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## Introduction

The legacy of slavery continues to haunt the national conscience, and questions surrounding race remain among the nation's most intractable challenges. Despite – or indeed because of – the dramatic transformations that American society has undergone in recent decades, along with concomitant changes in the historical profession and historical scholarship, any attempt to understand the nation's past, or present, revolves more than ever around the study of slavery and its destruction, and scholarly interest in these topics shows no signs of abating. Slavery, it is well understood, was not tangential to – or somehow an aberration of – the American experience. It was central, and its overthrow precipitated a fundamental reordering of every aspect of US society. Nothing was immune to slavery's – or emancipation's – consequences. Paradoxically, while notions of race, as the historical record has amply demonstrated, are “constructs” that evolve over time, racism and racist thinking also appear to be immutable elements of modern society. To this day, Americans continue to grapple with slavery's bitter legacy. They probably always will.

As part of the effort to understand that legacy, this book examines the destruction of slavery in the lower Mississippi valley – the vast geological basin drained by the Mississippi River and its main tributaries and distributaries south of the confluence with the Ohio River – during and immediately following the US Civil War. Beginning with Abraham Lincoln's election as president in November 1860 and ending with final ratification of the Thirteenth Amendment in December 1865, it focuses on the four states of the region that seceded from the Union and joined the Confederate States of America – Arkansas, Louisiana, Mississippi, and Tennessee. In particular, this study places special emphasis on the parts of those states where slavery and plantation agriculture predominated, including west and central Tennessee, the southeasterly half of Arkansas, and the western half of Mississippi, as well as almost all of Louisiana. Of these states, only Mississippi did not abolish slavery during the war or experience wartime Reconstruction. The lower Mississippi valley encapsulated the destruction of slavery in the rebellious states as a whole, something that can be said of no other part of the Confederacy.

Even taking into account D. W. Meinig's observation that "[m]ost geographic regions are abstractions and approximations," this book considers the lower Mississippi valley as a distinct geopolitical entity.<sup>1</sup> From this vantage point, it integrates into a coherent narrative the military experience, political developments in the four states and Washington, DC, and the undermining of slavery "from the bottom up" in examining what was undoubtedly the greatest social revolution in US history. The lower Mississippi valley boasts of a universe of scholarship on various aspects of the Civil War and the destruction of slavery, and scholars have long understood the centrality of the region to the war's outcome and to slavery's downfall. Considering how much has been written on the lower Mississippi valley during the war, it seems remarkable that no single book examines the ending of slavery in this distinct and vitally important region. This book attempts to fill that gap.<sup>2</sup>

While framed as a chronological narrative, this book puts forward two overarching themes. First, it argues that the multidimensional nature of emancipation and abolition in the lower Mississippi valley elucidates the various means by which slavery was brought to an end in the United States. Second, it contends that the destruction of slavery in the United States was even more contingent than previous scholarship has allowed for, and that the exigencies of war, emancipation, and wartime Reconstruction in the states of the lower Mississippi valley proved integral to this process. The first theme pulls together the myriad strands of a story with which scholars of emancipation are familiar, while the second offers a revision of what might be considered the standard account of the destruction of slavery in the United States.

<sup>1</sup> Meinig, *The Shaping of America*, xvii. Although Americans during the nineteenth century employed the term Mississippi valley imprecisely, they had a general awareness of the area as a distinct geographical region.

<sup>2</sup> One crucial exception is Armstead L. Robinson's 1977 dissertation, "Day of Jubilo." The story of this work is legendary in the scholarship on emancipation. The book that was eventually published posthumously (in 2005) was very different from Robinson's dissertation, though the lower Mississippi valley figures prominently in both works. Robinson's *Bitter Fruits of Bondage* takes a much more expansive view of the Mississippi valley than does mine, incorporating almost the entire area from the Appalachian Mountains to Texas. It also focuses most of its attention on the first two years of the war, until the Confederacy's 1863 military losses at Vicksburg and Chattanooga. While the ending of slavery is obviously critical to Robinson's analysis, he examines the (lower) Mississippi valley as a means of demonstrating that class conflict among white Southerners over slavery was the primary cause of Confederate defeat. As will be seen, my examination of the lower Mississippi valley seeks to explain how the formal abolition of slavery came about. Ironically, Robinson's dissertation probably had a more profound impact on the scholarship on slavery, emancipation, and the Civil War than did the book when it finally appeared. Nonetheless, all of this scholarship since the late 1970s owes a tremendous debt of gratitude to Robinson's truly pathbreaking dissertation.

The first theme maintains that the lower Mississippi valley experienced all of the five major dimensions of wartime emancipation and abolition. First, parts of all four states witnessed the liberating of slaves by Union military forces – or *limited military emancipation* – under various Federal edicts prior to Lincoln's issuing of the Emancipation Proclamation on January 1, 1863. Although circumscribed in theory, such emancipation was widespread in practice. Second, the freeing of all slaves in designated geographical areas – or *universal military emancipation* – under the Emancipation Proclamation took place throughout all of Arkansas and Mississippi and most of Louisiana, including parts of all three states that Union military forces controlled when the proclamation was issued. Third, the region experienced *exclusions* from the proclamation, including southern Louisiana and all of Tennessee, as a concession to southern Unionists in those states who were attempting to organize loyal governments. Fourth, *state-level abolition*, as part of wartime Reconstruction, occurred in Arkansas and Louisiana in 1864 and in Tennessee in early 1865. These actions provided constitutional sanction to the freedom former slaves had gained via military emancipation, and they abolished slavery as an institution, something the Emancipation Proclamation could not do. Finally, *Federal civil authority* definitively ended slavery. Mississippi essentially abolished slavery under Federal dictate after the war, while the Thirteenth Amendment prohibited any state to reintroduce slavery. Other Confederate areas experienced one or more of these dimensions of emancipation, but none experienced all of them. It would not be an overstatement to say that the destruction of slavery in the South as a whole can be understood by looking at the lower Mississippi valley.<sup>3</sup>

The second theme, which requires greater elaboration than the first, seeks to revise the conventional narrative that explains how the Civil War was transformed, for most Northerners, from a war to preserve the Union into one both to preserve the Union and to end slavery. It also calls for a deeper appreciation of the difficulties that were involved in translating military emancipation – or the freeing of slaves as a *consequence* of suppressing the rebellion – into the political

<sup>3</sup> Possible exceptions to this generalization include the Virginia–West Virginia situation and Kentucky. Although Virginia established a Unionist government that abolished slavery and was instrumental in creating the state of West Virginia, wartime Reconstruction in that state was of far less significance than in the lower Mississippi valley. Because Kentucky (which was excluded from the Emancipation Proclamation) did not abolish slavery during the war, and was not required to abolish slavery as a condition for restoration to the Union (since it did not secede), slavery only ended in the state with final ratification of the Thirteenth Amendment in December 1865. During the war, Kentucky experienced other modes of Federal emancipation particular to its circumstances: in April 1864, the War Department approved an order allowing for the recruitment of male slaves in Kentucky (thereby emancipating them) with their owners' permission; in March 1865, Congress approved a resolution freeing the wives and children of black soldiers and future recruits, a policy that was enforced widely in Kentucky. These measures still did not abolish slavery in the state. *Freedom: BME*, 193, 196–97.

objective of abolishing slavery as an institution (which also includes state means, not just the Thirteenth Amendment). These difficulties, this book further suggests, were rooted in the shortcomings of abolitionist thought and the antislavery movement in general. Historians of the Civil War and emancipation have traditionally immersed themselves in the “war-for-Union to war-for-freedom” narrative. Yet they have generally demonstrated less awareness of the problem – which became a central one for antislavery advocates during the war – of transforming military emancipation into constitutional abolition. Whereas developments throughout the slave states contributed to the advent of universal military emancipation, the lower Mississippi valley was at the epicenter of the transformation of military emancipation into constitutional abolition.

The “standard” account of how the Civil War became a war to end slavery focuses overwhelmingly on the process by which Lincoln came to issue the Emancipation Proclamation. Historians have traditionally viewed the proclamation, quite correctly, as one of the truly transformative moments in US history. It is almost impossible to overstate the proclamation’s significance to the outcome of the war and to Americans’ historical consciousness. Yet many historians equate *emancipation* with *abolition*, or they presuppose that the former inevitably led to the latter.<sup>4</sup> Despite excellent work on the Thirteenth

<sup>4</sup> The scholarship on the destruction of slavery is so vast that it would be impossible to cite the many works that demonstrate this emphasis on the Emancipation Proclamation over constitutional abolition. While there are some exceptions, the equating of military emancipation with abolition, or the assumption that abolition inevitably followed the proclamation, pervades the literature. The same is true of the scholarship on Lincoln, which almost by definition highlights the proclamation. Standard accounts of the ending of slavery in the western hemisphere, which are essential to any understanding of the destruction of slavery in the United States, include Blackburn, *American Crucible*; Davis, *Problem of Slavery in the Age of Emancipation*; and Drescher, *Abolition*. Older works on the proclamation or on Federal wartime antislavery policy that emphasize emancipation include Franklin, *Emancipation Proclamation*, and Gerteis, *From Contraband to Freedman*. The more recent, generally excellent, scholarship on emancipation or abolition in the United States also displays this tendency to accentuate the proclamation, and military emancipation generally, over constitutional abolition. Works that situate the long-term project of ending slavery in the United States in hemispheric perspective include Berlin, *Long Emancipation*; Hahn, *Political Worlds of Slavery and Freedom*; Rael, *Eighty-Eight Years*, esp. chap. 7; and Sinha, *The Slave’s Cause*. Recent works on wartime emancipation and the destruction of slavery, or on Lincoln and emancipation, that devote most of their attention to the proclamation include Blair and Younger, *Lincoln’s Proclamation*; Blair and Broomall, *Rethinking American Emancipation*; Finkelman and Kennon, *Lincoln, Congress, and Emancipation*; Foner, *Fiery Trial*; Guelzo, *Lincoln’s Emancipation Proclamation*; Holzer and Gabbard, *Lincoln and Freedom*; Holzer, Medford, and Williams, *Emancipation Proclamation*; Masur, *Lincoln’s Hundred Days*; Medford, *Lincoln and Emancipation*; Medford, “Day of Jubilee”; Oakes, *Freedom National*; and Williams, “Under Cover of Liberty.” In one of the essays in Holzer and Gabbard, *Lincoln and Freedom*, Herman Belz perhaps comes closest to pinpointing the difficulty of transforming military emancipation into constitutional abolition. However, even in this essay, Belz tends to equate emancipation with abolition, and he takes the idea of abolishing slavery by

Amendment by Michael Vorenberg, Leonard L. Richards, and Rebecca E. Zietlow, historians of emancipation tend to relegate the formal abolition of slavery almost to an afterthought.<sup>5</sup> They may disagree on *how* the shift to

amending the Federal Constitution almost as a given. (Belz, “Constitution, the Amendment Process, and the Abolition of Slavery.”) The legal historian Gerald T. Dunne goes so far as to suggest that the Thirteenth Amendment was “largely unnecessary,” owing to the Emancipation Proclamation and “state action at the grass roots” (Dunne, “Reconstruction Amendments,” 179). As arguably the most authoritative recent account of the wartime destruction of slavery, Oakes’s *Freedom National* deserves special commentary. Oakes devotes approximately 80 percent of his nearly 500 pages of text to the year and a half leading up to the proclamation and to its implementation, and 20 percent to the almost three years that were subsequently needed to abolish slavery. Oakes includes two incisive chapters that trace the challenges of abolishing slavery after the proclamation had been issued, but by far his focus is on the proclamation as the culmination of Union military emancipation policy that began, he posits, at the very start of the war. Although I disagree with Oakes’s contention that Republicans, including Lincoln, were generally committed to a war against slavery right from the start, my intellectual debt to his extraordinary work will be obvious. In *The Second Founding*, Eric Foner makes the distinction between military emancipation and constitutional abolition, though mostly to show why an abolition amendment to the Federal Constitution was necessary. Foner also notes, however, that the Emancipation Proclamation “did not mean the end of Lincoln’s quest for state-by-state abolition,” both as a means of winning the war and abolishing slavery in the seceded states (23–28; quotation, 27). A central theme of Chandra Manning’s *Troubled Refuge* is the contingent nature of wartime emancipation and the possibility of slavery surviving the war. There have been many instances throughout history, Manning notes, in which slavery was critically weakened during war only to survive and become even stronger. Ironically, Manning may take this argument a bit *too* far in maintaining that it was not the Thirteenth but the *Fourteenth* Amendment that finally guaranteed the demise of US slavery, since, as she observes, “it is far more difficult to enslave a citizen than a noncitizen.” She continues: “the Fourteenth Amendment helped to ensure the permanence of emancipation in the United States, in contrast to most instances of wartime emancipation throughout world history, which more often resulted in reenslavement or the perpetuation of slavery” (282). For recent overviews on the scholarship on emancipation and abolition, see Brooks, “Reconsidering Politics in the Study of American Abolitionists”; Emberton, “Unwriting the Freedom Narrative”; and Kolchin, “Reexamining Southern Emancipation.” Kolchin correctly notes the difficulty of pinning down the precise “moment of emancipation,” but he then jumps ahead from the proclamation to the Thirteenth Amendment. Although Kolchin allows for “self-emancipation” and slave flight throughout the war, abolition seems to follow emancipation almost inevitably. “If the Emancipation Proclamation indicated an intent to move toward emancipation,” he writes, “the Thirteenth Amendment appeared almost an afterthought by the time it was ratified, endorsing what had already occurred in fact” (9–10). While there are certainly exceptions, the scholarship on the destruction of slavery focuses overwhelmingly on the Emancipation Proclamation, assumes slavery was doomed following Union military victory, and treats the abolition of slavery as a virtual formality. If slavery were indeed dead by the time the Thirteenth Amendment was finally ratified, it was only because of the fierce struggle over its fate – driven, as this book will show, by the fear that it might very well survive Union military victory – in the nearly three years between January 1, 1863, and December 1865.

<sup>5</sup> Vorenberg, *Final Freedom*; Richards, *Who Freed the Slaves?*; and Zietlow, *Forgotten Emancipator*. In contrast to Oakes, Vorenberg focuses overwhelmingly on the amendment

a war for freedom came about (witness the endless debate over “who freed the slaves?”), but they generally concur that such a shift took place. To be sure, some of them challenge this narrative. Gary Gallagher, for instance, claims that the war always remained a war primarily for Union for most Northerners, while James Oakes’s monumental *Freedom National* contends that Republicans began acting against slavery almost immediately.<sup>6</sup> Nonetheless, historians largely adhere to this “war-for-Union to war-for-freedom” trajectory, even if they differ on the impulses behind it. Placing far more emphasis on the proclamation than on later developments, they almost assume that once Lincoln issued it, pending Union military victory, slavery was doomed.<sup>7</sup>

following its December 1863 introduction into Congress, devoting approximately 20 percent of its 250 pages of text to the amendment’s antebellum and wartime background. This observation is offered as a basis for comparison, not as criticism. Vorenberg provides a number of key insights that I have used and expanded upon in my analysis. My debt to his work will also be obvious. Although Richards takes greater account of the amendment’s background than does Vorenberg, Richards seems to assume the preexisting idea of a Federal abolition amendment, something, as Vorenberg shows, very few Americans subscribed to before the Civil War. Zietlow’s study of Ohio US Representative and Radical Republican James M. Ashley, who shepherded the Thirteenth Amendment through the House, provides an example of one of the rare Republicans or antislavery advocates who called for such an amendment before the war. See also Samito, *Lincoln and the Thirteenth Amendment*.

<sup>6</sup> Gallagher, *Union War*.

<sup>7</sup> Mention must also be made of the groundbreaking work of the Freedmen and Southern Society Project, which has produced the multi-volume, documentary editing series, *Freedom: A Documentary History of Emancipation, 1861–1867*, along with the similar scholarship, both before and after it, that cast emancipation as a social revolution. While these works hardly ignored official policy, laws, and the like, they were more concerned with emancipation as a social and historical *process*, one in which the slaves themselves played a central role, than with policy. The starting point for this view is Du Bois, *Black Reconstruction*, but see also Aptheker, *Negro in the Civil War*. Important titles of the post-World War II period include Litwack, *Been in the Storm So Long*; McPherson, *Negro’s Civil War*; Quarles, *Negro in the Civil War*; and Rose, *Rehearsal for Reconstruction*. No attempt is made here to cite the vast body of local or community studies on the ending of slavery that this previous scholarship has inspired, but important works along these lines for the South (and the nation) as a whole include Foner, *Reconstruction*; Hahn, *Nation Under Our Feet*; and Reidy, *Illusions of Emancipation*. Reidy has further questioned approaches to emancipation that are framed around the “linear” evolution of policy. This viewpoint fits within his larger argument that individuals experienced both time and place in essentially malleable and radically different ways amidst the upheaval and strife of war. “As I argue throughout this book,” Reidy writes (371, n. 38), “understanding emancipation as a linear succession of official actions obscures more than it illuminates.” While I do not disagree with Reidy’s key insight that individuals experienced time differently under different circumstances, the account presented here, admittedly, is firmly rooted in the “linear” evolution of policy. The classic account of the slaveholders’ response to emancipation for the South as a whole is Roark, *Masters without Slaves*. Finally, in the vast literature on the Confederacy, important recent works that attribute its failure to the crisis over slavery include Levine, *Fall of the House of Dixie*; McCurry, *Confederate Reckoning*; and Robinson, *Bitter Fruits of Bondage*.

Yet this fixation on the Emancipation Proclamation has led to historical misunderstanding. Although scholars have long recognized the many limitations of the proclamation, they have not fully appreciated its most important shortcoming or the implications thereof. Even allowing for its unquestioned legality and full implementation, the proclamation did not – *could* not – abolish slavery as an institution. It was a military directive that freed certain slaves. Among the many questions it left unanswered, it said nothing about how slavery would factor into the rebellious states' return to the Union. It was also entirely silent on the future of slavery. The proclamation could have freed every single slave in the seceded states and yet still have left slavery legally in place. Because of the proclamation's inability to end slavery as an institution, there remained the possibility of the seceded states being restored to the Union without having to abolish it, and of slavery therefore surviving the war. If such a possibility seems remote in hindsight, it was not so to many contemporaries, both for and against abolition. (As often noted, the vast majority of the Confederacy's 3.5 million slaves were still enslaved when the war ended.) Assuming slavery's destruction to be inevitable after the proclamation, and upon Union victory, historians have overlooked the significance of the shift to constitutional abolition – and thus have missed an important part of the story.

As historians have well understood, Republicans were committed to the eradication of slavery after January 1, 1863, and many before then. Yet it was not at all clear how – or whether – Lincoln's emancipation policy would be turned into abolition. This situation, in many respects, was a logical outgrowth of the prewar antislavery movement. For all of the abolitionists' success before the war in shaping northern public opinion on the enormity of slavery, they had never really developed any concrete, coherent plan for how to end it. Neither had the advocates of an antislavery Constitution – or what historians call “antislavery constitutionalism” – made much headway in devising a strategy to eliminate slavery in the states under peacetime conditions. The principle of “freedom national” – the idea that slavery, as a strictly local or state institution, enjoyed no legal existence wherever Federal authority prevailed – had gained widespread support before the war. Yet even this idea offered no way to end slavery. Indeed, the so-called Federal consensus – which may well have been the most sacrosanct constitutional principle before the Civil War, and to which even most abolitionists subscribed – held that because slavery was a state matter, the Federal government possessed no authority to act against it in the states. Only a *state* could abolish slavery. Lincoln himself swore by this principle and only deviated from it near the end of the war. It is perhaps ironic that wartime military emancipation, however inadvertently, exposed this essential flaw in the entire abolitionist project.

Abolitionists and many Republicans saw the start of the war as a golden opportunity to challenge slavery, but they still faced seemingly insurmountable obstacles in turning this goal into reality. Abolitionists had talked for decades



about freeing slaves in any potential civil war. Yet in response to the age-old question “What is to be done?,” antislavery advocates had no plan. While considering Reconstruction legislation early in the war, Republicans began to debate the fate of slavery, but they made little progress. So long as the war was about preserving the Union, in any event, the question of slavery’s fate was moot. Once Lincoln issued the proclamation, the general presumption remained that the *states* would abolish slavery. They would perhaps accomplish this task as part of the process of state restoration, under the auspices of Federal legislation, though even then Republicans continued to disagree on the basis for such legislation. Many contemporaries simply assumed that the fate of slavery would be postponed until the rebellion had been defeated. Owing to traditional notions of federalism, including the Federal consensus (from which even rebellious states evidently benefitted), most opponents of slavery held that abolition by *state* means, carried out in conjunction with the other practical considerations relating to state restoration, was a more viable method of ending slavery than by a Federal mandate imposed on the states against their will.

Moreover, as Michael Vorenberg has demonstrated, few Americans before the Civil War, and for the first two years during it, would have supported the idea of abolishing slavery – or carrying out any social reform – by amending the Federal Constitution. This document, as the work of the “Founders,” was generally thought to be beyond substantive revision. Overturning this mindset would take time and was itself a product of the war. Plus, with fifteen slave states, there was no hope of such a measure ever being ratified. In a few instances in the decades before the war, abolitionists had suggested a Federal abolition amendment. But this idea was a pipedream – so outlandish, even by abolitionist standards, that it stood no chance of implementation. Once the war began, many antislavery proposals were put forward, both before and after the Emancipation Proclamation, to end slavery – so many as almost to preclude any consensus from developing. Debate over the fate of slavery in any prospective postwar settlement further intensified after the Union victories at Vicksburg and Gettysburg. Even after the various proposals to make emancipation universal coalesced into a Federal abolition amendment in early 1864 (the “Thirteenth Amendment”), many of the amendment’s supporters harbored grave doubts about its prospects for success. Neither did they necessarily view it as a substitute for state action. The idea of the amendment as a stand-alone measure giving constitutional sanction to the proclamation, overriding state concerns, has become essential to our understanding of the destruction of slavery, but it does not accurately convey how most contemporaries saw the problem of securing universal emancipation.<sup>8</sup>

<sup>8</sup> Americans’ aversion to the idea of amending the Constitution before the Civil War is an important theme in Vorenberg’s *Final Freedom*, but see esp. 5–7. For one suggestion



The transformation of military emancipation into constitutional abolition, I argue, was as fraught with difficulty – and as historically contingent – as had been the transformation of a war to preserve the Union into a war of universal military emancipation. The shift from “war-for-Union to war-for-freedom” was not a one-step process but rather a two-step process: war for Union to Emancipation Proclamation, and Emancipation Proclamation to constitutional abolition. The second step of this process was as essential to ending slavery as had been the first. However, the first – for various reasons, including the story of how the Emancipation Proclamation was adopted and the slaves’ role therein, and the lionization of Lincoln as “the Great Emancipator” – has traditionally received much more scholarly attention. By contrast, the excellent recent work on the Thirteenth Amendment tends to accentuate the circumstances surrounding the amendment itself, once it had been introduced into Congress, rather than its antecedents or background. There is clearly something missing in the standard account of the destruction of slavery. The Emancipation Proclamation freed slaves but did not abolish slavery as an institution. That was an entirely different problem, as was that of state restoration. In much the same way that the abolitionists had devised no viable plan to end slavery before the war, the path from military emancipation to constitutional abolition was not nearly as clear, direct, or inevitable for contemporaries as later generations have assumed.

If this shift from military emancipation to constitutional abolition was more the product of wartime contingencies than of theories antislavery advocates had developed before the war, I further contend, it also pivoted on the lower Mississippi valley. The abolition of slavery as a wartime political objective arose as a direct consequence of Federal military success in the region during the first half of 1862. Since the start of hostilities, northern policymakers and other interested parties had debated the problem of “state restoration,” which involved the myriad practical difficulties – in addition to ending slavery – that would have to be addressed in restoring the rebellious states to the Union. Congress had considered legislation regarding these matters in early 1862, and halting initiatives had been undertaken in Virginia and North Carolina. By June, however, Federal military forces had conquered and occupied New Orleans and southern Louisiana; Memphis, Nashville, and much of west and central Tennessee; and parts of northern and eastern Arkansas. Federal military success in the western theater made concrete the abstract problem of state restoration even as the fate of slavery further complicated it.

before the war, Oakes, *The Crooked Path to Abolition*, 176–80. Again, James M. Ashley is something of an outlier here. Indeed, Ashley was also one of the few northern antislavery political leaders who rejected the idea of the Federal consensus before the war and argued that the Constitution already empowered the Federal government to abolish slavery in the states, a position he would have to reconcile with the Thirteenth Amendment itself. Zietlow, *Forgotten Emancipator*, 89.

Following these military gains, amorphous Unionist movements in Louisiana and Tennessee began to take shape. They included slaveholders and antislavery advocates as well as Unionists of various stripes and even former secessionists. The failure of what many Northerners had believed was latent southern Unionism to seize the initiative has long been recognized as a key factor in Lincoln's decision to issue the Emancipation Proclamation, although Lincoln eventually excluded southern Louisiana and Tennessee from the proclamation. Initially, Unionists in each of these two states worked together toward state restoration, and their primary goal throughout 1862 was to initiate reorganization efforts before the Federal government became fully committed to destroying slavery. However, the proclamation drove a wedge into southern Unionism, dividing Unionists in both states into proslavery and free-state factions.

Throughout 1863 and most of 1864, rival Unionist factions in Tennessee and Louisiana vied for control of the state restoration process. Free-state forces attempted to organize state governments and write free-state constitutions, while "conservative Unionists" undertook to restore their states to the Union under their antebellum constitutions in hopes of preserving slavery. Seeking to gain legitimacy, both sides repeatedly appealed to Lincoln and to Congress. Although Republicans and other antislavery advocates had already begun to link abolition to state restoration by early 1863, the contest over state reorganization in the lower Mississippi underscored the essential limitations of military emancipation, and thereby helped to catalyze the freeing of slaves into constitutional abolition. With conservative Unionism as a viable political alternative and the survival of slavery a distinct possibility, Republicans eventually developed a consensus around incorporating immediate abolition into the process of state restoration. If the Federal government could not abolish slavery in the states, it could require rebellious states – as a result of the specific circumstances of civil war – to enact free-state constitutions. The situation in the lower Mississippi valley was not the sole factor in this transition. However, owing to the strategic significance of the lower Mississippi valley and to Federal military success there, and because state restoration efforts had advanced further there than anywhere else in the rebellious states, the region assumed special salience in the debate over wartime Reconstruction and in establishing the abolition of slavery as an essential requirement for restoring the seceded states to the Union. Wartime Reconstruction in the lower Mississippi valley, in short, forced northern antislavery advocates to resolve the fundamental problem that had plagued the antebellum abolitionist movement almost from its very inception.<sup>9</sup>

<sup>9</sup> James Oakes observes in *The Crooked Path to Abolition* (194): "Lincoln's sustained efforts to get states to abolish slavery, after the Emancipation Proclamation had been issued, remains one of the least-understood features of his presidency." I would argue that the

Again, the idea of slavery somehow enduring after Confederate military defeat seems absurd in hindsight. The trope that “slavery would never survive the war” had become widespread by mid-1863, and historians have readily accepted it. Yet no person at the time, upon sober reflection, would have considered slavery’s demise a certainty before it was formally abolished. Proslavery Unionists, in trying to keep slavery alive, were hardly delusional; antislavery advocates, in warning that slavery might survive the war, were not paranoid. (The widespread belief among white Southerners, even *after* military defeat, that slavery could still be salvaged only lends further weight to the conservative-Unionist program.) Lincoln and congressional Republicans categorically opposed such an outcome, but preventing the rebellious states from returning with slavery was not the same thing as abolishing slavery in them. So long as slavery continued to exist legally, so long as large numbers of slaves who had been declared free by the Emancipation Proclamation remained enslaved, so long as conservative Unionism remained a genuine threat in the Union-occupied South, and so long as northern War Democrats opposed an abolitionist war, the possibility of some form of slavery surviving the rebellion – even following northern military victory – could not be dismissed.

Insofar as the North was fighting a war solely to preserve the Union, the question commonly thought of as “Reconstruction” was more accurately one of state restoration. Once the Union adopted military emancipation, however, the fate of slavery converged with – and eventually became inseparable from – the issue of state restoration. Thus, it was the conjoining of abolition to state restoration following the Emancipation Proclamation – precipitated by the contest between free-state and conservative Unionists in the lower Mississippi valley – that gave rise to *Reconstruction*. Moreover, because Republicans came to see the end of slavery as inseparable from state restoration, they likewise viewed the Federal abolition amendment as an essential *complement* to Reconstruction legislation, not as a stand-alone measure. Such legislation would address, in addition to the consequences of abolition, the numerous other issues resulting from Confederate military defeat. Congressional Republicans eventually agreed that the seceded states, although technically never having left the Union, would nonetheless be required to meet certain conditions before being restored to it, and that those conditions would include

scholarship on emancipation has almost completely *ignored* how the internal dynamics within the Union-occupied rebellious states – the lower Mississippi valley especially – influenced the shift toward constitutional abolition. Oddly, Rebecca E. Zietlow’s otherwise thorough study of James M. Ashley, which devotes considerable attention to his theories of Reconstruction, almost entirely skips over the crucial period between the issuing of the Emancipation Proclamation and the convening of the Thirty-Eighth Congress in December 1863, when the idea of a Federal abolition amendment was taken up. This time gap includes the second session of the Thirty-Seventh Congress, from December 1862 to March 1863. Zietlow, *Forgotten Emancipator*, esp. the shift from chap. 5 to chap. 6.

the state-level abolition of slavery. After first entertaining notions of “territorialization” – the idea that the seceded states had reverted to territories and thus could be ruled directly by Congress – in justifying this requirement, most Republicans gravitated around the concept that slavery was incompatible with the constitutional provision enjoining the Federal government to guarantee to the states a “republican form of government.” The amendment, then, was originally part of what Michael Vorenberg has called a “two-pronged method,” which would also include a Reconstruction bill, for restoring the Union without slavery.<sup>10</sup>

There is a certain irony here. The conventional account of the destruction of slavery holds that formal abolition was meant to be carried out by Federal means, and that the states that abolished slavery during the war (Arkansas, Louisiana, Tennessee, Maryland, Missouri, Virginia, and West Virginia) constituted the exception, not the rule. After all, the Thirteenth Amendment abolished slavery in most of the former Confederate states, as well as in Kentucky and Delaware (although Andrew Johnson also required the rebellious states to abolish slavery in their state constitutions, in addition to ratifying the amendment). However, that was not the case. Once the war became an assault against slavery, most Americans, including antislavery advocates, assumed that slavery would be abolished via *state* means, carried out by local Unionists working under Federal oversight as part of the process of state restoration – precisely how slavery was abolished in three of the states of the lower Mississippi valley.<sup>11</sup> In other words, the process of ending slavery in most of the lower Mississippi valley more closely approximated how contemporaries envisioned slavery's abolition than did the manner in which it was ended in the other Confederate states, save Virginia.<sup>12</sup> Only after Lincoln's reelection in November 1864 did the main focus shift to Federal abolition.

This post hoc logic would later be applied to the story of slavery's end. As Peter L. Kolchin has observed, the destruction of slavery in the United States

<sup>10</sup> Vorenberg, *Final Freedom*, 51.

<sup>11</sup> Oakes argues in *The Crooked Path to Abolition*, chap. 6, that Lincoln and Republicans eventually came to adopt a three-pronged strategy for ending slavery that included military emancipation, state-level abolition, and the Federal abolition amendment. This argument has much validity. However, in framing this policy in many respects as the fulfillment of a vision that antislavery advocates had developed decades earlier, Oakes's argument, I believe, misses the deeply contingent nature by which this strategy unfolded. Insofar as Lincoln and Republicans adopted a coherent plan, the plan was itself the product of the circumstances of war, even if some of the concepts that informed it had been developed earlier.

<sup>12</sup> An important qualifier here, as will be seen, is that most slavery opponents insisted that this process was to be implemented under congressional authority, via legislation, and not by executive authority under a presidential proclamation (and worse, through military power).

was “post-planned.”<sup>13</sup> The central challenges regarding slavery during most of the war had been the emergence of military emancipation, the translating of military emancipation into formal abolition, and the convergence of state restoration and abolition. Only in early 1865 did the Thirteenth Amendment emerge as the crowning achievement of abolition, or what Lincoln called “a King’s cure for all the evils.” Whereas the main northern objective had been state restoration at the start of the war, and whereas abolition and state restoration converged during it, the amendment came to supersede state restoration as the war neared its end. The amendment was being sent to the states before the decision had been made as to what role the rebellious states would play in the ratification process. For several reasons in early 1865, including the story of House passage of the amendment, the failure of Lincoln and congressional Republicans to agree on Reconstruction legislation before the war ended, and Lincoln’s assassination, the idea of the amendment as an independent measure designed to give constitutional sanction to the Emancipation Proclamation – having nothing to do with state restoration – came to be applied retroactively to the amendment’s origins. This retrofitted idea has been central to the story of slavery’s destruction ever since. Working from the assumption that it had been part of the plan all along, some scholars have even anachronistically attributed it to antebellum abolitionists.

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At the risk of violating the dictum “never explain,” I offer certain caveats that may enable the reader to better understand my intentions and *modus operandi*. First, while this book is firmly grounded in primary sources, many of which are now readily accessible online, it also relies heavily on the extensive secondary literature on the wartime lower Mississippi valley and on the various other topics it examines. I readily acknowledge my debt to my predecessors’ efforts and insights. Also, I originally intended the notes to include comprehensive surveys of this secondary literature. However, it quickly became evident that such a strategy would add considerable bulk to what promised to be a lengthy manuscript. Because I wanted to devote such space as I had to the presentation of my argument, and not to long, exhaustive (and exhausting) footnotes, I have employed a “minimalist” approach to the citations (aside from the aforementioned literature on emancipation). The bibliography is likewise selective, being mostly limited to works cited. I trust the reader will recognize those instances in which I signal my awareness of the large scholarly literature – sometimes by the use of a particular word or phrase – on a given topic. It would not be an overstatement to say that I have been working on this book – unbeknownst even to myself – during more than thirty years of research, reading, and teaching.

<sup>13</sup> Kolchin, “Reexamining Southern Emancipation,” 15. (Quotation marks in the original.)

There is also the issue of terminology. Scholars customarily use the term *emancipation* to signify the cluster of issues arising from the destruction of New World slavery. Thus, they speak of the nineteenth century as “the Age of Emancipation.” (This term, of course, has even wider applicability.) This study employs emancipation in this sense when the meaning is clear. However, because my argument hinges so keenly on distinguishing between the freeing of slaves and the formal abolition of slavery, I generally maintain this distinction. I am not suggesting that historians have been incorrect to use emancipation in its more generic sense, and I often do so myself. Nonetheless, I generally distinguish between *emancipation* (or *military emancipation*) when referring to the freeing of slaves without ending slavery as an institution and *abolition* (and abolish, etc.) when referring to the legal and constitutional eradication of slavery.

Although focused mostly on formal politics, this book includes a series of four chapters (8, 13, 17, and 20), beginning with the 1863 agricultural year, that trace the disintegration of slavery as a labor system and the emergence of a new one to replace it. These *plantation-labor* chapters complement the political narrative but also constitute an essential element of the analysis. They demonstrate that the advent of wartime free labor propelled the transformation from military emancipation to constitutional abolition in two ways. First, responsibility fell primarily to Federal authorities to make freedom meaningful to the freed people in their daily working lives and in the care of the nonproductive members of their communities, matters over which the slaveholders had previously wielded total authority. Second, wartime free labor revealed the limits of military emancipation, or the freeing of slaves, and demonstrated the need for formal abolition. This “on-the-ground” experience, whatever shortcomings it exposed, was essential to ending slavery. These chapters, moreover, rest heavily on the volumes of *Freedom: A Documentary History of Emancipation, 1861–1867*, the documentary editing project with which all scholars of emancipation are familiar (and on which I have been an editor). In addition to offering both temporal and geographical specificity, the wealth of readily accessible source material in *Freedom* provides an unparalleled range of perspectives and affords scholars a veritable historical kaleidoscope through which to view the process of emancipation.

Although an essential thread running through the plantation-labor chapters is the importance of “ordinary” men and women in shaping their own destinies, this book also argues that their “on the ground” experience had to be translated into society’s institutional structure in order to be secured. This book thereby attests to the significance of institutions and formal politics to the historical process. Individual choices and actions are shaped by this institutional structure – by laws, policies, proclamations, orders, amendments, and the like, and by everything required for their enforcement. But individuals also push constantly against it. Even in instances where men and women

demonstrated an incorrect understanding of policy, the fact that they invoked it or protested against it is of historical value. A society's institutional structure, then, works in conjunction with human agency to make history. This emphasis on institutions is not to deny the central role of the slaves in destroying slavery, which stands as one of the great historiographical revolutions and conceptual breakthroughs in all of the writing of US history. Instead, both the slaves' historical agency *and* formal institutions were essential to the destruction of slavery.

By the same token, because this book places much emphasis on formal politics, there are stretches where the African American experience is not at the center of the narrative. Nonetheless, my analysis rests on the basic supposition that emancipation amounted to a social revolution in which the slaves played an essential role. Despite their apparent powerlessness, the slaves, as historians have well established, shaped slavery in integral ways. Likewise, once hostilities commenced and the nation descended into civil war, the slaves' response to the opportunities that war presented – in their efforts to free themselves and their loved ones and to bring down the slave regime – serves as the foundation on which the entire endeavor is predicated. Enslaved and formerly enslaved historical actors do not appear in every scene in the drama presented here, but there is little that they, to one degree or another, did not cause.

Along those same lines, critics of my argument might contend that once the Union adopted the Emancipation Proclamation and large numbers of slaves gained their freedom, slavery was doomed. The genie, as it were, could never have been returned to the bottle. I would counter that the process by which the political consensus materialized that slavery would not be allowed to survive the war was contingent, not inevitable. It was an act of political will that was contested at every step of the way and could have been derailed at any juncture. Even allowing that slavery's demise, as the abolitionists argued, was historically fated, the manner in which it ended was hardly a foregone conclusion. It is possible – even necessary – to envision alternate scenarios. Some modified version of slavery might have survived the war, for example, only to end through a patchwork of various state-sponsored measures extending over decades. Anyone who doubts how far the slaveholders and their fellow travelers were willing to go to preserve slavery, to salvage some shred of their former authority, and to reassert racial dominance once they had half a chance need only peruse the historical record. This is not a moral judgment. Their actions followed from the logic of their own worldview. If the story of emancipation and its consequences could have had a better outcome, it could also have had a worse one.

This book also contends that no matter how limited freedom ultimately ended up being for the former slaves, and no matter how overwhelming the economic and racial power they faced, legal freedom marked an essential break with chattel slavery. The violence, odium, and hatred that the freed people



suffered at the hands of their former oppressors, and the animosity, cynicism, and betrayal they endured at the hands of their liberators are well known. The assumption, central to nineteenth-century liberalism, that everything would fall into place once slavery had been eliminated seems deeply delusional in hindsight. Nonetheless, I respectfully disagree with some recent works – excellent pieces of scholarship – that offer more pessimistic assessments of emancipation's consequences.<sup>14</sup> Likewise, while I recognize the contributions of the scholarship on “the second slavery,” I suspect that this approach can also be taken too far. The argument that the so-called Age of Emancipation of the late eighteenth and early nineteenth centuries actually witnessed a revitalization of slavery has some merit, as does the view that this second slavery, when finally defeated later in the nineteenth century, was replaced by the quasi-freedom of the Age of Capital.<sup>15</sup> Yet this argument also misses the essential adaptability that had always infused New World slavery. From its very beginnings in the western hemisphere, racial slavery had constantly evolved. The ostensible “second slavery” was more a continuation of this process of evolution than a new historical formation. Moreover, as this book contends, a system of political economy based on chattel slavery differed qualitatively from one predicated on the principle of “no property in man.” Formal freedom was not nearly enough, but it was an essential first step, without which nothing else was possible.

This book does not systematically address the border states of Missouri and Kentucky, but it incorporates developments in them as necessary. Historians have long recognized the internal divisions within antebellum northern and southern society, and the recent scholarship on slavery and the Civil War era has embraced the “borderlands” as an analytical concept.<sup>16</sup> Before the war, conventional antislavery thought had held that the border states would lead the way in abolishing slavery, to be followed first by the upper-South and then by the lower-South states. The start of hostilities exacerbated tensions within the

<sup>14</sup> See, for example, Downs, *Sick from Freedom*. Downs offers an essential corrective to the story of emancipation as a sort of liberal triumphalist narrative. Historians have hardly been unfamiliar with the shortcomings of Federal wartime policy toward the former slaves. Yet Downs shows that these shortcomings did not simply cause hardship but rather cost tens of thousands of innocent persons their lives. Other recent works that depict the hardships of emancipation while drawing less pessimistic conclusions include Taylor, *Embattled Freedom*, and Manning, *Troubled Refuge*. The essential question all of these works raise is whether the suffering caused by Federal emancipation policy was systematic (if unintentional) or incidental.

<sup>15</sup> It is not necessary to cite the literature on “the second slavery.” For a thoughtful essay suggesting that insights from this literature – along with those from recent works on slavery and capitalist development in nineteenth-century US society – can be applied to emancipation, see Mathisen, “Second Slavery,” esp. the works cited at 694–96, n. 12–21.

<sup>16</sup> There is an extensive literature on the border states that does not need to be cited here, but see especially, Phillips, *Rivers Ran Backward*, and his essay, “Southern Cross, North Star.”

borderlands as much as it accentuated differences between the slave and free states, and the stance of the border states was immediately seen as integral to the outcome of the war. "To lose Kentucky is nearly the same as to lose the whole game," Lincoln famously declared in 1861. Likewise, ending slavery in the border states was soon incorporated into Lincoln's strategic vision, since slave states that began to embrace abolition, he believed, would be unlikely to join the rebellion.

That being said, this book maintains that the lower Mississippi valley provides a sharper image for understanding this era than do the border states, and that the conflict between the free and slave states better encapsulates the meaning of the war than does the internal chaos of the borderlands.<sup>17</sup> Whereas Lincoln had been keenly solicitous of the border states during the war's early phase, he effectively wrote them off in deciding to issue the Emancipation Proclamation. Because they did not secede, the border states did not experience the process of state restoration and its various exigencies. The border states no doubt witnessed fierce internal conflict, but it was in the lower Mississippi valley where the challenge of restoring the seceded states while abolishing slavery had to be worked out. As essential as the border states had been to the long-term vision of ending slavery, the states of the lower Mississippi valley eventually leap-frogged over them in achieving this objective. The one thing this book does share with the recent borderlands scholarship, however, is the importance of the western theater to the war's outcome. Given the significance of the Mississippi River to American development before the Civil War, many contemporaries intuited at the start of hostilities that control of the river would prove decisive, and they were right. Just as some military historians argue that the Civil War was decided in the western theater, much about the destruction of slavery and its consequences can be told by looking at the lower Mississippi valley.<sup>18</sup>

Finally, it is necessary to return to the question of the Constitution and slavery. Generations of Americans before the Civil War debated whether this document was "proslavery" or "antislavery," and scholars have continued this debate ever since. The Constitution reflected any number of compromises on

<sup>17</sup> Some work on the borderlands has had the unintended consequence of deemphasizing the differences between northern and southern society and thus minimizing slavery as a cause of the war. By contrast, Edward L. Ayers's work on Franklin County, Pennsylvania, and Augusta County, Virginia, shows these two communities to be virtually mirror images of each other, with the crucial exception of *accentuating* slavery as the key difference between them. See Ayers, *In the Presence of Mine Enemies* and *Thin Light of Freedom*.

<sup>18</sup> Hess, *Civil War in the West*, esp. 317–19. On the role of Union officers in bringing on military emancipation in the western theater: Teters, *Practical Liberators*. This is not to deny the importance of the eastern theater to the outcome of the war or to emancipation. Brasher, *Peninsular Campaign and the Necessity of Emancipation*.

slavery, including the three-fifths clause, the fugitive slave provision, and the eventual prohibition of the international slave trade. However, the most important principle the Constitution incorporated with regard to slavery, I would argue, was the Federal consensus – the idea that slavery in the states was secure from Federal interference. Whatever regulatory powers Congress may have enjoyed over slavery in the territories, or elsewhere, Americans almost universally believed that the Federal government possessed no authority to regulate or “interfere with” slavery in the states. Ironically, this principle, which arguably did more to shape the debate over slavery than any other single idea, as James Oakes has observed, “was not even in the Constitution.” Americans had essentially made up – though not without reason – the concept that would have perhaps the most profound repercussions for what was inarguably the most divisive issue they faced before the Civil War. Because only the states could end slavery, the citizens of the slave states would have to be convinced to carry out this objective voluntarily. This was the central challenge the abolitionists confronted.<sup>19</sup>

Despite the excellent recent scholarship on antislavery constitutionalism and on abolitionism, historians have been less successful in reconciling the antislavery movement with the Federal consensus. For all of the ingenious arguments that the advocates of an antislavery Constitution were able to concoct, and for all of the moral condemnation that the abolitionists heaped on slavery, antislavery advocates never resolved the central problem that only the states could abolish slavery. In showing – often very cleverly – how specific provisions of the Constitution could be interpreted from an antislavery perspective, such as the fugitive slave clause, the abolitionists and their allies were still only hitting around the periphery. They were essentially talking about freeing individual slaves, but they were not getting at the main problem – abolishing slavery as an institution. Confronted with the Federal consensus, the antislavery movement never developed a concrete, feasible plan for ending slavery in the states under peacetime conditions. To be sure, as Sean Wilentz convincingly argues, the opponents of slavery achieved the crucial victory at the constitutional convention of preventing the principle of property in man from gaining constitutional sanction. This victory, moreover, later undergirded the abolitionist movement. Yet even antislavery advocates who denied the constitutional sanction of property in man nonetheless accepted the Federal consensus. For all of the pressure the abolitionists could level against the slave states and the slaveholders, there was *nothing* either the free states or the Federal government could do to compel the slave states to end slavery

<sup>19</sup> It is not necessary to cite the voluminous literature on the Constitution and slavery. I have found the recent works on antislavery constitutionalism, in particular Wilentz, *No Property in Man*, and Oakes, *The Crooked Path to Abolition* (quotation, 19), to be persuasive, though, as I note, not without their own difficulties.

against their will. The proslavery advocates, whenever the battle was going against them, could always retreat to the bunker of the Federal consensus.<sup>20</sup>

Admittedly, the abolitionists had developed something of a long-term vision for eradicating slavery, or what James Oakes calls “the Antislavery Project.” It involved, he notes, “a series of specific policies that were designed to stop and then reverse the expansion of slavery,” putting slavery on the course (quoting Lincoln) to “ultimate extinction.” Among these measures were stopping the spread of slavery into the territories and prohibiting the admission of any more slave states; ending all support for slavery wherever Federal authority prevailed, and restricting slavery to local authority (or “freedom national”); limiting the scope of Federal fugitive slave laws by providing fugitive slaves with due process protections; pressuring the border states and upper-South states to end slavery while also making available to them Federal assistance and encouragement; and, finally, convincing the lower-South states – surrounded by a *cordon sanitaire* and with no other choice – to abolish slavery. In a larger sense, the project entailed giving an antislavery reading to every provision of the Constitution, and to the document as a whole, and following this reading through to its logical conclusion. By the 1850s, Oakes contends, the abolitionists had succeeded “in restoring the problem of slavery to the heart of American politics,” and Lincoln’s victory in 1860 was a major step in fulfilling this vision.<sup>21</sup>

The only problem with this plan, and it was a crippling one, was that anybody who took the time to listen to the white South on the topic – especially its political, cultural, and intellectual leadership – would have realized that the chances of the slave states voluntarily ending slavery at any point in the foreseeable future were virtually nil. And amending the Constitution, as noted, was not an option. Some critics of the abolitionists charged that their tactics were counterproductive and actually hardened the South’s commitment to slavery. This may have been true. But by the time “second wave,” or “immediate,” abolitionism emerged in the early 1830s, the white South had already begun shifting from the “necessary evil” to the “positive good” defense of slavery. To be sure, there was an “other” South, as Carl N. Degler and other historians have maintained, that included dissidents against slavery. Also, the fear that social and economic class divisions among white Southerners might

<sup>20</sup> Wilentz, *No Property in Man*, and Oakes, *The Crooked Path to Abolition*. Manisha Sinha’s monumental and otherwise exhaustive analysis of the abolitionist movement, *The Slave’s Cause*, for instance, contains no substantive discussion of any abolitionist plan to end slavery. Her study examines just about every other issue relevant to abolitionism, but not this crucial one. This observation is not intended as a criticism of Sinha’s excellent work, but the omission reflects the political dead end in which the abolitionists found themselves.

<sup>21</sup> Oakes, *The Crooked Path to Abolition*, xiv. For other recent work on antislavery constitutionalism, Zietlow, *Forgotten Emancipator*, chap. 2, and “Ideological Origins.”

cause nonslaveholders to turn against slavery, as various historians have argued, was a main driving force behind secession. Nonetheless, given everything white Southerners said about slavery after 1830, and arguably well before, as a wealth of historical scholarship has demonstrated, it is almost impossible to envision a scenario in which the slave states ever would have abolished slavery of their own volition. Neither political power nor moral suasion seemed to offer a way out.<sup>22</sup>

The tragic but indisputable fact remains that the very fabric of the antebellum constitutional system – in particular, the Federal consensus and the difficult amending process – allowed for no viable means to end slavery. Precisely because the war came, James Oakes has again observed, “there’s no way to know whether the [Antislavery Project] would have worked in peacetime.” However, we can be fairly certain that it would *not* have worked, because the constitutional system – combined with the white South’s unstinting commitment to slavery – would not have permitted it. In perhaps a cruel irony, the Constitution contained no sanction of the principle of “property in man,” but neither did it include any realistic method for putting slavery on the path to “ultimate extinction.” Due process protections or the writ of habeas corpus might have benefitted the handful of slaves in the upper South who managed to escape to free territory, but what good would these precepts do the hundreds of thousands of enslaved persons in the Deep-South plantation belt that extended from South Carolina to Louisiana? Indeed, had the war not intervened, the more likely outcome would have been a Supreme Court decision, as Lincoln had warned, effectively nationalizing slavery by mandating that slaveholders could not be prohibited to bring their slave property into the “free” states. The frightening reality is that had white Southerners not panicked in response to Lincoln’s election, a strategy many supporters of slavery advocated during the secession crisis, slavery conceivably could have gone on indefinitely. To say that the abolitionists provoked the South into a war that resulted in the destruction of slavery – a war that could easily have produced a very different outcome – is not a very persuasive argument for the efficacy of abolitionism as a political movement, or of antislavery constitutionalism as a political doctrine. The claim that the abolitionists ultimately carried the day is predicated, however implicitly, on a kind of historical determinism.<sup>23</sup>

Once hostilities started, the issue of whether states that were in rebellion against the national authority would continue to enjoy constitutional protections, including the ban on Federal interference with slavery in the states, emerged as one of the war’s central conundrums, and as one of the key difficulties antislavery advocates would have to overcome. Much as the

<sup>22</sup> Degler, *Other South*. It is not necessary to cite here the voluminous literature on proslavery thought, a topic discussed in the Prologue.

<sup>23</sup> Oakes, *The Crooked Path to Abolition*, xxviii.

abolitionists had lacked a plan to end slavery before the war, Republicans and other antislavery advocates now had to figure out a way to move beyond the freeing of individual slaves, even in large numbers, to abolishing slavery as an institution. This book attempts to explain – by examining war, emancipation, and wartime Reconstruction in the lower Mississippi valley – how they accomplished that goal.