



THE FORGE OF A NEW NATION

Why the Civil War—and the unconditional surrender of the Confederacy—still matters today.

By Steven Hahn '73

A AMERICANS HAVE ALWAYS HAD AN UNEASY RELATIONSHIP TO THEIR Civil War, all the more in evidence as we commemorate its sesquicentennial. On the one hand, the war still rivets the public attention and imagination. Americans read countless books and magazine articles, sit through hours of feature films and documentaries, and visit many of the sites of battle, sometimes on scorching hot summer days. On the other hand, the war confounds our trust in the country's democratic institutions; indeed it serves as a dispiriting reminder of how those institutions can fail us and exact a terrible price in bloodshed and destruction, especially sobering in our current, and highly polarized, political environment.

Small wonder that a great many Americans regard the war as a tragic episode, and believe that we would have been far better off if warfare had been avoided and the deep disputes over slavery settled through peaceable political means.

Yet, Steven Spielberg's recent film, *Lincoln*, which focused on the passage of the Thirteenth Amendment ending slavery in the United States, suggests that we ought to think hard about what the war and the military defeat of the Confederate rebellion made possible. And, by extension, we ought to think about what anything less than a war fought over the future of slavery would have meant for the future of the United States. However much we may long for a politics of "compromise," a glimpse of what the United States would have looked like if the war was avoided or ended in anything short of the Confederacy's

unconditional surrender shows how tragic that would have been.

How is this so? We usually think of the antebellum United States as being neatly divided between “slave” and “free” states, but we can easily forget how pervasive and powerful slavery and slaveholders were for all of our early history. At the time of the American Revolution, slavery was legal in each of the 13 colonies and slaveholders played a central role in establishing the country’s independence (Jefferson, a Virginia slaveholder wrote the Declaration of Independence) and constructing the framework of American governance (slaveowner James Madison was the Constitution’s architect). Owing to the “federal ratio” (Article I, Section II), which counted slaves as three-fifths of a free person for the purpose of congressional apportionment, and the “fugitive slave clause” (Article IV, Section II), which required people living in states where slavery might be illegal to return runaway slaves to their owners, the institution of slavery achieved constitutional sanction, slaveholders gained more representation than any other group of Americans, and the condition of enslavement attached to the body of the slave wherever he or she went.

It is true, of course, that the states of New England and the Middle Atlantic began passing emancipation statutes between 1770 and 1804. But those statutes generally freed only the children of slaves and only when they reached adulthood. They abolished slavery gradually, very gradually. So confusing and opaque were many of those statutes that most of the northern states had to enact them twice (New Hampshire as late as 1857), and some of the gradually liberated slaves ended up making the transition not to freedom but to indentured servitude which seemed acceptable to many courts. Recent scholarship has uncovered evidence of slaves in New Jersey as late as 1860, and to these may be added hundreds of fugitives from slavery who were no less slaves in Vermont than they were in Virginia.

Using the benefits of the federal ratio and their determination to protect slavery from outside interference, southern slaveholders were pretty much able to control the government of the United States between the ratification of the Constitution in 1788 and the election of Abraham Lincoln in 1860. Southern slaveholders commanded the presidency, the Supreme Court, and the diplomatic corps; they exerted enormous power in Congress through their dominance of the Democratic Party; and they were responsible for every territorial addition to the United States (beginning with the Louisiana Purchase), through military or diplomatic means, with the full expectation that slavery would be legal there.

In 1857, in its *Dred Scott* decision, the Supreme Court, with a southern majority, confirmed this perspective: the court insisted that slaveholders had the right to bring their slaves into all federal territories, that people of African descent couldn’t become citizens of the United States, and that the interests of slaveholders had to be supported by the federal government where the federal government was empowered to act. Enriching themselves on the value of the cotton crop, southern slaveholders emerged as the wealthiest landed elite in the world with what appeared to be a stranglehold over the industrializing economies of Europe and North America. This is why they thought they could win the battle over slavery’s future, and this is why the distinguished historian Don Fehrenbacher could call the antebellum United States a “slaveholding republic.”

History, of course, has an aura of inevitability, and it is hard for us to imagine alternative outcomes that appear reasonable. But in 1860, the outcome of the Civil War as we have come to know it—decisive Confederate defeat, the abolition of slavery without gradualism or compensation to slaveowners—would have seemed, to most Americans, the least likely possibility. After all, the country had been to the precipice numerous times before and managed to pull back. No one in the antislavery movement other than John Brown had a plan for how to bring emancipation about. Racism was widespread among white Americans, northern as well as southern. And Lincoln conceded that he had no constitutional authority to disturb slavery in the states where it remained legal. Army chief Winfield Scott and Secretary of State William Seward both pressured Lincoln to abandon Fort Sumter, and once hostilities commenced, Lincoln had a tough time getting his generals—McClellan chief among them—to move. The Union side suffered early defeats that were nearly catastrophic, and the war entered a prolonged period of stalemate that sapped the morale of soldiers and civilians alike. As late as the summer of 1864, Lincoln had little confidence that he would win reelection and suggested entering into negotiations with the Democratic opposition that was calling for an armistice and the rollback of emancipation policy. Which is to say that the country could very well have reached its turning point and either failed to turn or turned quite differently.

Had the Civil War been avoided by some compromise settlement or had the war ended either with a quick Confederate victory or, more likely, an armistice, the history of the United States would have been drastically different from anything we are familiar with. And it would not have been a better result. While engaging in the “might have beens” of history always carries risks and dangers, there are some things that we can say with confidence.

One is that while slavery probably would have been abolished at some point, it would not have been abolished either by presidential decree (the Emancipation Proclamation) or constitutional amendment (the Thirteenth). It would have been abolished gradually over an extended period of time (Lincoln’s original plan envisioned a 35-year emancipation), much as it was in the northern states and other parts of the hemisphere, with various forms of compensation to owners (no one ever talked about compensating slaves for two centuries of unrequited labor). There would have been African-American slaves in the United States well into the 20th century, and whatever a future Thirteenth Amendment to the Constitution would have involved, it would not have been about abolishing slavery.

Nor would there have been a Fourteenth Amendment establishing birthright citizenship in the United States and providing all Americans with the “equal protection of the laws.” There would have been no civil rights bills defining what rights freed slaves or any American citizens were entitled to, and there would have been no Reconstruction Acts extending the elective franchise to black men in the south or a Fifteenth Amendment enfranchising black men in the north. Only Confederate defeat made these possible. Otherwise, *Dred Scott* would still have been the law of the land, and states would have continued to use the language of racial exclusion to define their electorates. The word “white” appeared in most state constitutions in regard to who was eligible to vote.

What of the distribution of power in the United States? Had there been a negotiated settlement of the slavery question or had the war ended up differently, slaveholders would have remained a powerful force in the country. They would have retained home rule

and would have compelled the federal government to use its resources to back them up and strengthen their police power as slavery was being gradually abolished. They would have successfully enacted “black codes” that established an officially separate civil status for people of African descent (pass laws, corporal punishments, limits on the occupations they could practice and the property they could own, highly unequal standing before the law), and they would have simply excluded African Americans from the use of public facilities and social services, whether schools, hospitals, parks, or theaters. They also would have been able to shape national policy more fully, and would have made it very difficult for the Republican Party (only founded



in the 1850s) to get a national footing. The result would likely have been a multiparty system, and perhaps the sort of national disintegration that Lincoln had feared in 1861: the breaking apart of the United States into a number of distinct republics and confederations, something in the manner of colonial Spanish America earlier in the 19th century.

On an international level, a negotiated political settlement avoiding war or a different outcome to the Civil War itself, may well have breathed new life into slavery elsewhere. By the mid-1860s, slavery had been abolished throughout the Western Hemisphere except for Cuba and Brazil, but these were still large and powerful slave societies. Cuba had become the leading sugar producer in the world and Brazil had become the leading coffee producer owing to slavery’s expansion around Rio de Janeiro and Sao Paulo. As it was, some defeated Confederates fled to both of these places from the United States once the war ended, but under other circumstances, southern slaveholders might have forged an alliance with their counterparts in Cuba (perhaps annexing the island) and Brazil, and could have pursued a political objective that had interested many of them before the Civil War: promoting the expansion of slavery into Mexico and Central America.

Thus, by the end of the 19th century, the United States might have looked like a rather unattractive mix of Germany, South Africa, Brazil, and other parts of Latin America. It might have encompassed a loose federal system in which effective power was shared

Why Enlist?

This spring marks the 150th anniversary of several pivotal moments in the history of the Civil War. President Abraham Lincoln issued the Emancipation Proclamation on Jan. 1, 1863, and in March of that year, the 54th Massachusetts Volunteer Infantry, one of the first African-American units, was authorized to enlist soldiers for the war.

The proclamation and the efforts to enlist African Americans for the 54th prompted Frederick Douglass—former slave turned social activist and publisher—to formally declare why black men should join the fight against the Confederacy. He outlined his nine reasons in an April 1863 edition of *Douglass’ Monthly*, which he published in Rochester from 1858 to 1863.

Here’s an excerpt:

“First. You are a man, although a colored man.”

“Second. You are however, not only a man, but an American citizen, so declared by the highest legal adviser of the Government, and you have hitherto expressed in various ways, not only your willingness but your earnest desire to fulfil any and every obligation which the relation of citizenship imposes.”

“Third. A third reason why a colored man should enlist is found in the fact that every Negro-hater and slavery-lover in the land regards the arming of Negroes as a calamity and is doing his best to prevent it.”

“Fourth. You should enlist to learn the use of arms, to become familiar with the means of securing, protecting and defending your own liberty.”

“Fifth. You are a member of a long enslaved and despised race. Men have set down your submission to Slavery and insult, to a lack of manly courage. . . . You should enlist and disprove the slander, and wipe out the reproach.”

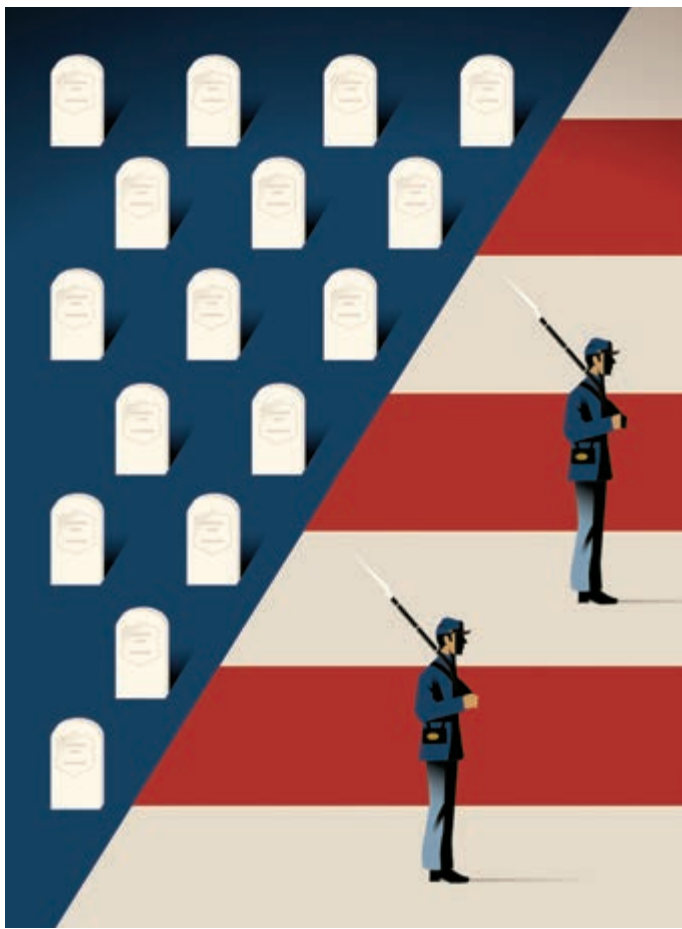
“Sixth. Whether you are or are not entitled to all the rights of citizenship in this country has long been a matter of dispute to your prejudice.”

“Seventh. Enlist for your own sake. Decried and derided as you have been and still are, you need an act of this kind by which to recover your own self-respect.”

“Eighth. You should enlist because your doing so will be one of the most certain means of preventing the country from drifting back into the whirlpool of Pro-Slavery Compromise at the end of the war, which is now our greatest danger.”

“Ninth. You should enlist because the war for the Union, whether men so call it or not, is a war for Emancipation. The salvation of the country, by the inexorable relation of cause and effect, can be secured only by the complete abolition of Slavery.”

Douglass lived in Rochester for more than two decades, including crucial years of his antislavery activism. The University’s collections hold more than 100 of his letters, dating from before the Civil War, when Douglass was editor of *The North Star*, an antislavery newspaper that he published in Rochester, to a few years before his death in 1895. The collection also includes photographs of Douglass and copies of his newspapers. To read the full text of his essay, “Why Should a Colored Man Enlist?”, visit the website for the libraries’ Frederick Douglass Project at www.lib.rochester.edu/index.cfm?PAGE=4396.



French West Indies. Many more were learning about a developing antislavery movement in the northern United States and the prospect that they might have powerful allies in their own battles for freedom. News of Lincoln's election campaign swept through the slave quarters across the southern states, and word of his election and inauguration electrified the hopes and expectations of many slaves. Thus, when Lincoln sent troops south to suppress the Confederate rebellion, slaves launched a rebellion of their own: they fled their plantations and farms, headed to Union lines, and increasingly forced the federal government to deal directly with the fate of slavery where it existed and had thrived. Little by little the Lincoln administration embraced emancipation and eventually armed the slaves to bolster its military goals. This is what turned the tide; this is what vanquished the slaveholders politically and militarily and ended slavery without gradualism; this is what made a new country.

To be sure, some of most impressive gains of the Civil War era were implemented in a half-hearted fashion and soon rolled back. The federal commitment to black political rights and especially to the exercise of black political power was ambivalent at best, and the Supreme Court soon limited the reach of federal authority to enforce the civil and political rights that the new constitutional amendments appeared to ensure.

Once Reconstruction ended and "home rule" in the South was restored, white supremacists moved to strip African Americans of the vote and the ability to hold office, lynched many hundreds of black men and women who stood accused of violating white norms, and installed a regime of racial subordination and separation that we have come to call "Jim Crow." This was the new age of racism and imperialism that left its stains not only in the United States, but over much of the globe.

Later generations of African Americans, it was clear, would have to fight anew for the rights and opportunities that had been made possible and then cast into jeopardy. Yet they would fight with the moral bearing, political confidence, and strategic weapons—and with the constitutional language—that their forebears had achieved in their battles to crush slaveholding rebels militarily and to abolish slavery during what we have come to call the Civil War.

The difference would be enormous. They began to build their own cultural and educational institutions that would serve as foundations for subsequent struggles. They left the South in very large numbers (1916–30) at a time when the Ku Klux Klan had a massive popular following across the country and helped turn the New Deal in a progressive direction (avoiding an American fascism). They challenged the federal courts on the constitutionality of "separate but equal." They mobilized hundreds of thousands of black Americans and white allies to tear down the edifice of Jim Crow. And their vision for a just and more equitable society remains on our political agenda.

The Civil War was, of course, very costly. The great loss of life, the profound social dislocations, and the searing pains that almost all American families endured at the time left deep scars and had tragic features. Yet, in historical perspective, the real tragedy would have been a war not fought or a war not won. **R**

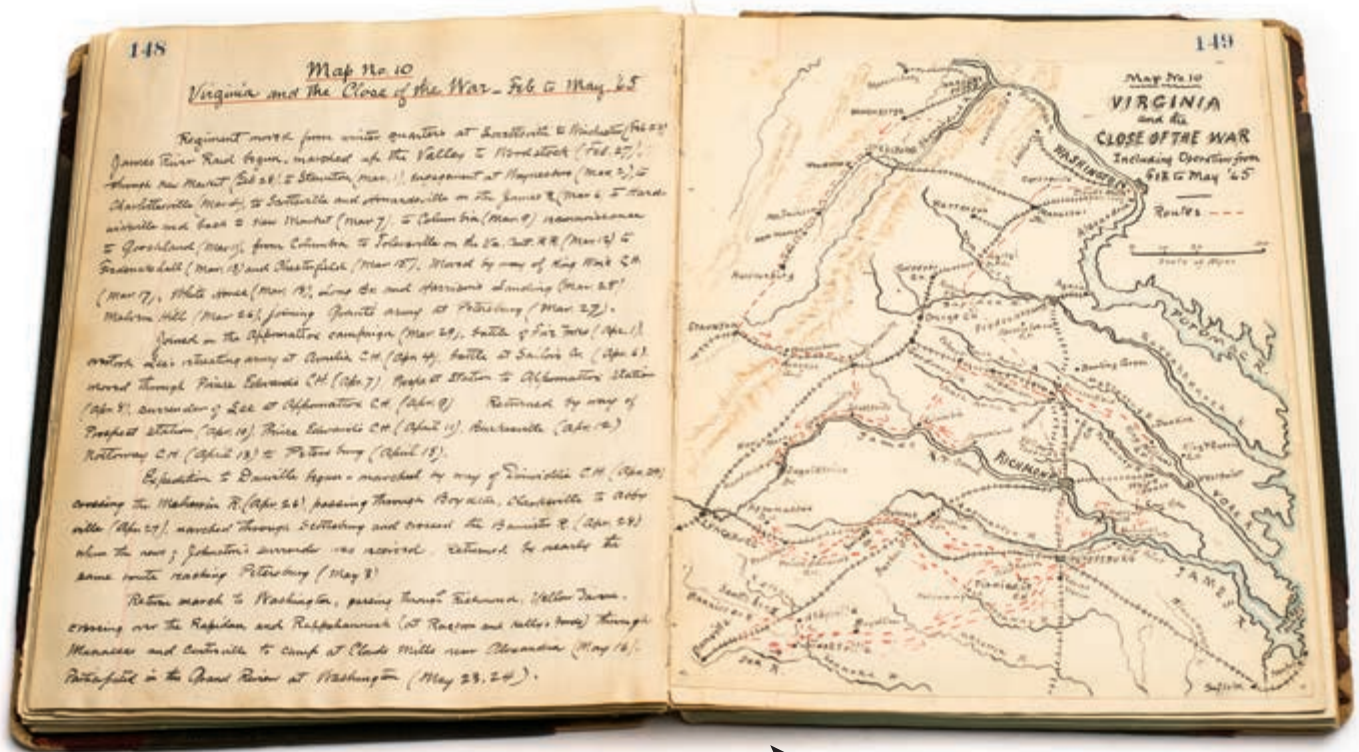
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between big landed interests in the south and west and big industrial and financial interests in the northeast and Midwest: an American version of the German marriage of "iron and rye" linking Prussia and the Ruhr. It might have had a multitiered structure of civil and political standing and rights, determined and administered chiefly by the states and localities, in which blacks and other ethnic groups were officially second-class citizens or noncitizens, and in which democratic practices built up over decades were substantially rolled back.

This, after all, was already happening in the 1850s in relation to both African Americans and Irish immigrants. And, the United States might have had a system of national social separation in which the burdens of providing basic social services rested mostly on the shoulders of various subject populations: something of an American version of apartheid.

That outcomes such as these did not come to pass owed chiefly to a militant antislavery movement committed, at the very least, to checking the power of slaveholders in the United States. When, in the winter of 1860–61, efforts were being made to effect yet another compromise, this involving the potential expansion of slavery into some of the western territories, Lincoln and his Republican allies put their foot down and ensured that a moment of truth over the question of slavery would have to be confronted.

But even more consequential were the activities of the most radical of antislavery's wings: the slaves. Over many years, and in ways their owners (not to mention other white Americans) couldn't understand, the slaves took the measure of American politics and the international struggle over slavery. Many had learned of the great Haitian revolution and of the abolition of slavery in the British and



Civil War Scenes

Home to notable collections, including the papers of William Seward, who served as Lincoln's secretary of state, and letters of abolitionist Frederick Douglass, University Libraries also houses a collection of diaries, objects, and other artifacts from the era of the Civil War. Here's a small sample. A fuller slideshow is online at www.rochester.edu/pr/Review.

William Carey Morey, namesake of Morey Hall, who left the University as a student in 1862 to serve in the Union Army, kept a diary, including hand-drawn maps. Morey graduated in 1868 and returned to teach from 1872 until 1920.



An April 1863 telegram notified the family of E. W. Clark that the acting ensign had died on board the USS *Black Hawk*, a Union gunship that patrolled the Mississippi River.

In 1893, veterans of Gettysburg were recognized with ribbons marking the 30th anniversary of the battle.



Abraham Lincoln, photographed by Matthew Brady, 1863.

In addition to the papers chronicling William Seward's service in Lincoln's cabinet, the collection includes other objects, such as this photograph of Lincoln taken by Civil War photographer Matthew Brady.