this first war fought on American soil had not left a legacy of civil rights violations on both sides. Lincoln used a medical rather than a culinary analogy, rejecting fears that military arrests in time of emergency would lead to a permanent loss of liberty in peacetime, a proposition he could not believe any more than “that a man could contract so strong an appetite for emetics during temporary illness, as to persist in feeding upon them throughout the remainder of his healthful life.”²² Temporary as they were, there were some serious derogations from the Constitution in the name of preserving it.

The case against Lincoln rests mainly on military arrests and trials. The first charge is that he abused executive power by suspending the writ of Habeas Corpus in April, 1861, by executive proclamation to deal with an immediate and serious threat to the capital. The writ had, and continues to have, iconic status in the annals of liberty. It was the means of obliging the executive to come before a court to show its authority for holding a man prisoner. It was a guarantee against being thrown into jail arbitrarily without time limits or prospects of trial. The Constitution recognized that there were times it might be necessary “when in cases of rebellion or invasion the public safety may require it.” Lincoln judged that this was such a case. Among those arrested was an alleged saboteur, John Merryman, whose lawyer filed for a writ of Habeas Corpus and gave Chief Justice Roger Taney, on circuit in Maryland, the opportunity to decide, on May 26, 1861, that only Congress could suspend the writ. Lincoln’s proclamation was, in his opinion, an unconstitutional breach of the separation of powers.²³ Taney issued a writ of Habeas to General George Cadwalader, who held Merryman at Fort McHenry. Cadwalader ignored it and Lincoln ignored Taney. In March, 1863, Congress subsequently authorized the President to suspend the writ, an authority he put to good use throughout the war.²⁴

Just how many military arrests were made during the war is a matter of conjecture, but 38,000 may be a conservative estimate. Especially in the border states, and in the areas close to the battlefields, there was a very serious

problem of internal security. It was not always easy to tell combatants from noncombatants. Draft dodgers, Confederate sympathizers, opportunists, and saboteurs made life difficult for the military, and often the only solution was to lock them up. It was an option which was pursued unwillingly when the perceived threat came solely from political speech but there were some exceptions. General Ambrose Burnside's enthusiasm for the suppression of treasonable expression in the Department of the Ohio made Clement Vallandigham an unnecessary martyr in the cause of freedom of speech. Tried by military tribunal, imprisoned, and denied the writ of Habeas from a federal court unwilling to challenge the scope of the President's executive powers, he was eventually banished beyond Confederate lines, a fate that did not prevent him from returning to run unsuccessfully for the governorship of Ohio in 1864.

The military arrest that left the most important legacy was not that of Merryman or Vallandigham, but that of Lambdin Milligan, a prominent Copperhead arrested in Indiana for allegedly conspiring to aid the Confederacy. In common with over 4,000 others he was tried by a military tribunal. If there was a defensible case for doing this in areas so disrupted that the ordinary courts no longer functioned, it was not true in Indiana, where the civil courts were open. Milligan was sentenced to death in 1864. He survived the sentence and the war, however, to give his name to one of the best known of the Supreme Court's opinions on constitutional liberties in time of war. *Ex parte Milligan*, decided in 1866, gave a Court now comprising a majority of Republican appointees, and under a new Chief Justice, Samuel Chase, an opportunity to assert the supremacy of the Constitution even in wartime. The government, it said, had no authority to try civilians by military tribunals where the civil courts were open. It has often been noted that this great victory for civil liberties in wartime came after the end of hostilities, too late to have any impact As Edward Corwin observed:

It shows, to be sure, that two or three years after a great emergency has been safely weathered and the country has reaped the full benefit of the extraordinary measures which it evoked, a judicial remedy may be forthcoming for some individual grievances which these produced, and a few scoundrels like Milligan escape a hangman's noose—but it shows little more.²⁵

It was seen in a more negative light than that by Republicans and Bureau agents involved in Reconstruction. It appeared to benefit white liberty at the expense of black, and to make their tasks more difficult, which may explain why, in practice, military tribunals continued to be used in the South even after the ruling.²⁶

It was not the whole story, however. Far from being cavalier about the rule of law, both the Lincoln administration and the congressional Republicans who reached into the Constitution to find new powers to prosecute the war were in constant discussion about what the checks and balances meant. Lincoln's correspondence reveals both a genuine reluctance to limit liberty or suspend any of the Constitution's guarantees and a clear-sighted shouldering of responsibility for doing so when it was necessary. From the War Department came an important treatise. Secretary of War William Whiting, LL.B., LL.D., produced *The Government's War Powers under the Constitution of the United States*.²⁷ It wrestled with the dilemmas in ways that resonate with modern internal security problems. Military arrests, he argued, could not run the risk of public trial of the facts for fear that doing so might compromise military intelligence or allow conspirators to escape and make further use of their information. The treatise also contained a reminder that, whatever they had done, persons arrested were *prisoners of war* and must be treated under the laws of war. The army itself was conscious of acting under the Constitution and, increasingly, of international law too. All this did not prevent bad things from happening. When British prisoners of the Union army were subjected to something not very far removed from water torture, it seems there was no attempt either to cover up or to condemn it.²⁸ If these misdemeanors were all that stood as testimony to the impact of the civil war on individual rights, there would not have been much to celebrate; but, though civil liberties had been diminished, albeit temporarily, when the federal government extended its powers in sweeping new ways to raise and support armies and do all things necessary for the common defense and the general welfare, the very circumstances that threatened the liberty of some citizens at the sharp end of the government's boot were beginning to nurture an understanding of how it could be better secured for all. Paradoxically it was through addressing the need for order that the means to securing liberty came into focus. It was a different dimension of liberty, not the freedom from government oppression but the freedom that came from being able to rely on the government to use its powers to guarantee individual rights and prevent others from oppressing them.

There was no shortage of opposition within the Union to the federal muscle that the Republicans found in the Constitution. Confiscation, conscription, taxes, military arrests, and of course emancipation generated pockets of serious disobedience and dissent. Army officers found themselves representing federal authority but subject themselves to litigation in state courts. Conscripts were released on writs of Habeas Corpus. Federal officers were prosecuted under state law for trespass, damage to property, and countless other offenses. Granted that the military must be accountable to civilian authority for unlawful actions, many of the estimated 3,000 suits pending against federal officers in parts of the Midwest and border states

smacked more of harassment than accountability.²⁹ Kentucky was the most litigious of places. What was at stake was the integrity of the federal government. If it could not oblige Ohio or Pennsylvania to obey the law, what hope did it have in South Carolina? If it could not protect federal officers from harassment in Tennessee, what hope did it have of protecting freed slaves in Virginia?

The Republicans learned two things. One was that states' rights carried to the point of intransigence were not a uniquely Southern problem. The other was that federal courts were vital to federal law. The Habeas Corpus Act of 1863 was one of the most important Acts of the war. It allowed federal officers to remove cases against them from state to federal courts. State judges were not always willing to cooperate, and it had to be amended in 1866 to impose sanctions against them. Defending this unaccustomed toughness on state courts, Senator Clark spoke in terms seldom heard before: "We have had about enough of this State authority to teach it to yield respect and obedience to the laws of the United States."³⁰

Of course the most momentous issue to test whether or not the federal government could protect its citizens and enforce its laws in hostile local environments stemmed from putting emancipation at the heart of the project to preserve the Union. The first steps were taken in the wake of the army when units moved into captured territory and disrupted slavery haphazardly and not always intentionally. Even before Lincoln's Emancipation Proclamation changed the whole tenor of war aims, the Congress was a step ahead, thinking about means as well as ends, remedies as well as rights. More so than Lincoln, and much earlier, the Republicans were talking about a permanent change to freedom and how that status might be secured. Like federal officers, freed slaves needed federal protection in state environments. So too did officers of the Freedmen's Bureau, who were unpopular for trying to protect them. Ultimately, so did every citizen in the United States, if he or she could not depend on state authority for the protection of his or her rights, for whatever reason.

Between 1861 and 1875 twelve measures increased the jurisdiction of the federal courts. As early as 1862, in the debates over a confiscation Bill, Congressmen discussed the question of how to make the limited emancipation it effected a permanent one. A clause giving the freedman the right to a writ of Habeas Corpus only narrowly failed to be adopted in the final version.³¹ The Republicans in Congress, though welcoming of the Emancipation Proclamation, began immediately to press for ways of making it permanent by creating remedies. To this end Section 12 of the Wade Davis Reconstruction Bill, pocket-vetoed by Lincoln, would have used the federal courts to guarantee freedom. One of the strongest regrets of its sponsors was the loss of that judicial remedy. It was a temporary setback, however. All three constitutional amendments opened the doors of the federal courts

to litigants denied the rights they granted. It was a feature of all the Civil Rights Acts passed to enforce the amendments that they matched rights with judicial remedies and procedures for asserting federal over state jurisdiction. There was no master plan to correct the state-centeredness of the prewar Constitution and the remedies were not self-executing if they encountered massive popular resistance. Nonetheless there was an emerging coherence. The arteries were now in place to carry a two-way traffic to take constitutional rights into the states and carry claims of violation from state to federal forums.

This, however, was just first base in what was an even more difficult journey to give substantive meaning to the law of individual rights. The Thirteenth Amendment ended slavery and guaranteed—what? If freedom was the corollary of the absence of slavery, it was not necessarily self-explanatory, other than that the membership condition of the status was to be human. The amendment was more than a ceremonial ratification of something already achieved in practice by the war and the Emancipation Proclamation. It was potentially the most radical alteration to the Constitution. It escaped the formula of the Constitution that people were free if their governments were not. Instead it restrained individuals directly from holding anybody to involuntary servitude. For the first time it enlarged national power, the power of Congress, to enforce it against any and all transgressors. The debates on the amendment make it clear that freedom was defined not as the absence of slavery, but as a positive entitlement to the rights which slavery had denied.³² Immediate, continued denials to the freed slaves of everyday ingredients of control over their own lives, such as the right to earnings, to own property, enter contracts, give evidence against whites in courts, or rely on the protection of the laws prompted Congress to pass the Civil Rights Act in 1866. It counteracted the Black Codes in the South, but it applied to everyone in the Union. It was the first invocation of congressional power to reach individuals as well as state officials who denied any citizen of the United States the same protection as white citizens in the having and holding of civil rights. Far from being evidence of a static description of what Republicans meant by freedom, it was the first energizing of a permanent federal power to respond to changing circumstances. Only time and experience would identify the impediments to freedom in people's lives. In 1866 the Black Codes were identified as an impediment. Later, Congress identified other things which perpetuated the badges and incidents of slavery, such as exclusion of black people from public accommodations. The Civil Rights Act of 1875 attempted a remedy by forbidding discrimination in a range of public facilities. The Supreme Court struck it down.³³ Until then the federal courts had, on the whole, given a sympathetic hearing to claims raised under the amendment. By 1883, when the *Civil Rights Cases* were decided, the courts had begun their long

march away from a commitment to equality under the law, certainly if it involved crossing state boundaries to reach private action in all but frank attempts to deny the freedom of former slaves. The case is better known for fixing the theory that the Fourteenth Amendment applies only to state action in constitutional cement, but it also reined in the Thirteenth and its more radical legislative progeny. The little light that was left was held in Justice John Harlan's dissenting opinion, which articulated a broader vision of the "badges and incidents of slavery" that needed to be eradicated before freedom was meaningful. It was almost a century before the Thirteenth Amendment was rediscovered and put to use in *Jones v. Alfred Meyer* as a tool to reach private racial discrimination in housing.³⁴

The greatest disservice to the Fourteenth Amendment has been the attempt by lawyers and historians to make a list out of it. If the Framers sought to put the 1866 Civil Rights Act beyond constitutional doubt by amending the Constitution, it was not as a list. According to the most conservative understandings, it was "only" these basic civil rights which, passed to give effect to the Thirteenth Amendment, that also formed the backbone of the phrase "privileges and immunities" of citizens of the United States which the Fourteenth Amendment prohibited states from infringing.³⁵ A more radical interpretation, but one still wedded to the idea of enumeration, is that the "list" of protected rights was intended to be coextensive with the Bill of Rights, which in 1868 the Framers made applicable to the states through the language of the Fourteenth Amendment. Although the Supreme Court had held in *Barron v. Baltimore* that the Bill of Rights was a limitation on the federal government and not on the states, abolitionists had argued for thirty years that it applied to all governments, and that the federal government was endowed by the Constitution with the power to secure it. There is a good deal of support for this belief among the speeches of some of the amendment's chief sponsors, especially John Bingham. On the other hand, there are many more woolly and inconclusive references to fundamental rights than there are to the specific content of the first eight amendments of the Bill of Rights. The debate cannot be resolved by an exhaustive war of quotations from the congressional debates. Just such a war about original intentions broke out among academics and Supreme Court judges in the late 1940s, however, when the Supreme Court began to apply some of the rights contained in the Bill of Rights to the states. Despite a flurry of academic activity, the Court eschewed any theoretical version of history and favored an altogether more pragmatic approach. It began a process of gradual, selective incorporation that has resulted in a de facto nationalization of the Bill of Rights that has become one of the most important pillars of modern constitutional law.³⁶

The modern incorporation of the Bill of Rights is not, in general terms, at odds with the original intentions, but arguments about which rights were

intended to be included, and which were not, miss the sense of “work in progress” that prevailed in the Congress. Lists were not what the Republicans were trying to write, and most speakers were just as inclined to end a sentence about liberty with “and so on” as were their forefathers at Philadelphia. The expectations and daily habits of citizenship were too varied to make a federal code of them. From the congressional debates on freedom and citizenship during the Civil War, there is a great deal of evidence to suggest that Republicans shared a generally broad understanding that these terms straddled natural and common law rights, as well as the personal rights in the Bill of Rights. In other words, their thinking was not limited to the Bill of Rights. What they were learning was that freedom was a dynamic condition, often more defined in the breach than in the observance. What they had added to their understanding since 1787 was the need for judicial remedies and legislative powers to make it work. The Fourteenth Amendment, like the rest of the Constitution, was about the art of government.

The Fourteenth Amendment used the familiar formula of securing rights by restraining government, but it did so by limiting one government and empowering another. It was the first clear, unequivocal limitation on the states. No state, it commanded, shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States, or deprive any person of life, liberty, or property without due process of law, or deny any person the equal protection of the laws. It continued to leave the states to generate the conditions of freedom and the forms of equal citizenship themselves, but, although no federal code or list was imposed, it did not mean that there were no discoverable federal standards. Nor did it mean that it applied only to state action, leaving private citizens complete freedom to ignore it. State failure to protect its citizens, state denial of the equal protection of the laws, and state complicity or encouragement of discrimination could give rise to federal action to protect individual rights. It was for the federal courts and Congress to interpret and articulate the meaning of constitutional language and take appropriate judicial or legislative action. Like the Thirteenth Amendment, the Fourteenth invited Congress to enforce it by appropriate legislation. The Fifteenth Amendment contained no federal definition of qualifications for the right of U.S. citizens to vote, but forbade governments of state or nation to deny the right on grounds of race or former condition of servitude. Once again, it empowered Congress to enforce it.

The constitutional amendments preserved the familiar structures of federalism. But they made it possible for the federal government to exercise potentially radical powers to reach across state lines to secure the rights of individuals from infringements of them both by states and by private powers. Local community was still important, and was expected to be the first, best hope of liberty, but it was not to be blindly trusted. Instead, the Republicans

sought a balance between community self-ordering and federal power to ensure that all individuals enjoyed both rights and remedies. How well it worked in practice depended on how communities behaved, how much need there was for federal power to undo state and private wrongs, how broadly or narrowly Congress and courts identified the rights of U.S. citizenship, and how they interpreted and acted upon denials of equal protection and due process.

And was this new understanding of the symbiosis between rights and remedies enough to achieve a lasting constitutional transformation? It did not achieve equal citizenship or eradicate racial discrimination, but before attributing that to a want of ambition or to being “prisoners of their time” the scale of the effort should be noted. From the end of the war until about 1873, courts and Congresses, Bureau agents, government officials in the Department of Justice, free black citizens and committed white ones made vigorous use of the tools to hand, interpreting them broadly, and reaching to affect contracts between individuals, and punish violence by private individuals who deprived others of rights.³⁷ Black citizens did not wait around as passive recipients of rights but acted on their instincts to seek their own liberty as individuals, families, and communities.³⁸ It was never going to be easy. After 1873 the Supreme Court made it more difficult. It interpreted the “privileges and immunities” of national citizenship so narrowly that it effectively killed it, raised high the barriers of the Fourteenth Amendment’s “state action” language to keep federal intervention at bay, and found “Jim Crow” laws justified as an equal protection of the law.³⁹ The quite evident intention of the Framers of the Thirteenth Amendment to reach private discrimination was buried under a mound of misconstruction. Meanwhile white people who had believed that constitutional change included all Americans were disappointed. Women were not to benefit. The Framers intended no change in their legal status or that of Chinese Americans or aliens.⁴⁰ Indians and rights were mutually exclusive. With respect to the rights of black citizens, it was only occasionally that the courts after 1877 handed down decisions that echoed the intentions of the Framers. The Constitution was not a machine which “would go of itself,” even freshly dedicated to freedom and citizenship, and with the expansion of federal jurisdiction.

Of course it was not all down to a Supreme Court “retreat.”⁴¹ The original design was a riddle. Like the Constitution itself, the Civil War changes were about both structure and substantive rights, about power and the fixing of restraints as a means to enjoyment of undefined but now equal rights of citizenship. It was not doomed to fail, but it was not destined to succeed unless enough Americans wanted it to do so. After 1877 or so they did not. It was a very different society almost 100 years later which produced the “individual rights bearer” and the civil rights battles of the 1960s.

Built to Last?

The American Civil War posed an immense challenge to the Constitution—to find the powers of self-preservation, a war power extensive enough to mobilize a mass army, organize an economy to support it, and reconstruct the Union on the basis of freedom and equality under law, all without trampling on the very liberty for which it stood. Though victory brought permanence and freedom from slavery to the Union, everything else is work in progress, and contemporary Americans are still engaged in interpreting and using the tools the war left behind.

The original intentions of the Framers have sometimes been a vicious battleground, played out on the Supreme Court, the academy, and, in the 1980s, the Justice Department. It has provided ammunition at different times for radical change but also for shrinking the reach of federal, especially judicial power; cutting the litigious “individual rights bearer” down to size; returning power to the states and returning to the values of community and collective rights. The dangers of ancestor-hunting for constitutional lineage are clear. Even if it were possible to retrieve and reconstruct historical evidence beyond dispute, there are no straight lines from a complex past to an even more complex present. There is little point in asking whether Republicans in the Thirty-eighth and Thirty-ninth Congresses intended or even thought about a woman’s reproductive rights or same-sex marriage. Constitutional language is designed to lay down fundamental principles capable of growth and good for all time. Room has to be left in which to account for the intervening social, political, and jurisprudential change and how judges reconciled these to the text. Painting with a broad brush, however, some of the ways in which the Civil War impacted on individual rights into the twenty-first century may be suggested.

The Bill of Rights, almost verbatim, now applies to the states through the Fourteenth Amendment. There can be no doubt that the Republicans in the 1860s believed that fundamental rights belonged to individuals by reason of birth and citizenship, and that these were protected everywhere from infringement. The devil need not be in the detail, for they made no list, not even in the 1866 Civil Rights Act, and they set no limits, not even the Bill of Rights. A century later, the application of the Bill of Rights to the states was more than a delayed effect of the Civil War. The conditions in which it took root depended on another transformative process in American constitutional history. The modern Supreme Court’s commitment to the idea that the Constitution contained “preferred freedoms” over which it had a duty to maintain special vigilance and guardianship, dates from the New Deal. To reach that point, the Court had to make a momentous change and abandon the jurisprudence it had clung to since 1905, that the Fourteenth Amendment’s liberty clause protected business corporations from the state regulations that deprived them of due process.⁴² It was a cruel irony that an

amendment adopted to limit states from depriving people of their civil rights was used for nearly forty years to insulate business from the efforts of states to improve the working conditions and wages of their citizens. The New Deal ended that. The Court's commitment to applying the details of the Bill of Rights came still later, when the Warren Court picked up the pace of change and, in addition to First Amendment rights, obliged the states for the first time to observe the rights of the accused contained in the Bill of Rights in state criminal trials. This has resulted in a vast increase in federal court jurisdiction as defendants seek to raise constitutional issues using the procedures of the 1867 Habeas Corpus Act, first used to protect federal officials and others in hostile state environments.

Nor was the process of expanding liberty over when most of the enumerated rights had been incorporated. Even under the leadership of the more conservative Chief Justice Warren Burger, the Court could still muster a majority to hold that the unenumerated right of privacy was part of that liberty.⁴³ Though the "individual rights bearer" became much better clad in the twentieth century in processes that are better understood in the context of the New Deal and later the Great Society than in that of the Civil War, it was a development that traced its roots both to the language of its Framers and their efforts to make the rights of all Americans as inalienable as possible in all environments. Although it seems close to unthinkable that a future Court might undo the work of applying the Bill of Rights to the states, the Court as currently constituted has made its distaste for freighting the liberty clause of the Fourteenth Amendment with rights pulled from the magician's hat rather than the text or history. A majority of the Justices have expressed sympathy with the idea that the states should be able to experiment with solutions to modern ethical and medical dilemmas. While liberty is measured by Court opinions and Court membership changes, it can contract as well as expand.

The Supreme Court in the twentieth century also returned to the ideological battlegrounds of the Civil War in its equal protection jurisprudence. In 1953 the Court asked counsel in *Brown v. Board of Education of Topeka* to address the question of the Framers' intentions with respect to desegregation. Thurgood Marshall, who at that time was counsel to the NAACP, drafted in academic historians to scour the historical record for speeches and writings that would sustain the case against segregation in education.⁴⁴ Chief Justice Earl Warren chose to set the fruits of these efforts aside in the unanimous *Brown* opinion, finding the historical case inconclusive and famously observing, "we cannot turn the clock back to 1868," but "must consider public education in the light of its full development and present place in American life throughout the Nation." Arguably Warren was being as true to the origins of the amendment in that honest statement than in volumes of historical research to tie down the meaning of its language

to specific rights. The Fourteenth Amendment, like the Thirteenth and Fifteenth, did what the rest of the Constitution did. It fused individual rights with constitutional structure. It committed future Congresses and courts to whatever interpretation and enforcement became necessary to achieve freedom and equality under the law. It prohibited both states and individuals from violating the individual rights it protected.

This is not an uncontroversial statement. One of the most intractable problems in contemporary constitutional law has been the extent to which the amendments reach violations by private actors. The 1875 Civil Rights Act was one of the most radical pieces of legislation Congress ever passed. In making racial discrimination unlawful in public accommodations such as inns and places of amusement, the law reached private conduct. It was struck down as unconstitutional in the *Civil Rights Cases* in 1883. Justice Bradley, for the Court, denied that individual invasion of civil rights was the subject matter of the Fourteenth Amendment, but “it is state action of a particular character that is prohibited.” This was a statement of doubtful historical accuracy, but it has remained undisturbed.⁴⁵ In practice, private discrimination has been reached by stretching the concept of state action to include private actions that are touched in any way by the hand of the state, but it remains a potential, and sometimes a real, barrier to tackling discrimination. The 1875 Civil Rights Act also rested on the Thirteenth Amendment, and it was much more difficult to argue that it did not reach private actors. Justice Bradley conceded that it clothed Congress with the power “to pass all laws necessary and proper for abolishing all badges and incidents of slavery in the United States,” but thought it would be “running the slavery argument into the ground” to apply it to the instances covered by the Act. Justice John Harlan dissented from that and his more expansive opinion on the scope of the amendment’s enforcement power has prevailed. In 1968 the Court turned to the 1866 Civil Rights Act to reach private discrimination in the housing market. Other enforcement statutes from the post-Civil War arsenal that reached private conspiracies to deprive persons of their right to equal protection, especially the Ku Klux Klan Act of 1871, have had a new lease of life in modern civil rights law and have become important pathways to federal courts.

The Civil War’s experiment in creating a “more perfect Union” produced some very durable tools. Used robustly, as they have been by the Supreme Court at times in the not so distant past, the liberty, due process, and equal protection guarantees have added to the freedom and fairness enjoyed by most but not all Americans. The anti-discrimination principle has been applied to challenge race, ethnicity, nationality, gender, age, disability, and other classifications that traditionally disadvantaged people. Although the scope of legally secured liberty resembles the stock market in that it may fall as well as rise, the long-term trend has been towards expansion in such

matters as freedom of expression, lifestyle choices and political participation. And yet all is not well. Some of the concerns that have been raised about the current state of civil liberties in the United States put the adequacy of the Civil War inheritance on trial.

The first charge is that the culture of rights is too much centered on courts, especially federal courts, and chief of these the Supreme Court. This is a criticism that can spring both from the ranks of those who would like to see a more radical and rights-protective outcome and those who resent the interference of courts to overprotect what they perceive to be increasingly litigious and self-centered individual “rights bearers.”⁴⁶ Unquestionably the Civil War set the pattern for the expansion of federal court jurisdiction but it was the post-New Deal Supreme Court, and particularly the Warren Court, that laid down the doctrines that allowed the Court to take a leadership role in expanding the parameters of individual rights. Although the Court as presently constituted is a good deal less active in pursuit of a liberal agenda, it is no more modest in its use of judicial power. Naturally there is a limit to how much courts can change society. Fifty years after beginning to desegregate schools by court order, they are still enmeshed in litigation.

The Civil War constitutional changes did not limit future generations to case-by-case progress, however. The war was a schoolhouse as much for Congress as it was for the courts. It was 1964 before Congress passed a significant Civil Rights Act again, and the older legislation not only remains part of the U.S. Code but is in everyday use. The enforcement powers of Congress remain to be fully utilized. The Thirteenth Amendment is a good example. It is a potential armory to tackle the “badges and incidents” of slavery that have been resistant to change and there is no question that it is directly binding on individuals. Nor need it be restricted to race. Its possible applications to issues such as prostitution, child abuse, the death penalty, and labor law have been the subject of recent literature.⁴⁷ Where a person is wrongfully prevented from exercising control over their life by the power of others, the amendment could be relevant. First, however, there would have to be a radical interpretation by the Court and Congress of what “slavery” means in the twenty-first century as well as willingness to legislate. The problem is that slavery was an institution, freedom an individual right. Many Americans are not free and not equal, and will not be until racism and poverty are eradicated. Though the culture of individual rights is strong it is centered on individuals and court cases, and limited by that.

The second major critique of the Civil War’s impact is that it began the swing towards federalization of rights, a process that risks consequences as undesirable as its opposite, states’ rights. The argument is that it has resulted in a loss to the sense of community, in which responsibilities go along with rights, and accountability for the uses and abuses of power is to the local electorate. The Supreme Court in recent times has appeared to have

some sympathy with this view, generating liberal fears for the safety of previous decisions on such matters as abortion, religion in schools, and the rights of the accused in criminal trials. It is something of a stereotype, however, that states would inevitably set lower standards. No less a liberal judicial activist than Justice William Brennan wrote an important article in the *Harvard Law Review* in 1977 at a time when he despaired of the conservative direction the Supreme Court was taking on rights. It was time, he argued, to look to states to regenerate their constitutions and even to craft better and stronger protections than those available from the federal courts.⁴⁸ The prominence of some first-rate state supreme court judges, and the announcement of a crop of progressive state decisions on criminal justice and gender discrimination, fueled his optimism. His message was one of partnership. It did not argue for a green light for states to experiment in ways which could diminish as well as enhance rights. The Bill of Rights and federal decisions on it would be a floor of protection, and not a ceiling. Only above the floor was it safe to give states room to experiment. Scholars are divided about how real the new state constitutionalism has turned out to be, and evidence of a flourishing rights discourse in the states has been patchy.⁴⁹ Nonetheless Brennan was right in his insight that individual rights cannot flourish when they depend solely on being imported by federal courts to unwilling states.

To return full circle to the debate that accompanied the Civil War, America is engaged in a new war, designated, but by its nature undeclared, as a war against terrorism. Once more the Constitution is under intense examination. There is a flourishing discourse about national security and individual liberty. After long decades in which the culture of rights has been dominated by the issue of state compliance with federal standards, the greatest threat to liberty now comes, it seems, from Washington. Like Lincoln, President George Bush argued that the Constitution is not a suicide pact and the liberty it stands for will be worth nothing if it does not exercise the powers of self-preservation. After the murderous attack on the twin towers, Americans were prepared to accept that some individual sacrifices might have to be made for the sake of the whole. Experience of an overzealous executive power in two world wars, however, and suspicion of the ritual use of “national security” in the Cold War to limit speech, suppress opposition, and target internal “enemies” made many people wary of signing away liberties in the heat of the moment. Nevertheless, the Patriot Act was passed just six weeks after the events of September 11, among other things giving federal officials wider powers to track and intercept both foreign and domestic communications and access library records. There was evidence of growing dissent, however, and in early 2003 Congress buried a second Patriot Act which would have introduced even more intrusive and draconian surveillance. Under the terms of its “sunset clause” the first Patriot Act was

renewed in March, 2006, again with a time limit. Meanwhile an avalanche of books, blogs, articles and speeches warn that the President and his Attorney General are waging war on liberty, particularly through unwarranted surveillance and secret detentions that take the executive beyond the rule of law and the Constitution.⁵⁰

Guantanamo Bay is widely believed to be the nadir of America's commitment to civil liberties. Jefferson Davis and Abraham Lincoln must have had days when they would have sympathized with the idea of rounding up their enemies, dispensing with evidence of their identity as enemies, holding them incommunicado in secret locations, humiliating and interrogating them abusively, and denying them the benefit of either the Constitution or international law for what could be the rest of their lives. By comparison, the detentions that occurred during the Civil War were temporary, not done in secret, and prisoners were brought to trial, albeit by military tribunals. It has never been easy to hold the executive to account in time of war, and every war has produced its challenges to the separation of powers demanded by the Constitution. Roger Taney lectured Lincoln on the exclusive power of Congress to suspend Habeas Corpus. After the war's end, and too late to matter to that particular war, the Supreme Court in *Milligan* reminded us that the Constitution "applies equally in war and in peace." Judges do not often stand in the road of war powers and what the executive does in the name of national security. It is therefore a matter of some consequence that the Supreme Court has handed down a series of opinions since 2004 that bring the Bush administration and the Congress to book for its treatment of alleged enemy combatants while the war on terror is current, and this time before the horse has bolted.

The battlefields of the war on terror are many, real, and imagined, and one of the thorniest problems is the accurate determination of the identity of the enemy. Some prisoners are picked up in Afghanistan and some at airports, even domestic ones. Some are U.S. citizens, most are foreign nationals. The evidence against them is either highly sensitive and the authorities do not want to compromise their intelligence services or the safety of the public by placing it before a judge, or it has been collected by interrogation methods that would make any ordinary court throw the case out. Sometimes the evidence is nonexistent. Even regular military courts operating under the Uniform Code of Military Justice are perceived as too open and too governed by the rule of law to process the government's cases against detainees. It was only by taking prisoners to a land in limbo, a U.S. naval base in Cuba, that the administration could place them beyond both the Constitution and international law, including the Geneva Conventions. After all, these were aliens, suspected combatants, and terrorists and surely not beneficiaries of the checks and balances of 1787 or the access to federal courts and statutory Habeas Corpus so central to post-Civil War concepts of

personal freedom and due process. This was a national emergency and the President could rewrite the rulebook. The Supreme Court had other ideas.

Since 2001 the executive, with the assistance of Congress, has been attempting to keep detainees out of traditional civil or military courts and to deny them an opportunity to challenge the authority under which they are held. It has been more concerned with extracting information from prisoners than in testing evidence and it has denied the relevance of constitutional, international, and even ordinary military law to their situation. On November 13, 2001, an executive order set up special military commissions to deal with enemy combatants and try those designated as al-Qaida members or supporters who have engaged in, abetted, or conspired to commit acts of terrorism against the United States. With death as a potential punishment it was important to get these things right. The commissions, however, were woefully deficient in procedure. Classified information could be used against a prisoner but not divulged to him, and the commissions could admit coerced confessions and hearsay evidence. It was not that the administration was in a hurry to trial. Only a small minority of prisoners have even seen the small amount of daylight that trial before a military commission, however defective, would entail.

The Court fired the first salvo in 2004. In *Rasul v. Bush* a six-to-three majority held that the federal courts have Habeas Corpus jurisdiction to review the legality of the detainees' confinement and ask whether they had been fairly classified as enemy combatants.⁵¹ The decision prompted the political branches to action. Just weeks later, on July 7, the Defense Department ordered a new breed of military tribunals in addition to the commissions created under the 2001 order. Styled as Combatant Status Review Tribunals, these were to make routine assessments of the detainees' standing. Once it was established that a prisoner was an enemy combatant, he could then be tried before a military commission. Almost 600 detainees have been processed by CSRTs. Without lawyers or access to the government's information, or permission to produce exculpatory evidence and witnesses, the results were a foregone conclusion. They were no substitute for a hearing before an independent court on a writ of Habeas. Congress passed the Detainee Treatment Act in 2005, purporting to prohibit inhumane treatment of prisoners, but stripping the federal courts of jurisdiction to consider statutory Habeas petitions and limiting the appellate review of decisions by CSRTs and military commissions to one federal court only, the DC Court of Appeals.

The ball went back to the Supreme Court in 2006 and this time it went right to the heart of the legality of the military commissions set up under the executive's 2001 order. Salim Ahmed Hamdan, Osama bin Laden's former driver, had been captured in Afghanistan, turned over to the Americans, and was about to be tried by a military commission for conspiracy to participate

in terrorist acts. It was a charge that could have been tried in a regular military court, operating under the procedural rules of the Uniform Code of Military Justice. In *Hamdan v. Rumsfeld*, the Court handed down its opinion that President George W. Bush's executive order had overstepped the Constitution's separation of powers by making new rules inconsistent with those made by Congress in the Uniform Code.⁵² For critics hoping for an end to these military commissions, however, it was not to be. If the President could not rewrite the rules, Congress could. It passed the Military Commissions Act of 2006, placing the commissions on a federal legislative footing. Some improvements were made, but coerced confessions and hearsay remained admissible in evidence, in clear violation of the Fifth and Sixth Amendments of the Constitution and of Common Article 3 of the Geneva Conventions—if they had any application at all to these prisoners. Section 7 deprived the federal courts of Habeas jurisdiction. It was time to return to the Supreme Court.

Lakhdar Boumediene was an Algerian-born Bosnian national held at Guantanamo on suspicion of conspiring to bomb the American embassy in Bosnia. He had been reviewed by a CSRT and found to be an enemy combatant. He applied for a writ of Habeas Corpus from a federal court. *Boumediene v. Bush* was a deeply divided and divisive opinion but one probably destined to become the most important milestone in the history of both Habeas Corpus and separation of powers in a century.⁵³ In a five-to-four split, Justice Anthony Kennedy spelled out the central premise. Detainees have a right to Habeas Corpus in a federal civil court, to challenge the basis of their detention. Congress had effectively suspended the writ by depriving the courts of jurisdiction. The system of CSRTs with appellate review to the DC Court of Appeals was not an acceptable substitute. Congress might suspend the writ only in times of invasion or rebellion, and there was nothing in the record to show that such was the case. Five Justices did not accept that Guantanamo and its detainees belonged to a place beyond the jurisdiction of the Court and the reach of the Constitution. For the first time in American history Habeas was extended to foreign nationals captured in time of war, a privilege never given to 400,000 Axis prisoners of war on American soil in World War II. The political branches of government, said the Court's majority, could not switch the Constitution on and off when it suited. The Constitution had given to the Court and to no one else the exclusive duty to say "what the law is."⁵⁴

It was a momentous decision, fiercely attacked by the Bush administration, which pressed on with finding ways to rescue its agenda and circumvent the ruling, but welcomed by the Democratic candidate, Barack Obama, who went into the presidential election of 2008 pledged to close Guantanamo. The Court's opinion demonstrated that the checks and balances of the original Constitution and its separation of powers remain as important as

the Framers thought to secure personal liberty by limiting the power of government to take it away. Habeas Corpus runs like a thread from 1787 to today's date, as does the importance of federal court jurisdiction. The Civil War taught that it was just as important to limit the states and private parties from taking freedom away too. In doing so, the Framers of the constitutional amendments and civil rights laws built upon the work of the Founding Fathers and aspired to make the Union "more perfect." They did so by articulating the primacy of equal citizenship and providing pathways to and from the states to make it work. But there was another lesson. The rights of individuals are not achieved by default, just by limiting the powers of government. Congress was given the power to enforce the three constitutional amendments. It is an invitation that the legislature responded to more boldly up to 1875 than since. In the absence of legislative leadership for much of this time courts have therefore played the leading role in interpreting both the structural constraints of the Constitution and its textual guarantees of rights. Since the New Deal this has been, on the whole, a rights-protective role. The Court that handed down *Boumediene* is known to reflect more conservative values than its predecessors and yet it has delivered a powerful message to the political branches about the importance of the rule of law and the separation of powers. The culture of liberty thus—for the moment—has remained focused on judicial battles about individual rights. The political branches do need to be constrained because the Framers in 1787 were right about limited government, but they also need to be willing to find and exercise the powers within the Constitution to secure the blessings of liberty, provide for the general welfare, and establish a more perfect Union. In this the Civil War's constitutional reforms were a transformative moment, a still-to-be-grasped potential.

The signs are that the potential may be about to be grasped. In his Inaugural Address, on January 20, 2009, President Barack Obama announced to the world that America's commitment to its constitutional ideals would not be traded for national security:

... we reject as false the choice between our safety and our ideals. Our Founding Fathers, faced with perils that we can scarcely imagine, drafted a charter to assure the rule of law and the rights of man—a charter expanded by the blood of generations. Those ideals still light the world and we will not give them up for expedience sake.⁵⁵

The following day, January 21, 2009, he signed an executive order closing Guantanamo within a year.⁵⁶ The new President walks consciously with Lincoln as his inspiration, and promises that the Constitution empowers as well as restrains in the pursuit of its ideals, that it is adequate in any tempest. This may well be another transformative moment.

Notes

1. Quoted in M. Kammen, *A Machine that Would Go of Itself: The Constitution in American Culture* (New York, 1986), p. 43.
2. B. Ackerman, *We the People: Foundations* (Cambridge, MA, 1991).
3. The best exposition of this gradual educative process remains H. M. Hyman, *A More Perfect Union: The Impact of the Civil War and Reconstruction on the Constitution* (New York, 1973).
4. Michael W. McConnell, "The Forgotten Constitutional Moment," 11 *Constitutional Commentary* 115 (1994–95), makes an interesting argument that the period from Reconstruction to the New Deal followed a failed constitutional moment and has all the hallmarks of a constitutional transformative moment on its own account.
5. J. Harvie Wilkinson, "Our Structural Constitution," 104 *Columbia Law Rev.* (2004), p. 1707, arguing that "to forsake structure for a purely rights-based view of the Constitution is to forsake the genius and subtlety of the Framers' vision as well."
6. L. Levy, *Constitutional Opinions: Aspects of the Bill of Rights* (New York, 1986), p. 134.
7. C. F. Hobson and R. A. Rutland, eds., *The Papers of James Madison* (Charlottesville, VA, 1962–91) XII, pp. 197–210.
8. A. R. Amar, "The Bill of Rights and the Fourteenth Amendment," 101 *Yale Law Journal* (1992), p. 1265.
9. W. M. Wiecek, *The Sources of Antislavery Constitutionalism in America* (Ithaca, NY, 1977) analyzes the underlying beliefs of abolitionist writers who believed that the Bill of Rights was an entitlement of all Americans and a source of power to the federal government rather than a restraint.
10. In addition to Madison's speech in the House of Representatives on June 8, 1789, see *Federalist Papers* 10 for evidence of his mistrust of state majorities. On the drafting and adoption of the Bill of Rights, Levy, *Constitutional Opinions*, chapter 6, B. Schwarz, *The Great Rights of Mankind* (New York, 1979), and J. H. Hutson, "The Bill of Rights and the American Revolutionary Experience." J. N. Rakove, "Parchment Barriers and the Politics of Rights," in M. J. Lacey and K. Haakonssen, eds., *A Culture of Rights: The Bill of Rights in Philosophy, Politics and Law* (1791, repr. Cambridge, MA, 1991).
11. John C. Miller, *Crisis in Freedom: The Alien and Sedition Acts* (Boston, MA, 1951).
12. *Corfield v. Coryell*, 4 Wash. C.C. 371 (1823). Historians dispute whether this was intended to be a collection of rights to be enjoyed anywhere or simply a passport to whatever the states offered their own citizens, irrespective of whether it fell below that minimum. Was it a few absolute rights, or a broad one including civil and potentially political rights? P. Lucie, *Freedom and Federalism: Congress and Courts, 1861–1866* (New York, 1986), argues a broad reading, E. Malz, "Fourteenth Amendment Concepts in the Antebellum Era," 32 *American Journal of Legal History* (1988), a narrow one.
13. *Barron v. Baltimore*, 7 Pet. (32 U.S.) 243 (1833), held that the Bill of Rights was a limit on the federal government but not on the states. It was challenged by the understandings of those in the antislavery movement who argued that Americans were entitled to enjoy rights anywhere in the Union and to call on the protection of the federal government. J. TenBroek, *The Antislavery Origins of the Fourteenth Amendment* (Berkeley, CA, 1951).
14. The extent to which the U.S. constitution was proslavery is disputed by E. Malz, "The Idea of the Proslavery Constitution," 17 *Journal of the Early Republic* (1997). See also Marshall L. DeRosa, *The Confederate Constitution of 1861: An Inquiry into American Constitutionalism* (Columbia, MO, 1991). It has been observed that slavery itself was not a condition of membership for new states. In the light of reality and all other aspects of the document it does not seem a risk. The text is set out and analyzed in C. R. Lee, *The Confederate Constitutions* (Westport, CT, 1973).
15. A. Bestor, "State Sovereignty and Slavery: A Reinterpretation of Proslavery Constitutional Doctrine, 1846–1860," 57 *Illinois State Historical Society Journal* (1961).
16. *Dred Scott v. Sanford*, 60 U.S. (19 How.) 1857, holding that residence in a free state did not entitle a slave to sue successfully for freedom on return to a slave state. Whilst denying black Americans citizenship, Taney's opinion appears to interpret the privileges and immunities of white citizens under federal protection under the comity clause broadly. But see Malz, "Fourteenth Amendment Concepts," n. 12 above, for a narrower interpretation. In practice, slavery was the defining citizenship right for federal protection.

17. One early admirer was W. M. Robinson, "A New Deal in Constitutions," *Journal of Southern History* (1938). A more modern view of republican virtues, D. Nieman, "Republicanism, the Confederate Constitution and the American Constitutional Tradition," in K. Hall and J. W. Ely, eds., *An Uncertain Tradition: Constitutionalism and the History of the South* (Athens, GA, 1989). S. Cain, "The Question still Lives," *The Freeman*, May 1993, is less convinced.
18. P. J. Parish, "The Road Not Quite Taken: The Constitution of the Confederate States of America," in T. Barron, O. D. Edwards, and P. Storey, eds., *Constitutional and National Identity* (Edinburgh, 1993).
19. Mark E. Neely, *Southern Rights: Political Prisoners and the Myth of Confederate Constitutionalism* (Charlottesville, VA, and London, 1999).
20. Quoted in De Rosa, *Confederate Constitution* p. 77.
21. W. R. Robinson, *Justices in Grey* (Cambridge, MA, 1941).
22. Roy P. Basler, *The Collected Works of Abraham Lincoln* (New Brunswick, NJ, 1953) VI, p. 267.
23. *Ex parte Merryman*, 17 Fed. Cas. 144 (1861), decided at chambers. Perhaps Taney was a little disingenuous, but, after a long foray into the importance of the writ in English history, he concluded that, the position being so plain under the constitution, the officer might have misunderstood his instructions, and so he ordered a copy of his judgment to be sent to Lincoln for him "to determine what measures he will take to cause the civil process of the United States to be respected and enforced."
24. Mark E. Neely, *The Fate of Liberty: Abraham Lincoln and Civil Liberties* (New York and Oxford, 1991), is a balanced but positive appraisal.
25. Edward Corwin, *The President: Office and Powers* (New York, 1940), p. 166.
26. *Ex parte Milligan*, 71 U.S. 2 (1866). Harold M. Hyman, *The Reconstruction Justice of Salmon P. Chase* (Lawrence, KS, 1997), pp. 135–7, explores its negative impact.
27. William Whiting, *The Government's War Powers under the Constitution of the United States: An Analysis of the Government's Legal Powers to Fight Subversion, Treason and Civil War*, 10th edn. (Boston, MA, 1864).
28. Neely, *The Fate of Liberty*, pp. 109–12, documenting excessive and prolonged cold showers administered in six cases involving British subjects in 1864.
29. James G. Randall, *Constitutional Problems under Lincoln* (New York and London), pp. 193–4.
30. *Congressional Globe*, 39 Cong., 1 Sess., p. 2052.
31. P. Lucie, "Confiscation: Constitutional Crossroads," *Civil War History* (1977). Representatives Morrill and Walton both argued for the inclusion of this enforcement procedure. *Cong. Globe*, 37 Cong., 2 Sess., p. 2362 and p. 2793.
32. Lucie, *Freedom and Federalism*, chapter 5.
33. In the *Civil Rights Cases*, 109 U.S. 3 (1883), Justice Bradley interpreted the scope of rights protected by the Thirteenth Amendment narrowly, and also severely restricted the reach of the Fourteenth Amendment to state action.
34. *Jones v. Alfred H. Mayer Co.*, 392 U.S. 409 (1968). Joseph Lee Jones claimed that Mayer Co. had refused to sell him a house. The Warren Court found a violation of 42 U.S.C. 1982, the 1866 Civil Rights Act, guaranteeing that all citizens "shall have the same right in every State or Territory as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property." Interestingly, the older statute was used for its broader scope, rather than the newer 1968 Civil Rights Act. More recently Congress has passed the 1991 Civil Rights Act, which does address private discrimination.
35. R. Berger, *Government by Judiciary: The Transformation of the Fourteenth Amendment* (Cambridge, MA, 1977), has been a very influential work in resisting any organic, broad interpretation of the Fourteenth Amendment, especially when used as grist to the mill of liberal judges.
36. In the 1947 case of *Adamson v. California*, 332 U.S. 46 (1947), Justice Hugo Black argued that the Framers intended to incorporate the Bill of Rights in the fourteenth amendment and make them applicable to the states. Charles Fairman, "Does the Fourteenth Amendment Incorporate the Bill of Rights? The Original Understanding," 2 *Stanford Law Rev.* 5 (1949), is a scholarly refutation. Earl Malz, *Civil Rights, the Constitution, and Congress, 1863–1869* (Lawrence, KS, 1990), is also critical, and L. Gingras, "Congressional Misunderstandings and the Ratifiers' Understanding," *Journal of Legal History* (1996), directs attention away from Congress to the debates on ratification. Justice Black garners support in general terms from A. Amar, "The Bill of Rights and the Fourteenth Amendment," 101 *Yale Law Journal* (1992).

37. R. J. Kaczorowski, *The Politics of Judicial Interpretation: The Federal Courts, Departments of Justice, and Civil Rights, 1866–1876* (New York, 1985), develops the theme. Early interpretation of the Thirteenth Amendment gets interesting coverage in H. M. Hyman, *The Reconstruction Justice of Salmon P. Chase* (Lawrence, KS, 1997).
38. E. Foner, “Rights and the Constitution in Black Life during the Civil War and Reconstruction,” 74 *J.A.H.* (1987), offers a welcome perspective which gets away from courts and into the life and politics of black life.
39. In the *Slaughterhouse Cases*, 16 Wall. (83 U.S.) 36 (1873), Justice Miller distinguished between the privileges and immunities of U.S. citizenship and state citizenship, interpreting the former very narrowly and the latter broadly. In effect it killed the clause. In the *Civil Rights Cases*, 109 U.S. 3 (1883), Justice Bradley found that Congress had no power to reach private discrimination in access to public facilities under the Fourteenth Amendment, which reaches state but not private action, and no power under the Thirteenth, which does reach private action but only in respect of badges and incidents of slavery, of which this was not one. In *Plessy v. Ferguson*, 163 U.S. 537 (1896), Justice Brown’s opinion held that separate but equal facilities for “white” and “colored” railway passengers was not a violation of equal protection. As the “state action” doctrine took hold, the fact that the 1866 Civil Rights Act was parented by the Thirteenth rather than the Fourteenth Amendment was overlooked.
40. E. Malz, “The Constitution and Nonracial Discrimination: Alienage, Sex, and the Framers’ Ideal of Equality,” 7 *Const. Commentary* (1990), puts this down to the restriction of Republican vision—a concept of limited absolute equality all round.
41. A thesis ably extended by M. Benedict, “Preserving Federalism: Reconstruction and the Waite Court,” *Supreme Court Rev.* (1978), to reject the view that the Court was out of line with the Framers.
42. *Lochner v. New York*, 198 U.S. 45 (1905). The Supreme Court held a New York statute forbidding employment in a bakery for more than sixty hours a week or ten hours a day to be unconstitutional on the grounds that the liberty clause of the Fourteenth Amendment protected the right to contract against deprivation without due process. In practice the Court substituted its judgment for that of the legislature, striking down state laws that regulated the labor market and working conditions. In the 1930s the Court adopted a position of restraint in reviewing legislative regulation of the economy, but in a famous footnote to its opinion in *U.S. v. Carolene Products*, 304 U.S. 144 (1938), Justice Stone said, “There be a narrower scope for operation of the presumption of constitutionality when the legislation appears on its face to be within a specific prohibition of the first ten amendments, which are deemed equally specific when held to be embraced within the Fourteenth.”
43. A woman’s right to choose an abortion in *Roe v. Wade*, 410 U.S. 113 (1973), was the most controversial case to raise the issue of unenumerated rights attaching to the liberty clause. Critics compared the Court’s methodology to that of the Court that earned so much opprobrium in *Locher v. New York* for reading its own values into the text. The debate did go to the heart of the matter of who decides, and how, as well as what is liberty. See Thomas Grey, “Do we Have an Unwritten Constitution?” 27 *Stanford Law Rev.* 703 (1975), J. H. Ely, *Democracy and Distrust* (Cambridge, MA, 1980), Ronald Dworkin, “Unenumerated Rights: Whether and how Roe should be Overruled,” 59 *Univ. Chic. Law Rev.* 381 (1992), and Richard Posner, “Legal Reasoning from the Bottom up: The Question of Unenumerated Constitutional Rights,” 59 *Univ. Chic. Law Rev.* 433 (1992).
44. *Brown v. Board of Education*, 349 U.S. 294 (1954), was short and lacking in specific constitutional undergirding. Richard Kluger, *Simple Justice: The History of Brown v. Board of Education and the Struggle for Black Equality* (New York, 1987), tells the story of the academics who worked hard to produce usable original intentions.
45. The *Civil Rights Cases*, 109 U.S. 3 (1883), affirmed as recently as *United States v. Morrison*, 529 U.S. 598 (2000), when the Rehnquist Court invalidated a provision of the Violence against Women Act, which provided a private cause of action to victims of gender-based violence. In practice many private actions are reached either circuitously by finding some state presence, e.g., licensing, or public function, or through the Civil Rights Act of 1964, based on the commerce clause rather than the Fourteenth Amendment. An interesting defense of the state action doctrine is M. Schwarzschild, “Value Pluralism and the Constitution: In Defense of the State Action Doctrine,” 1988 *Supreme Court Rev.* 129.
46. M. A. Glendon, *Rights Talk: The Impoverishment of Political Discourse* (New York, 1991); M. Sandel, *Liberalism and the Limits of Justice* (Cambridge, MA, 1987).

47. Douglas L. Colbert, "Liberating the Thirteenth Amendment," 30 *Harvard Civ. Rights Civ. Libs Law Rev.* (1995), A. R. Amar, "Remember the Thirteenth," 10 *Const. Commentary* 403 (1993), L. S. Landervelde, "The Labor Vision of the Thirteenth Amendment," 138 *Univ. Penn. Law Rev.* 437 (1989), W. Carter, "A Thirteenth Amendment Framework for Combating Racial Profiling," 39 *Harvard Civ. Rights Civ. Libs Law Rev.* (winter 2004).
48. W. J. Brennan, "State Constitutions and the Protection of Individual Rights," 90 *Harvard Law Rev.* 489 (1977).
49. E. Malz, "False Prophet-Justice Brennan and the Theory of State Constitutional Law," 15 *Hastings Const. Quarterly* 1988, and J. A. Gardner, "The Failed Discourse of State Constitutionalism," 90 *Michigan Law Rev.* (1992).
50. Compare Geoffrey R. Stone, *War and Liberty: An American Dilemma, 1790 to the Present* (New York, 2007), and Richard Posner, *Not a Suicide Pact: The Constitution in Time of National Emergency* (Oxford, 2006).
51. *Rasul v. Bush*, 542 U.S. 466 (2004). On the same day the Court found a violation of the due process rights of an American citizen who had been taken to a military brig in South Carolina without charge or access to his lawyer, or limit of time, in *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004).
52. *Hamdan v. Rumsfeld*, 548 U.S. 557 (2006).
53. *Boumediene v. Bush*, 553 U.S. — (2008). The Court sidestepped its decision in *Johnson v. Eisentrager*, 339 U.S. 763 (1950), which denied alien enemy prisoners held outside American sovereign territory had a right to Habeas in a federal court. The Boumediene Court accepted federal court jurisdiction in the case of Guantanamo prisoners. The base had been under de facto American jurisdiction for over a hundred years. President Bush condemned the decision, as did John McCain, though Barack Obama did not. About 245 prisoners remain and 420 have been released without charge. About twenty faced trial by military commission. The Pentagon believes that as many as sixty have returned to commit further terrorist acts.
54. The proposition first asserted by Chief Justice John Marshall in *Marbury v. Madison*, 1 Cranch (5 U.S.) 137, 177 (1803).
55. www.whitehouse.gov/blog/inaugural-address.
56. Lawyers on all sides agree that this will not be a simple matter. Of the remaining 245 prisoners, only twenty-one currently face charges. The rest will either be repatriated, where this is possible, or sent to countries willing to accept them. About 100 are from Yemen. So far European countries have shown no enthusiasm. For those who proceed to trial it is not yet known where the trial will take place (there is widespread opposition to having them on American soil) and whether it will be in civilian or military courts. Successful convictions have been jeopardized by interrogation methods.

Timeline

Date	Warfare	Union	Confederacy
1860			
November		<p>6th. Election of Abraham Lincoln (Republican)</p> <p>18th. Crittenden Compromise comes before House of Representatives</p>	<p>13th. Special Convention of South Carolina legislature</p> <p>20th. South Carolina votes for secession</p>
December			<p>24th. Declaration of the Immediate Causes which Induce and Justify the Secession of South Carolina from the Federal Union: “We, therefore, the People of South Carolina, by our delegates in Convention assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, have solemnly declared that the Union heretofore existing between this State and the other States of North America, is dissolved, and that the State of South Carolina has resumed her position among the nations of the world, as a separate and independent State; with full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do”</p>

1861

January

9th. *Star of the West* attempts to relieve Fort Sumter (Charleston harbor)

9th–February 2nd. Secession of Mississippi (9th), Florida (10th), Alabama (11th), Georgia (19th), Louisiana (26th), Texas (1st and 2nd February). Texas Ordinance of Secession adopted by Secession Convention)

February

4th–27th. Peace Convention (Washington)

4th. Montgomery (Alabama) Convention; establishment of the Confederate States of America. Jefferson Davis nominated as President

March

4th. Abraham Lincoln inauguration and first Inaugural Address: “Though passion may have strained, it must not break our bond of affection. The mystic chords of memory, stretching from every battlefield, and patriot grave, to every living heart and hearthstone, all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature”

11th. Approval of draft Confederate constitution by Montgomery Convention

Timeline *continued*

Date	Warfare	Union	Confederacy
April	<i>12th–13th.</i> Attack on and surrender of Fort Sumter	<i>15th.</i> Lincoln calls for 75,000 militia “to cause the laws to be duly executed” <i>19th.</i> Lincoln announces blockade of Southern ports	<i>17th.</i> Secession of Virginia <i>20th.</i> Robert E. Lee resigns his commission in US Army; writes to his sister, Mrs. Anne Marshall: “With all my devotion to the Union and the feeling of loyalty and duty of an American citizen, I have not been able to make up my mind to raise my hand against my relatives, my children, my home” <i>29th.</i> Jefferson Davis delivers Message to Confederate Congress: “We feel that our cause is just and holy; we protest solemnly in the face of mankind that we desire peace at any sacrifice save that of honor and independence; we seek no conquest, no aggrandizement, no concession of any kind from the States with which we were lately confederated; all we ask is to be let alone; that those who never held power over us shall not now attempt our subjugation by arms. This we will, this we must, resist to the direst extremity. The moment that this pretension is abandoned the sword will drop from our grasp, and we shall be ready to enter into treaties of

amity and commerce that cannot but be mutually beneficial. So long as this pretension is maintained, with a firm reliance on that Divine Power which covers with its protection the just cause, we will continue to struggle for our inherent right to freedom, independence, and self-government”

May

24th. Benjamin Butler, commanding at Fortress Monroe (James peninsula) declares runaway slaves to be “contraband of war,” thereby preventing their return to slaveowners

20th. Kentucky declares neutrality

29th. Confederate capital moves to Richmond, Virginia

6th. Secession of Arkansas

6th. Ordinance of Secession of Tennessee adopted by State Legislature; confirmed 8th June

20th. Secession of North Carolina

June

9th. US Sanitary Commission created.
“As a general rule four soldiers die of diseases incident to camp life for one that falls in battle. Such is the average mortality among regular troops. Among volunteers it will be found much larger.”
(USSC, “Address to the Citizens of the United States,” *New York Times*, June 25th, 1861)

Timeline *continued*

Date	Warfare	Union	Confederacy
July	<p>21st. Confederate victory (defeat of Union under Irvin N. McDowell) at Manassas/First Bull Run</p> <p>27th. George B. McClellan takes command of Union forces in Washington</p>	<p>4th. Lincoln's message to Congress in special session: "This is essentially a People's contest. On the side of the Union it is a struggle for maintaining in the world, that form, and substance of government, whose leading object is, to elevate the condition of men . . ."</p> <p>Congress authorizes raising of 500,000 men</p>	
August	<p>10th. Confederate victory at Wilson's Creek (Missouri)</p> <p>29th. Union victory at Hatteras Inlet (North Carolina)</p>	<p>6th. First Confiscation Act: frees slaves who were being used in a military/supportive capacity against the Union</p> <p>30th. John C. Frémont declares martial law in Missouri and frees slaves there</p>	
September		<p>11th. Lincoln revokes Frémont's emancipation orders</p>	
October			
November	<p>1st. McClellan appointed general-in-chief of Union armies (replacing General Winfield Scott)</p> <p>7th. Port Royal (South Carolina)</p>	<p>Henry W. Halleck expels African-Americans from Union lines</p>	

falls to Union

19th. John C. Frémont replaced by Henry W. Halleck as Union commander in the west

December

20th. Joint Committee on the Conduct of the War established

1862

January

15th. Stanton appointed Secretary of War

February

6th. Union takes Fort Henry (Tennessee river)

8th. Union victory at Roanoke Island (North Carolina)

16th. Union takes Fort Donelson

25th. Confederates evacuate Nashville

22nd. Jefferson Davis inaugurated as

President of the Confederate states

27th. Confederate Congress enacts martial law and suspends *habeas corpus*

March

7th–8th. Union victory at Pea Ridge/Elkhorn Tavern (Arkansas)

8th–9th. *Virginia v. Monitor* at Hampton Roads (battle of the ironclads)

17th–April 2nd. McClellan moves Army of the Potomac to the James peninsula

6th. Lincoln puts gradual emancipation plan before Congress

Timeline continued

Date	Warfare	Union	Confederacy
April	5th–May 4th. McClellan lays siege to Yorktown 6th–7th. Union victory under Ulysses S. Grant at Shiloh (Tennessee) 24th–25th. New Orleans falls to Union	3rd. Senate votes to abolish slavery in the District of Columbia 11th. House votes to abolish slavery in DC 16th. Lincoln’s Message to Congress: “I have never doubted the constitutional authority of congress to abolish slavery in this District; and I have ever desired to see the national capital freed from the institution in some satisfactory way” 9th. General David Hunter frees slaves in South Carolina, Georgia, and Florida (revoked by Lincoln) 20th. Congress passes Homestead Act	16th. Confederate Congress passes Conscription Act
May	8th–9th. “Stonewall” Jackson’s Shenandoah Valley campaign. 31st–June 1st. Battle of Seven Pines/Fair Oaks (Richmond). Joseph E. Johnston (Confederate) attacks McClellan outside Richmond; Johnston wounded. Robert E. Lee put in charge of the Army of Northern Virginia		
June	6th. Confederates evacuate Memphis (Tennessee) 26th. Army of Virginia created; commanded by John Pope		1st. Robert E. Lee replaces Joseph E. Johnston. Lee renames forces Army of Northern Virginia

26th–July 2nd. Seven Days battles: McClellan driven back from Richmond

July

11th. Halleck becomes general-in-chief of Union armies

17th. Second Confiscation Act

17th. Militia Act: “And be it further enacted, That the President be, and he is hereby, authorized to receive into the service of the United States, for the purpose of constructing entrenchments, or performing camp service or any other labor, or any military or naval service for which they may be found competent, persons of African descent, and such persons shall be enrolled and organized under such regulations, not inconsistent with the Constitution and laws, as the President may prescribe”

22nd. Draft Emancipation Proclamation presented to Cabinet

August

3rd. Army of the Potomac starts to withdraw from James peninsula

27th–28th. Confederate invasion of Kentucky

29th–30th. Confederate victory at Second Manassas/Bull Run

20th–22nd. Horace Greeley (editor, *New York Tribune*) and Lincoln exchange letters on emancipation

Timeline *continued*

Date	Warfare	Union	Confederacy
September	<p><i>2nd.</i> McClellan assumes command of defense of Washington</p> <p><i>4th–6th.</i> Lee invades Maryland</p> <p><i>17th.</i> Battle of Antietam/Sharpsburg; Union victory; Lee retreats into Virginia</p> <p><i>19th.</i> Union victory at Iuka (Mississippi)</p>	<p><i>22nd.</i> Preliminary Emancipation Proclamation</p> <p><i>24th.</i> <i>Habeas corpus</i> suspended</p>	
October	<p><i>3rd–4th.</i> Union victory at Corinth (Mississippi)</p> <p><i>8th.</i> Battle of Perryville (Kentucky); Braxton Bragg (Confederate) retreats</p>	<p><i>October–November.</i> Mid-term elections see swing away from the Republicans</p>	
November	<p><i>7th.</i> Ambrose Burnside replaces McClellan as commander, Army of the Potomac</p>		
December	<p><i>13th.</i> Burnside defeated by Lee at Fredericksburg</p> <p><i>27th–29th.</i> William T. Sherman defeated at Chickasaw Bluffs (Vicksburg)</p> <p><i>31st–January 3rd.</i> Battle of Stones River/Murfreesboro; Bragg retreats</p>		

1863

January

25th. Joseph Hooker replaces Burnside as commander, Army of the Potomac

1st. Emancipation Proclamation:

“That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and for ever free ...”

February

25th. National Bank Act

March

3rd. Conscription Act and new *Habeas Corpus* Act

April

30th–May 6th. Union defeat at Chancellorsville

May

1st–18th. Ulysses S. Grant in Mississippi
10th. Death of “Stonewall” Jackson

5th. Arrest of radical peace Democrat, Clement Laird Vallandigham

June

3rd. Lee moves north
15th. Lee and Army of Northern Virginia cross Potomac
28th. George Meade replaces Hooker as commander, Army of the Potomac

20th. West Virginia admitted as separate state into the Union

Timeline *continued*

Date	Warfare	Union	Confederacy
July	<i>1st–3rd.</i> Union victory at Gettysburg (Pennsylvania) <i>4th.</i> Vicksburg surrender to Grant <i>13th–14th.</i> Lee retreats back across Potomac <i>18th.</i> Attack on Fort Wagner (Charleston)/Massachusetts <i>24th.</i> Death of Robert Gould Shaw	<i>13th–16th.</i> New York draft riots	
August			
September	<i>8th.</i> Fall of Fort Wagner to Union <i>19th–20th.</i> Bragg defeats Rosecrans at Chickamauga		<i>September–November.</i> Jefferson Davis setback in congressional elections
October	<i>17th.</i> Ulysses S. Grant appointed Union commander in west <i>October–November.</i> Local and state elections see Republican recovery		
November	<i>24th–25th.</i> Union victory at Chattanooga	<i>19th.</i> Lincoln gives “Gettysburg Address” at dedication ceremony for cemetery <i>8th.</i> Lincoln’s proclamation of amnesty and reconstruction proposals	
December			

1864	January	Lincoln and Congress debate reconstruction	New tax law. New law on impressment of slaves. Renewed authority to suspend <i>habeas corpus</i>
February	17th. <i>Hunley</i> (Confederate submarine) sinks USS <i>Housatonic</i>		
March	9th. Grant becomes general-in-chief of Union armies		
April	8th. Union defeated at Sabine Cross Roads/Mansfield (Louisiana); end of Red River expedition 12th. Fort Pillow massacre		16th. Alexander Stephens addresses Georgia legislature; attacks Davis's administration's record on civil liberties and conduct of war
May	5th–6th. Battle of the Wilderness		
June	1st–3rd. Battle of Coldharbor 14th–16th. Grant moves south of James river 15th–18th. Beginning of siege of Petersburg 27th. Sherman defeated at Kennesaw mountain	7th. Baltimore Convention: Lincoln renominated, Andrew Johnson selected as vice-presidential candidate	

Timeline *continued*

Date	Warfare	Union	Confederacy
July	<i>11th.</i> Jubal Early (Confederate) threatens Washington		<i>4th.</i> Lincoln vetoes Wade–Davis Bill
	<i>17th.</i> John Bell Hood replaces Johnston as commander at Atlanta		
	<i>30th.</i> Battle of the Crater (Petersburg): Union defeat		
August	<i>5th.</i> Union navy victorious at Mobile Bay	<i>29th.</i> Democrats nominate McClellan as their presidential candidate	
September	<i>2nd.</i> Fall of Atlanta to Sherman's forces		
	<i>19th–22nd.</i> Union victories at Opequon Creek and Fisher's Hill (Shenandoah valley)		
	<i>19th.</i> Union victory at Cedar Creek (Shenandoah valley)		
October	<i>23rd.</i> Union victory at Westport (Missouri)		
	<i>15th–16th.</i> Sherman begins his "March to the Sea"	<i>8th.</i> Reelection of Lincoln	
November	<i>30th.</i> John Bell Hood defeated at Franklin (Tennessee)		

December
15th–16th. Hood defeated at Nashville
21st. Fall of Savannah (to Sherman)

1865

January
15th. Union captures Fort Fisher (North Carolina)
31st. Thirteenth Amendment passed: abolishes slavery. *Section 1.*
“Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”
Section 2. “Congress shall have power to enforce this article by appropriate legislation.”

February
1st. Sherman begins to move up through Carolinas
17th. destruction of Columbia (South Carolina). Confederate evacuation of Charleston

3rd. Conference at Hampton Roads
6th. Lee appointed commander-in-chief of Confederate armies

March
21st–23rd. Sherman meets up with Schofield in North Carolina

7th. Confederate Congress: Second Congress, Second Session, Senate, March 7:
“The Congress of the Confederate States of America do enact: That in order to provide additional forces to repel invasion, maintain the rightful possession of the Confederate States,

4th. Lincoln’s second inauguration and Second Inaugural Address: “With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation’s

Timeline continued

Date	Warfare	Union	Confederacy
		wounds; to care for him who shall have borne the battle, and for his widow, and his orphan. . . .”	secure their independence and preserve their institutions, the President be and he is hereby authorized to ask for and accept from the owners of slaves the services of such number of able-bodied negro men as he may deem expedient, for and during the war, to perform military service in whatever capacity he may direct.” (“The Negro Soldier Question,” <i>Southern Historical Society Papers</i> 52, 1959, pp. 452–7)
April	<p>2nd. Fall of Petersburg</p> <p>3rd. Fall of Richmond</p> <p>9th. Lee surrenders to Grant at Appomattox Court House</p> <p>26th. Joseph E. Johnston surrenders (North Carolina)</p>	<p>14th–15th. Lincoln assassinated by John Wilkes Booth</p> <p>26th. Booth shot and killed</p>	<p>13th. Congress authorizes recruitment of slaves</p> <p>10th. Lee bids farewell to the Army of Northern Virginia: “After four years of arduous service, marked by unsurpassed courage and fortitude, the Army of Northern Virginia has been compelled to yield to overwhelming numbers and resources.”</p>
May	<p>26th. Edmund Kirby Smith surrenders (trans-Mississippi). War officially terminates</p>	<p>23rd and 24th. Grand Review of the Army</p> <p>23rd. Army of the Potomac in Washington, DC</p> <p>24th. Army of Georgia in Washington, DC</p>	<p>10th. Davis captured at Irwinville (Georgia)</p>

Guide to Further Reading

SUSAN-MARY GRANT

Civil War Origins and General Works on the War

General works covering the war in its entirety vary between the long and involved (and involving), the short and sharp, and the still shorter but perhaps less geared toward the general reader, being aimed primarily at a school or college curriculum that requires simply the basic “facts” of, say, the Compromise of 1850. The most comprehensive treatment of the war remains Allan Nevins’s eight-volume study *Ordeal of the Union* (New York: Collier Books, 1947–71), although the popular trilogy by Shelby Foote, *The Civil War: A Narrative* (New York: Random House, 1958–74) is perhaps more readily available these days. Of the single-volume studies of the war, the more substantial includes Peter J. Parish, *The American Civil War* (New York: Holmes & Meier, 1975), James M. McPherson’s *Ordeal by Fire: The Civil War and Reconstruction* (New York: Alfred A. Knopf, 1982) and his prize-winning *Battle Cry of Freedom: The Civil War Era* (New York and Oxford: Oxford University Press, 1988, now available in Penguin) and, in the first of a two-volume study, Brian Holden Reid, *America’s Civil War: The Operational Battlefield, 1861–1863* (London: Prometheus Books, 2008). With its focus on the military side of the conflict, David J. Eicher’s *The Longest Night: A Military History of the Civil War* (New York: Simon & Schuster, 2001; London: Pimlico, 2002) is packed with information on battles and weaponry as well as the individuals involved.

Shorter studies of the war itself and the Civil War era more broadly include Susan-Mary Grant, *The War for a Nation: The American Civil War* (New York: Routledge, 2006), Robert Cook, *Civil War America: Making*

a Nation, 1848–1877 (London: Longman, 2003), William R. Brock, *Conflict and Transformation: The United States, 1844–1877* (Harmondsworth: Penguin, 1973), William L. Barney, *Battleground for the Union: The Era of the Civil War and Reconstruction, 1848–1877* (Englewood Cliffs, NJ: Prentice-Hall, 1990), and Adam Smith, *The American Civil War* (London: Palgrave Macmillan, 2007). Useful studies that adopt a particular focus in order to get at the heart of the Civil War include Phillip S. Paludan, “A People’s Contest”: *The Union and Civil War, 1861–1865* (New York: Harper & Row, 1988), Charles Royster’s, *The Destructive War: William Tecumseh Sherman, Stonewall Jackson, and the Americans* (1991, repr. New York: Random House, 1993), and Charles P. Roland, *An American Iliad: The Story of the Civil War* (New York and London: McGraw-Hill, 1991), while a more comparative approach is adopted in Brian Holden Reid, *The American Civil War and the Wars of the Industrial Revolution* (London: Cassell, 1999). A longer textbook treatment of the war is provided by David Herbert Donald, Jean Harvey Baker, and Michael F. Holt in *The Civil War and Reconstruction* (New York and London: W. W. Norton, 2001), whilst basic short/seminar studies of the war include the useful “Access to History” series by Alan Farmer, available in various editions now, including *The American Civil War and its Origins, 1848–1865* (London: Hodder Murray, 2006), *The American Civil War, 1861–1865* (2002), and *Reconstruction and the Results of the American Civil War, 1865–1877* (1997).

Most of the studies above cover the Civil War’s origins, but there are many valuable works that focus on the causes of the war, specifically. The standard, and still most valuable for its political detail, remains David M. Potter, *The Impending Crisis, 1848–1861* (New York: Harper & Row, 1976) but see also Brian Holden Reid, *The Origins of the American Civil War* (Harlow: Longman, 1996). Older and still useful studies include Avery Craven, *The Coming of the Civil War* (2nd edn. Chicago, IL: University of Chicago Press, 1957), and more recent ones: Richard H. Sewell, *A House Divided: Sectionalism and the Civil War* (Baltimore, MD: Johns Hopkins University Press, 1988), James A. Rawley, *Race and Politics: “Bleeding Kansas” and the Coming of the Civil War* (Philadelphia: Lippincott, 1969), Gerald W. Wolff, *The Kansas–Nebraska Bill: Party, Section, and the Coming of the Civil War* (New York: Revisionist Press, 1980), James L. Huston, *The Panic of 1857 and the Coming of the Civil War* (Baton Rouge, LA: Louisiana State University Press, 1987), Kenneth M. Stampp, *1857: A Nation on the Brink* (New York: Oxford University Press, 1990), and Bruce Levine, *Half Slave and Half Free: The Roots of Civil War* (New York: Hill & Wang, 1992; rev. edn. 2005).

WWW

William G. Thomas and Alice E. Carter, *The Civil War on the Web: A Guide to the Very Best Sites* (Wilmington, DE: Scholarly Resources, 2001, 2003), remains valuable, as many of the sites that are of interest to both serious scholar and general reader are stable.

In terms of access to primary sources for the antebellum through Reconstruction periods, the Making of America and the Library of Congress are good places to start. The Making of America site offers access to, among other things, through Cornell University the *Official Records of the War of the Rebellion* (Washington, DC: Government Printing Office, 1880–1901) and the *Official Records of the Union and Confederate Navies in the War of the Rebellion* (Washington, DC: Government Printing Office, 1894–1922). In addition, the University of Virginia hosts several excellent sites for students of American history generally; for the Civil War specifically, Edward Ayers’s “Valley of the Shadow” website, providing access to records, diaries, census information, newspapers, church records, and maps from two counties on opposite sides of the sectional divide: Augusta County, Virginia, and Franklin County, Pennsylvania. There is an accompanying monograph: Edward L. Ayers, *In the Presence of Mine Enemies: War in the Heart of America, 1859–1863* (New York: W. W. Norton, 2003). This is a marvelous resource, in terms of both ease of use and the range of material on offer.

Library of Congress: <http://memory.loc.gov/ammem/amhome.html>.

The Making of America (MOA): <http://quod.lib.umich.edu/m/moagrpf/>.

Official Records of the War of the Rebellion:

<http://cdl.library.cornell.edu/moa/browse.monographs/waro.html>.

Official Records of the Union and Confederate Navies in the War of the Rebellion:

<http://cdl.library.cornell.edu/moa/browse.monographs/ofre.html>.

Valley of the Shadow: <http://jefferson.village.Virginia.EDU/vshadow/>.

Chapters 1, 2, 14. Union, Secession, and Nationalism

The general works on the Civil War certainly discuss secession, but the whole debate over the meaning of the Union, the act of secession and the development of Northern, Southern and American sectionalism/nationalism is more fully expounded in a tangential albeit related literature. As far as the Union and American nationalism is concerned, an upsurge of interest in the subject following World War II was followed by a relative dearth of work; only in the later twentieth century, following the collapse of the Soviet Union, was nationalism of significant interest to scholars once again. A good starting point is Merle Curti, *The Roots of American Loyalty* (New York: Columbia

University Press, 1946), and Hans Kohn, *American Nationalism: An Interpretative Essay* (New York: Macmillan, 1957), and on the meaning of Union, specifically, Paul C. Nagel, *One Nation Indivisible: The Union in American Thought, 1776–1861* (New York and Oxford: Oxford University Press, 1964) and his follow-up study, *This Sacred Trust: American Nationality, 1798–1898* (New York and Oxford: Oxford University Press, 1971). Studies that adopt a broader perspective on the subject and link it to the outbreak of the Civil War include Fred Somkin, *Unquiet Eagle: Memory and Desire in the Idea of American Freedom, 1815–1860* (Ithaca, NY: Cornell University Press, 1967), and Major L. Wilson, *Space, Time, and Freedom: The Quest for Nationality and the Irrepressible Conflict, 1815–1861* (Westport, CT: Greenwood Press, 1974).

Sectionalism, like secession, is more frequently explored from a Southern/Confederate perspective, as, indeed, is nationalism in the Civil War era generally. Exceptions to the Southern focus include the extremely sophisticated treatment of the growth of sectional thinking in Michael A. Morrison, *Slavery and the American West: The Eclipse of Manifest Destiny and the Coming of the Civil War* (Chapel Hill, NC: University of North Carolina Press, 1997), and, for sectional sentiment in South Carolina, Manisha Sinha, *The Counterrevolution of Slavery: Politics and Ideology in Antebellum South Carolina* (Chapel Hill, NC, and London: University of North Carolina Press, 2000). On the growth of a specifically Northern sectional/national sentiment at odds with the whole idea of the South, see Susan-Mary Grant, *North over South: Northern Nationalism and American Identity in the Antebellum Era* (Lawrence, KS: University Press of Kansas, 2000). A valuable study that highlights the prevalence of the threat of disunion between the period of the early republic and the outbreak of the Civil War, which nevertheless stresses that disunion should not be narrowly conceived of as synonymous with secession, is Elizabeth R. Varon, *Disunion! The Coming of the American Civil War, 1789–1859* (Chapel Hill, NC: University of North Carolina Press, 2008).

On the South, specifically, the focus of many studies is on the development of a distinctive “Southern nationalism,” linking it both to the act of secession itself and to support for the Confederacy during the war and to the development of the “Lost Cause” after it. Here early studies include Avery O. Craven’s *The Growth of Southern Nationalism, 1848–1861* (Baton Rouge, LA: Louisiana State University Press, 1953), Charles S. Sydnor, *The Development of Southern Sectionalism, 1819–1848* (1948, repr. Baton Rouge, LA: Louisiana State University Press, 1968) and David M. Potter, *The South and the Sectional Conflict* (Baton Rouge, LA: Louisiana State University Press, 1968). More recent studies have extended the debate considerably, and these include Emory Thomas, *The Confederate Nation* (New York: Harper & Row, 1981), and John McCardell’s *The Idea of a Southern Nation: Southern Nationalists*

and *Southern Nationalism, 1830–1860* (New York: W. W. Norton, 1979). For the war years themselves see Drew Gilpin Faust, *The Creation of Confederate Nationalism: Ideology and Identity in the Civil War South* (Baton Rouge, LA: Louisiana State University Press, 1988), Gary Gallagher, *The Confederate War: How Popular Will, Nationalism, and Military Strategy could not Stave off Defeat* (Cambridge, MA: Harvard University Press, 1997), Robert E. Bonner, *Colors and Blood: Flag Passions of the Confederate South* (Princeton, NJ, and Oxford: Princeton University Press, 2002), and Anne Sarah Rubin, *A Shattered Nation: The Rise and Fall of the Confederacy, 1861–1868* (Chapel Hill, NC, and London: University of North Carolina Press, 2005). A fresh and comparative approach to Southern nationalism is provided by Don H. Doyle in *Nations Divided: America, Italy, and the Southern Question* (Athens, GA, and London: University of Georgia Press, 2002), and a useful collection of essays in W. Fitzhugh Brundage, ed., *Where These Memories Grow: History, Memory, and Southern Identity* (Chapel Hill, NC: University of North Carolina Press, 2000).

The build-up to secession itself is traced through, among others, William L. Barney, *The Secessionist Impulse: Alabama and Mississippi in 1860* (Princeton, NJ: Princeton University Press, 1974), Michael P. Johnson, *Toward a Patriarchal Republic: The Secession of Georgia* (Baton Rouge, LA: Louisiana State University Press, 1977), J. Mills Thornton III, *Politics and Power in a Slave Society: Alabama, 1800–1860* (Baton Rouge, LA: Louisiana State University Press, 1978), Christopher J. Olsen, *Political Culture and Secession in Mississippi: Masculinity, Honor, and the Antiparty Tradition, 1830–1860* (New York and Oxford: Oxford University Press, 2000), and most comprehensively in William W. Freehling's two-volume study *The Road to Disunion I, Secessionists at Bay, 1776–1854*, and II, *Secessionists Triumphant, 1852–1861* (New York and Oxford: Oxford University Press, 1990, 2007). For the period of the secession winter of 1860/61 itself, see Steven A. Channing, *Crisis of Fear: Secession in South Carolina* (New York: Simon & Schuster, 1970), Daniel W. Crofts, *Reluctant Confederates: Upper South Unionists in the Secession Crisis* (Chapel Hill, NC: University of North Carolina Press, 1989), Ralph A. Wooster, *The Secession Conventions of the South* (Princeton, NJ: Princeton University Press, 1962), and Charles Dew, *Apostles of Disunion: Southern Secession Commissioners and the Causes of the Civil War* (Charlottesville, VA: University of Virginia Press, 2001).

The North's response to secession is explored in several older studies by David M. Potter, *Lincoln and his Party in the Secession Crisis* (New Haven, CT: Yale University Press, 1942), Kenneth M. Stampp, *And the War Came: The North and the Secession Crisis, 1860–1861* (Baton Rouge, LA: Louisiana University Press, 1950), and Richard Current, *Lincoln and the First Shot* (New York: Lippincott, 1963). On the North in the Civil War generally, studies that explore the nationalist response to secession include Earl J. Hess,

Liberty, Virtue, and Progress: Northerners and their War for the Union (New York: New York University Press, 1988), and Melinda Lawson, *Patriot Fires: Forging a New American Nationalism in the Civil War North* (Lawrence, KS: University Press of Kansas, 2002). Studies that adopt a broader time frame on the Civil War's impact on American nationalism include Richard Franklin Bensel, *Yankee Leviathan: The Origins of Central State Authority in America, 1859–1877* (Cambridge and New York: Cambridge University Press, 1990), and Peter Dobkin Hall, *The Organization of American Culture, 1700–1900: Private Institutions, Elites, and the Origins of American Nationality* (New York: New York University Press, 1982). An extremely valuable collection of essays exploring the subject of the North and the American nation is Peter J. Parish, *The North and the Nation in the Era of the Civil War*, ed. Adam I. P. Smith and Susan-Mary Grant (New York: Fordham University Press, 2003).

WWW

The Web resources mentioned above will have information and documents about secession. In addition, there is an ongoing “Secession Era Editorials Project” at Furman University: <http://history.furman.edu/editorials/see.py>.

Chapters 3, 4, 5, 9. Civil War Soldiers: Command, Combat, and Commitment

There is an almost limitless choice when it comes to studies of military campaigns and individual battles. A useful guide through much of this work remains Steven E. Woodworth, ed., *The American Civil War: A Handbook of Literature and Research* (Westport, CT: Greenwood Press, 1996), but James M. McPherson and William J. Cooper, Jr., have edited a valuable collection of essays that would offer a good starting point for further study: *Writing the Civil War: The Quest to Understand* (Columbia, SC: University of South Carolina Press, 1998). Older multivolume studies of the military dimensions of the war, especially its command structures and stresses, include Douglas Southall Freeman, *Lee's Lieutenants: A Study in Command*, 3 vols. (New York: Scribner, 1942–44), the five-volume study by Kenneth P. Williams, *Lincoln Finds a General: A Military Study of the Civil War* (New York: Macmillan, 1949–59), and the trilogy by Bruce Catton, *The Army of the Potomac*, *Mr Lincoln's Army*, *Glory Road; A Stillness at Appomattox* (all three New York: Doubleday, 1951–53). Single-volume works that may be more readily picked up by students include Richard M. McMurry, *Two Great Rebel Armies: An Essay in Confederate Military History* (Chapel Hill, NC: University of North Carolina Press, 1989), Russell F. Weigley, *A Great Civil War: A Military and Political History, 1861–1865* (Bloomington, IN: University of Indiana

Press, 2000), Paddy Griffith, *Battle Tactics of the American Civil War* (1987, rev. edn. Ramsbury: Crowood Press, 1996), Edward Hagerman, *The American Civil War and the Origins of Modern Warfare* (Urbana, IL: University of Illinois Press, 1988), Richard E. Beringer, Herman Hattaway, Archer Jones, and William N. Still, Jr., *Why the South lost the Civil War* (Athens, GA: University of Georgia Press, 1986), and Herman Hattaway and Archer Jones, *How the North Won: A Military History of the Civil War* (Urbana, IL: University of Illinois Press, 1983).

On specific campaigns and battles, the work of Stephen Sears on George B. McClellan and the Peninsula campaign, *To the Gates of Richmond: The Peninsula Campaign* (New York: Ticknor & Fields, 1992), provides an excellent starting point for an understanding of the Union war effort in the opening years of the conflict, and his studies of the war's bloodiest day, *Landscape Turned Red: The Battle of Antietam* (1983, paperback repr. New York: Warner Books, 1985) and the Confederacy's finest hour in the east, *Chancellorsville* (Boston, MA, and New York: Houghton Mifflin, 1996) are extremely useful. George C. Rable's *Fredericksburg, Fredericksburg!* (Chapel Hill, NC, and London: University of North Carolina Press, 2002) offers an approachable study that places the battle in the broader context of its impact on those who fought it and on the civilian population. It is an excellent introduction to two armies and two societies at war. Gordon C. Rhea has produced a series of studies of some of the war's final military campaigns in the East, all published by Louisiana State University Press: *The Battle of the Wilderness, May 5–6, 1864* (1994); *The Battle for Spotsylvania Court House and the Road to Yellow Tavern* (1997); *To the North Anna River: Grant and Lee, May 13–25* (2000); and *Cold Harbor: Grant and Lee, May 26–June 3, 1864* (2002).

For the war in the West, see the two-volume study of the Army of Tennessee by Thomas Lawrence Connelly: *Army of the Heartland: The Army of Tennessee, 1861–1862* (1967, repr. Baton Rouge, LA: Louisiana State University Press, 1978); *Autumn of Glory: The Army of Tennessee, 1862–1865* (1971, repr. Baton Rouge, LA: Louisiana State University Press, 1974). Two works by Albert Castel, *Decision in the West: The Atlanta Campaign of 1864* (Lawrence, KS: University Press of Kansas, 1992), and *General Sterling Price and the Civil War in the West* (Baton Rouge, LA: Louisiana University Press, 1996), are also useful for understanding operations in the Western theater, and Peter Cozzens's trilogy on three of the most famous engagements in the West is likewise excellent: *No Better Place to Die: The Battle of Stones River* (Urbana and Chicago, IL: University of Illinois Press, 1991); *This Terrible Sound: The Battle of Chickamauga* (1992, repr. Urbana and Chicago, IL: University of Illinois Press, 1996); and *The Shipwreck of their Hopes: The Battles for Chattanooga* (1994, repr. Urbana and Chicago, IL: University of Illinois Press, 1996). The best single-volume study of the Union Army of

the Tennessee is Steven E. Woodworth, *Nothing but Victory: The Army of the Tennessee, 1861–1865* (New York: Alfred A. Knopf, 2005), while he also considers the Confederacy's difficulties in the West in *Jefferson Davis and his Generals: The Failure of Confederate Command in the West* (Lawrence, KS: University Press of Kansas, 1990).

On Civil War soldiers, the two volumes by Bell Irvin Wiley, *The Life of Johnny Reb: The Common Soldier of the Confederacy* (Indianapolis, IN: Bobbs-Merrill, 1943), and *The Life of Billy Yank: The Common Soldier of the Union* (Indianapolis, IN: Bobbs-Merrill, 1952), are the best places to start, although a single-volume study by James I. Robertson, *Soldiers Blue and Gray* (Columbia, SC: University of South Carolina Press, 1988), utilizes more up-to-date source material. The growing interest in the lives, experiences, and opinions of the rank and file of the Union and Confederate armies, as opposed to studies of their leaders, together with the widespread use by Civil War historians of soldiers' letters from the front, has resulted in an upsurge of scholarship in this area. Thomas P. Lowry, *The Story the Soldiers wouldn't Tell: Sex in the Civil War* (Mechanicsburg, PA: Stackpole Books, 1994), generally gets short shrift from historians, but, despite the provocative title, this is a fairly gruesome—in parts—exploration of one aspect of the medical history of the Civil War, namely venereal disease, that hints at a yet-to-be-written literature on the broader social and medical impact of the Civil War on its soldiery. On the purely military experiences of Civil War troops, useful studies of individual armies include Gerald J. Prokopowicz, *All for the Regiment: The Army of the Ohio, 1861–1862* (Chapel Hill, NC, and London: University of North Carolina Press, 2001), which is far more useful to a Civil War scholar than the apparent brevity of the period covered suggests; Larry J. Daniel, *Soldiering in the Army of Tennessee: A Portrait of Life in a Confederate Army* (Chapel Hill, NC: University of North Carolina Press, 1991), and on the training that this particular army received—the clue's in the title as to how effective the author believes its to have been—Andrew Haughton's fine study *Training, Tactics and Leadership in the Confederate Army of Tennessee: Seeds of Failure* (London: Frank Cass, 2000). Joseph Allan Frank and George A. Reaves have provided the best single-volume of the difficulties facing a volunteer army in "*Seeing the Elephant*": *Raw Recruits at the Battle of Shiloh* (Westport, CT; Greenwood Press, 1989), while Tracy J. Power's *Lee's Miserables: Life in the Army of Northern Virginia from the Wilderness to Appomattox* (Chapel Hill, NC: University of North Carolina Press, 1998), traces, again as its title makes clear, the traumatic final days of the Confederacy's most famous army.

Soldiers' opinions on the war, to the experience of battle as well its social, religious, racial and political dimensions, have formed the bedrock of a series of studies emerging, in part, as a result of what is termed the "new military history." This gives greater weight to the wider social and cultural

contexts of the war and has produced studies that relate back to the subjects of sectionalism and nationalism in their focus on what motivated Civil War troops to join up in the first place, and on how Union and Confederate morale was maintained—or not—for the duration of the conflict. Leading—and informing—the field in this respect are the two studies by James M. McPherson, *What they Fought for, 1861–1865* (Baton Rouge, LA: Louisiana State University Press, 1994), which was a shorter preliminary study for the later and more substantial volume, *For Cause and Comrades: Why Men fought in the Civil War* (New York and Oxford: Oxford University Press, 1997). McPherson looks at both sides, as does Reid Mitchell in *Civil War Soldiers: Their Expectations and their Experiences* (New York: Simon & Schuster, 1988), but specific studies that concentrate either exclusively or at least more on Union soldiers include Earl J. Hess, *The Union Soldier in Battle: Enduring the Ordeal of Combat* (Lawrence, KS: University Press of Kansas, 1997), Reid Mitchell, *The Vacant Chair: The Northern Soldier leaves Home* (New York and Oxford: Oxford University Press, 1993), Joseph Allan Frank, *With Ballot and Bayonet: The Political Socialization of American Civil War Soldiers* (Athens, GA: University of Georgia Press, 1998), and Gerald Linderman, *Embattled Courage: The Experience of Combat in the American Civil War* (New York: Macmillan, 1987).

Soldiers' understanding of the significance of slavery to the outbreak of the war is explored in an excellent study by Chandra Manning, *What this Cruel War was Over: Soldiers, Slavery, and the Civil War* (New York: Random House, 2007). The specific experiences of those troops for whom this issue was particularly pertinent, the African-American regiments, are explored in a number of studies; in some regimental and individual histories and some very good collections of primary material, as well in rather gung-ho sweeping treatments that sometimes fail to convey the complexities of the African-American Civil War. Joseph T. Glatthaar, *Forged in Battle: The Civil War Alliance of Black Soldiers and White Officers* (New York: Meridian, 1991) provides a useful introduction to many of the issues. An older study by Dudley Taylor Cornish, *The Sable Arm: Negro Troops in the Union Army, 1861–1865* (1956), reissued as *The Sable Arm: Black Troops in the Union Army* (Lawrence, KS: University Press of Kansas, 1987), provides comprehensive coverage of the engagements that the black regiments took part in, and is worth reading alongside the more recent study by Hondon B. Hargrove, *Black Union Soldiers in the Civil War* (Jefferson, NC: McFarland, 1988). Noah Andre Trudeau's *Like Men of War: Black Troops in the Civil War, 1862–1865* (Boston, MA: Little Brown, 1998) is a more popular study, but rigorously researched and ideal for general readers and students alike.

Specific regimental histories of the African-American regiments include James G. Hollandsworth, Jr., *The Louisiana Native Guards: The Black Military Experience during the Civil War* (Baton Rouge, LA: Louisiana University

Press, 1995), Edward A. Miller, *The Black Civil War Soldiers of Illinois: The Story of the Twenty-ninth U.S. Colored Infantry* (Columbia, SC: University of South Carolina Press, 1998), and Russell Duncan, *Where Death and Glory Meet: Colonel Robert Gould Shaw and the 54th Massachusetts Infantry* (Athens, GA: University of Georgia Press, 1999). The writings of African-American troops themselves, however, are perhaps the best route in to this aspect of the war: Edwin S. Redkey has edited a useful selection in *A Grand Army of Black Men: Letters from African-American Soldiers in the Union Army, 1861–1865* (New York and Cambridge: Cambridge University Press, 1992), while the letter of Corporal James Henry Gooding of the famous Massachusetts 54th regiment, ed. Virginia M. Adams, are available in *On the Altar of Freedom: A Black Soldier's Civil War Letter from the Front* (Amherst, MA: University of Massachusetts Press, 1991). Finally, the most comprehensive selection of first-hand accounts by African-American soldiers is discussed in Ira Berlin, Joseph P. Reidy, and Leslie S. Rowland, eds., *Freedom's Soldiers: The Black Military Experience in the Civil War* (New York and Cambridge: Cambridge University Press, 1998) and available in Ira Berlin, et al., eds., *Freedom: A Documentary History of Emancipation, 1861–1867*, Series II, *The Black Military Experience* (New York: Cambridge University Press, 1982).

WWW

There is a variety of first-hand accounts by Civil War soldiers available in print and on line. Again, the University of Virginia is a useful place to start: <http://etext.lib.virginia.edu/subjects/American-Civil-War.html>.

On African-American troops, the Library of Congress provides a guide to its holdings at <http://memory.loc.gov/ammem/aohtml/exhibit>.

Chapters 6, 7, 8, 15. Political and Military Leaders

On the Civil War's leaders—military and political—the wealth of literature can, again, be daunting. Before launching into the detailed historiographical debates over Lincoln, Davis or Lee, look at Richard J. Carwardine, *Lincoln: Profiles in Power* (Harlow: Pearson Longman, 2003, repr. as *Lincoln: A Life of Purpose and Power* (New York: Alfred A. Knopf, 2006), William J. Cooper, Jr., *Jefferson Davis: American* (2000, repr. New York: Random House, 2001), and Brian Holden Reid, *Robert E. Lee: Icon for a Nation* (London: Weidenfeld & Nicolson, 2005).

In contrast to Lincoln, around whom a veritable cottage industry has developed that with the anniversary of his birth in 2009 is only likely to crank up its efforts still further, Jefferson Davis has received relatively little attention from historians. Prior to William Cooper's biography, the most balanced

view of the Confederate President was William C. Davis, *Jefferson Davis: The Man and his Hour* (New York: Harper Collins, 1991), an accessible volume, useful for students and general readers alike. Woodworth's volume, noted above, on *Jefferson Davis and his Generals*, places Davis in the broader context of Confederate command difficulties, while Paul D. Escott's *After Secession: Jefferson Davis and the Failure of Confederate Nationalism* (Baton Rouge, LA: Louisiana State University Press, 1978) is worth reading in conjunction with the works on Confederate/Southern nationalism detailed above. A useful study of the President's relationship with his leading general is provided by Steven E. Woodworth, *Davis and Lee at War* (Lawrence, KS: University Press of Kansas, 1995).

On Abraham Lincoln, there are several good biographies that would suit students and general readers. Apart from Carwardine, mentioned above, David Donald's *Lincoln* (New York: Simon & Schuster, 1995), and Phillip S. Paludan, *The Presidency of Abraham Lincoln* (Lawrence, KS: University Press of Kansas, 1994), both provide excellent analyses of their subject, although, in contrast to Paludan's emphasis on Lincoln's conjoined goals of saving the Union and effecting the abolition of chattel slavery in the United States, Donald's biography presents Lincoln as less active, more reactive, as far as the issue of slavery was concerned. On this subject, the best starting point is LaWanda Cox, *Lincoln and Black Freedom: A Study in Presidential Leadership* (Columbia, SC: University of South Carolina Press, 1981), and Robert W. Johannsen, *Lincoln, the South, and Slavery* (Baton Rouge, LA: Louisiana State University Press, 1991). Several essay collections develop and explore the many moral and practical issues of the Lincoln presidency and the Civil War, including James M. McPherson, *Abraham Lincoln and the Second American Revolution* (New York and Oxford: Oxford University Press, 1990), Gabor S. Borritt, ed., *Lincoln the War President* (New York: Oxford University Press, 1992), and John L. Thomas, ed., *Abraham Lincoln and the American Political Tradition* (Amherst, MA: University of Massachusetts Press, 1986). The broader themes of Lincoln's wartime actions and postwar legacy are explored in two excellent studies by Mark E. Neely, Jr., *The Fate of Liberty: Abraham Lincoln and Civil Liberties* (New York: Oxford University Press, 1991) and *The Last Best Hope of Earth: Abraham Lincoln and the Promise of America* (Cambridge, MA: Harvard University Press, 1993); this latter theme is explored from the perspective of the famous Gettysburg Address in Garry Wills, *Lincoln at Gettysburg: The Words that Remade America* (New York: Simon & Schuster, 1992). Indeed, anyone wishing to pursue the themes raised in the chapter in this volume has a wealth of recent scholarship to choose from on Lincoln's public statements concerning the war and its broader meaning for America; two recent studies focus on the famous Second Inaugural, James Tackach, *Lincoln's Moral Vision: The Second Inaugural Address* (Jackson, MS: University Press of Mississippi,

2002), and Ronald C. White, *Lincoln's Greatest Speech: The Second Inaugural* (2002, repr. New York: Simon & Schuster, 2006), while Gabor Borritt, in *The Gettysburg Gospel: The Lincoln Speech Nobody Knows* (New York: Simon & Schuster, 2006) analyzes, in minute detail, what Lincoln said at Gettysburg and why he said it. Finally, linking Lincoln to the issue of secession is Russell McClintock's *Lincoln and the Decision for War: The Northern Response to Secession* (Chapel Hill, NC: University of North Carolina Press, 2008), while Brian R. Dirck's *Lincoln and Davis: Imagining America* (Lawrence, KS: University Press of Kansas, 1991) explores the contrasting national (and nationalist) visions of the Presidents of the Union and the Confederacy, respectively.

This volume does not address individual military leaders as such, but anyone wishing to pursue the themes raised in the chapters on the nature of the war and on command and leadership may wish to look at work on Ulysses S. Grant and Robert E. Lee. For Grant, the best place to start is his own *Personal Memoirs* (1885/86: London: Penguin edn., 1999), and then the two early studies by J. F. C. Fuller, *The Generalship of Ulysses S. Grant* (London: John Murray, 1929) and *Grant and Lee: A Study in Personality and Generalship* (London: Eyre & Spottiswoode, 1933) are well worth turning to, as are Bruce Catton's three works on the General: *U. S. Grant and the American Military Tradition* (Boston, MA: Little Brown, 1954), *Grant moves South* (Boston, MA: Little Brown, 1960), and *Grant Takes Command* (Boston, MA: Little Brown, 1969). The more recent studies of Grant as a military leader include the works by Brooks D. Simpson, *Let Us Have Peace: Ulysses S. Grant and the Politics of War and Reconstruction, 1861–1868* (Chapel Hill, NC: University of North Carolina Press, 1991), and *Ulysses S. Grant: Triumph over Adversity, 1822–1865* (Boston, MA: Houghton Mifflin, 2000), Geoffrey Perret, *Ulysses S. Grant: Soldier and President* (New York: Random House, 1997), and William S. McFeely's Pulitzer Prize winning *Grant: A Biography* (New York: W. W. Norton, 1981), although the latter is not sympathetic to Grant's Civil War career as such.

The literature on Robert E. Lee is voluminous, even by Civil War standards (although it is fairly concise compared to that on Lincoln). The best starting point, since it provides an overview of the debates—indeed, arguments—about Lee as a general, is Gary W. Gallagher, ed., *Lee: The Soldier* (Lincoln, NE, and London: University of Nebraska Press, 1996). Douglass Southall Freeman's four-volume biography of Lee, *R. E. Lee: A Biography* (New York: Scribner, 1934–35) was the work that really launched the “Lee industry” in historiographical terms, and later historians tended to couch their criticisms in the context of Freeman's mainly laudatory study. For general readers, the work of Thomas L. Connolly is probably most useful: his *The Marble Man: Robert E. Lee and his Image in American Society* (New York: Alfred A. Knopf, 1977) peels away several layers of the “Lee legend,” and his earlier

study with Archer Jones, *The Politics of Command: Factions and Ideas in Confederate Strategy* (Baton Rouge, LA: Louisiana State University Press, 1973), places Lee in the broader context of the Confederate war effort and the balance (or imbalance in Lee's thinking, as they see it) between the eastern and western theaters. A comprehensive and up-to-date view of Lee and of Confederate command issues is provided by Joseph L. Harsh in *Confederate Tide Rising: Robert E. Lee and the Making of Southern Strategy, 1861–1862* (Kent, OH: Kent State University Press, 1998).

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The Abraham Lincoln Association has placed Roy Basler's edited collection of Abraham Lincoln's *Collected Works* on line, and this is fully searchable: <http://quod.lib.umich.edu/l/lincoln/>.

Chapters 10, 11, 12, 13. Emancipation and Women in the Civil War

The “new military history” may have encouraged greater engagement with the Civil War soldier's world view, but recent scholarship, by drawing women more to the fore, raises several crucial questions concerning not just how the war was fought but what its legacy was. For a valuable survey of the work done to date on women in the Civil War, see Thereas McDevitt, *Women and the American Civil War: An Annotated Bibliography* (Westport, CT, and London: Praeger, 2003), which offers a comprehensive listing of books, articles, and Web sites on women's war activities on home front and battlefield, North and South. For the broader context within which the “gender battles” of the war were fought, see Anne C. Rose, *Victorian America and the Civil War* (1992, paperback repr. New York and Cambridge: Cambridge University Press, 1994). Some historians are keen to stress the military involvement of women, which undoubtedly was the experience of some, and studies that explore this topic include Mary Elizabeth Massey, *Women in the Civil War* (originally published as *Bonnet Brigades*, New York: Alfred A. Knopf, 1966, repr. Lincoln, NE: University of Nebraska Press, 1994), Richard Hall, *Patriots in Disguise: Women Warriors of the Civil War* (New York: Paragon House, 1993), DeAnne Blanton and Lauren M. Cook, *They Fought like Demons: Women Soldiers in the American Civil War* (Baton Rouge, LA: Louisiana State University Press, 2002), and Elizabeth Leonard, *All the Daring of the Soldier: Women of the Civil War Armies* (New York and London: W. W. Norton, 1999, paperback repr. London: Penguin Books, 2001). Equally valuable for students and general readers alike is Leonard's earlier study *Yankee Women: Gender Battles in the Civil War* (New York and London: W. W. Norton, 1994, paperback repr. 1995).

The subject of gender and the Civil War is explored from a variety of angles in Catherine Clinton and Nina Silber, eds., *Divided Houses: Gender and the Civil War* (New York and Oxford: Oxford University Press, 1992), and in a subsequent volume, *Battle Scars: Gender and Sexuality in the American Civil War* (New York and Oxford: Oxford University Press, 2006). Other essay collections that contain valuable work on women in the war include Paul A. Cimbala and Randall M. Miller, eds., *Union Soldiers and the Northern Home Front: Wartime Experiences, Postwar Adjustments* (New York: Fordham University Press, 2002), and Joan E. Cashin, ed., *The War was You and Me: Civilians in the American Civil War* (Princeton, NJ, and Oxford: Princeton University Press, 2002). Elizabeth Young, *Disarming the Nation: Women's Writing and the American Civil War* (Chicago, IL: University of Chicago Press, 1999) explores the literary response to the conflict, a theme developed further in Alice Fahs's *The Imagined Civil War: Popular Literature of the North and South, 1861–1865* (Chapel Hill, NC, and London: University of North Carolina Press, 2001).

On Union women specifically, Jeanie Attie, *Patriotic Toil: Northern Women and the American Civil War* (Ithaca, NY, and London: Cornell University Press, 1998), and Judith Ann Giesberg, *Civil War Sisterhood: The U.S. Sanitary Commission and Women's Politics in Transition* (Boston, MA: Northeastern University Press, 2000), are the best places to start, but students will soon realize how much more has been written on Southern and Confederate—the two, obviously, not being synonymous, since few, if any, African-American women would have described themselves as Confederates—women in the war. Here the literature really begins with Anne Firor Scott, *The Southern Lady: From Pedestal to Politics, 1830–1930* (Chicago, IL, and London: University of Chicago Press, 1970), and is developed in a range of studies, including: Edward D. C. Campbell, Jr., and Kym S. Rice, eds., *A Woman's War: Southern Women, Civil War, and the Confederate Legacy* (Richmond, VA: Museum of the Confederacy, and Charlottesville, VA: University Press of Virginia, 1996), an excellent introduction to the complexities of the Southern woman's Civil War; Catherine Clinton, ed., *Half-sisters of History: Southern Women and the American Past* (Durham, NC: Duke University Press, 1994); Catherine Clinton, *Tara Revisited: Women, War, and the Plantation Legend* (New York: Abbeville, 1995); Drew Gilpin Faust, *Mothers of Invention: Women of the Slaveholding South in the American Civil War* (Chapel Hill, NC, and London: University of North Carolina Press, 1996); Laura F. Edwards, *Scarlett doesn't Live here Any More: Southern Women in the Civil War Era* (Urbana, IL: University of Illinois Press, 2000); and LeeAnn Whites, *The Civil War as a Crisis in Gender: Augusta, Georgia, 1860–1890* (Athens, GA, and London: University of Georgia Press, 1995).

Linking the Southern women's Civil War to the broader theme of support

for the Confederacy and Southern morale is an excellent study by Jacqueline Glass Campbell, *When Sherman marched North from the Sea: Resistance on the Confederate Home Front* (Chapel Hill, NC, and London: University of North Carolina Press, 2003), that stresses the upsurge of support for the Confederate war effort in the face of Union general William Sherman's "March to the Sea," a topic that is also explored in George C. Rable, *Civil Wars: Women and the Crisis of Southern Nationalism* (Urbana and Chicago, IL: University of Illinois Press, 1989), Stephen V. Ash, *When the Yankees Came: Conflict and Chaos in the Occupied South, 1861–1865* (1995, repr. Chapel Hill, NC: University of North Carolina Press, 2002), and in Gallagher's *The Confederate War* (detailed above).

A useful introduction to the lives of African-American women can be found in Jacqueline Jones, *Labor of Love, Labor of Sorrow: Black Women, Work, and the Family from Slavery to the Present* (New York: Basic Books, 1985), and in the essay collection edited by David Barry Gaspar and Darlene Clark Hine, *More THAN Chattel: Black Women and Slavery in the Americas* (Bloomington and Indianapolis, IN: Indiana University Press, 1996). The experiences and actions of African-American women in the context of the war and emancipation more specifically are the subject of several state studies, including: Noralee Frankel, *Freedom's Women: Black Women and Families in Civil War Era Mississippi* (Bloomington and Indianapolis, IN: Indiana University Press, 1999), and Leslie A. Schwalm, *A Hard Fight for We: Women's Transition from Slavery to Freedom in South Carolina* (Urbana, IL: University of Illinois Press, 1997). These should be read in the context of the wider literature on emancipation, in particular: Roger L. Ransom and Richard Sutch, *One Kind of Freedom: The Economic Consequences of Emancipation* (Cambridge and New York: Cambridge University Press, 1977); Michael Wayne, *The Reshaping of Plantation Society: The Natchez District, 1860–1880* (Baton Rouge, LA: Louisiana State University Press, 1983); Julie Saville, *The Work of Reconstruction: From Slave to Wage Laborer in South Carolina, 1860–1870* (1994, repr. Cambridge and New York: Cambridge University Press, 1996); Clarence L. Mohr, *On the Threshold of Freedom: Masters and Slaves in Civil War Georgia* (Athens, GA, and London: University of Georgia Press, 1986); Susan Eva O'Donovan, *Becoming Free in the Cotton South* (Cambridge, MA: Harvard University Press, 2007), which looks at southwest Georgia; Leon F. Liwack, *Been in the Storm so Long: The Aftermath of Slavery* (1979, repr. New York: Vintage Books, 1980); and Thavolia Glymph and J. J. Kushma, eds., *Essays on the Post-bellum Southern Economy* (College Station, TX: Texas A&M University Press, 1985).

As with African-American troops, the best way to approach the whole subject of slavery and emancipation is to go to the source material that is available in Ira Berlin et al., eds., *Freedom: A Documentary History of*

Emancipation, 1861–1867; volumes published to date: Series 1, Vol. I, *The Destruction of Slavery*, ed. Ira Berlin, Barbara J. Fields, Thavolia Glymph, Joseph P. Reidy, and Leslie S. Rowland (New York and Cambridge: Cambridge University Press, 1985); Vol. II, *The Wartime Genesis of Free Labor: The Upper South*, ed. Ira Berlin, Steven F. Miller, Joseph P. Reidy, and Leslie S. Rowland (New York and Cambridge: Cambridge University Press, 1993); Vol. III, *The Wartime Genesis of Free Labor: The Lower South*, ed. Ira Berlin, Thavolia Glymph, Steven F. Miller, Joseph P. Reidy, Leslie S. Rowland, and Julie Saville (New York and Cambridge: Cambridge University Press, 1990); Series 2, *The Black Military Experience*, ed. Ira Berlin, Joseph P. Reidy, and Leslie S. Rowland (New York and Cambridge: Cambridge University Press, 1982); and Series 3, Vol. I, *Land and Labor, 1865*, ed. Steven Hahn, Steven F. Miller, Susan E. O'Donovan, John C. Rodrigue, and Leslie S. Rowland (Columbia, NC: University of North Carolina Press, 2008).

Slavery's legacy, indeed the Civil War's legacy, is a whole new subject, but students could start with Susan-Mary Grant and Peter J. Parish, eds., *Legacy of Disunion: The Enduring Significance of the American Civil War* (Baton Rouge, LA: Louisiana State University Press, 2003); for women and the war, Karen L. Cox, *Dixie's Daughters: The United Daughters of the Confederacy and the Preservation of Confederate Culture* (Gainesville, FL: University Press of Florida, 2003), and Caroline E. Janney, *Burying the Dead but not the Past: Ladies' Memorial Associations and the Lost Cause* (Chapel Hill, NC: University of North Carolina Press, 2008), as introductions to the role of women in maintaining, indeed constructing, the culture of the "Lost Cause" and, for the shifting postwar racial landscape, David Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge, MA, and London: Harvard University Press, 2001).

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Duke University Special Collections on women in the Civil War:
<http://scriptorium.lib.duke.edu/collections/civil-war-women.html>.

For full information on the *Freedmen* project and the published volumes to date, see the project Web site at
www.history.umd.edu/Freedmen/fssphome.htm.

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