American Jacobins: Revolutionary Radicalism In The Civil War Era

Jordan Lewis Reed

University of Massachusetts - Amherst

Follow this and additional works at: https://scholarworks.umass.edu/dissertations_1

Part of the African American Studies Commons, European History Commons, and the United States History Commons

Recommended Citation

https://scholarworks.umass.edu/dissertations_1/61

This Open Access Dissertation is brought to you for free and open access by ScholarWorks@UMass Amherst. It has been accepted for inclusion in Doctoral Dissertations 1896 - February 2014 by an authorized administrator of ScholarWorks@UMass Amherst. For more information, please contact scholarworks@library.umass.edu.
AMERICAN JACOBINS:
REVOLUTIONARY RADICALISM IN THE CIVIL WAR ERA

A Dissertation Presented

by

JORDAN LEWIS REED

Submitted to the Graduate School of the
University of Massachusetts Amherst in partial fulfillment
of the requirements for the degree of

DOCTOR OF PHILOSOPHY

February 2009

Department of History
ABSTRACT

AMERICAN JACOBINS: REVOLUTIONARY RADICALISM IN THE CIVIL WAR ERA

FEBRUARY 2009

JORDAN LEWIS REED, B.A., THE UNIVERSITY OF MEMPHIS

M.A., UNIVERSITY OF MASSACHUSETTS AMHERST

Ph.D., UNIVERSITY OF MASSACHUSETTS AMHERST

Directed by: Professor Daniel Gordon

This dissertation is an attempt to portray the revolutionary character of the American Civil War through a comparative methodology utilizing the French Revolution as both point of influence and as a parallel example. Within this novel context, subtle trends in the ideological development of the Republican Party’s Radical wing undertake new meaning and an alternative revolutionary heritage takes shape around an idealization of the universalism of the French and Haitian Revolutions of the 1790s. The work argues that through a diffusion of ideas and knowledge of events from the streets of Paris into the fields of Haiti and onto the shores of the American coast, a small faction of militant abolitionists latched onto the ideal of the Haitian Revolution as their own legacy.

By the late 1830s, this radical edge of the antislavery movement embarked onto two courses, both derived from and influenced by their newfound ideology. The first was towards violent direct action against slavery while the second aimed at legitimizing radical new legal theories and creating the political structure necessary to bring about their enforcement. While on the one hand John Brown and Gerrit Smith pursued militant action, on the other Alvan Stewart and Salmon P. Chase sought a political and legal
redefinition of American society through the Liberty and eventually Republican parties. With the coming of war in the 1860s, these two trends, violence and radical politics, converged in the Union war effort.

In the midst of the Civil War and the early fight for Reconstruction, Radical Republicans and their allies in the Union Army displayed themselves as American Jacobins. Through a set of comparisons with French Revolutionary events and political debates, this thesis argues that the result of the ideological development between the American Revolution and the Civil War Era in the United States was the creation of a revolutionary ideology parallel to that of French Jacobinism. By the time of their fall from power, the Radical Republicans had seen their ideals both lambasted as the radical edge of politics and then transformed into the status quo, helping to prepare the nation for modernity.
TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ABSTRACT.</td>
<td>iv</td>
</tr>
<tr>
<td></td>
<td>INTRODUCTION: A FRENCH REVOLUTION IN AMERICA?</td>
<td>1</td>
</tr>
<tr>
<td>CHAPTER</td>
<td>1. ECHOES OF TOUSSAINT</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>2. “A LITTLE WHOLESOME SLAUGHTER, TO AROUSE THE CONSCIENCE OF THE PEOPLE”</td>
<td>92</td>
</tr>
<tr>
<td></td>
<td>3. “A SLEEPING GIANT IN THE CONSTITUTION, NEVER UNTIL THIS RECENT WAR AWAKENED”</td>
<td>150</td>
</tr>
<tr>
<td></td>
<td>4. “A LITTLE SALT SHOULD BE SOWN”</td>
<td>215</td>
</tr>
<tr>
<td></td>
<td>5. THE GHOST OF THE GRACCHI</td>
<td>288</td>
</tr>
<tr>
<td></td>
<td>EPILOGUE: JACOBINS AND THE LONGUE DURÉE</td>
<td>346</td>
</tr>
<tr>
<td></td>
<td>BIBLIOGRAPHY</td>
<td>352</td>
</tr>
</tbody>
</table>
INTRODUCTION

A FRENCH REVOLUTION IN AMERICA?
Reconstructing Radical Heritage

David Brion Davis has asserted that if historians would critically view the Civil War as a revolution, then “the United States, for all its alleged stability and continuity, would become the scene of the Western world’s bloodiest and most destructive revolution before the twentieth century.”¹ Taking up the challenge Davis’s declaration connotes, this present work attempts to portray the revolutionary character of the American Civil War. Utilizing a comparative methodology with the French Revolution and its ideology as the point of reference, the Civil War and Reconstruction are placed in a new perspective. Within this novel context, subtle trends in the ideological development of the Republican Party’s Radical wing undertake new meaning and an alternative revolutionary heritage takes shape around an idealization of the universalism of the Haitian and French Revolutions.

There are two keys to this conceptualization. First is the idea that the Civil War was driven by an ideology independently developed, but influenced by and in the end a parallel to French Revolutionary Jacobinism—that ideology most associated with the Terror and its mouthpiece, Maximilien Robespierre. The second key is a depiction of the war that began in 1861 as an analog to the French Revolution that commenced some seventy-two years earlier both in its driving forces and its physical manifestations. When

these precepts are taken into account, the destruction and violence witnessed in the late stages of the U.S. war and Radical Republican attempts to revolutionize Southern society during Reconstruction emerge as outgrowths of an American Jacobin ideology.

The central questions of this thesis, then, are how did ideas commonly perceived as the hallmark of late eighteenth century France and an anathema to the American system appear in the mid-nineteenth century United States; and, were the actions inspired by these ideas comparable in breadth and scope to what historians generally contend was one of the most violent and self-destructive revolutions to ever occur. In answering these questions, this thesis adopts a transnational, comparative approach and looks for influences and parallels rather than direct connections or invocations of Jacobinism. It argues that through an idealization and domestication of the ideas and violence of the French and Haitian Revolutions as well as stateside slave conspiracies, American militant abolitionists developed a radical worldview on par with French Jacobinism. Largely marginalized until the drastic break of the Civil War and Reconstruction, these ideas flourished in the revolutionary moment and drove the conflict on a course analogous to that of the French Revolution. The congruent results of the war demonstrate that the ideology discussed earlier was thoroughly infused into wartime policies, legal arguments, and the Union drive to create new, regenerated societies.

Before beginning, a few notes on perspective and methodology are necessary. This is a work covering four major fields of history, including the U.S. Civil War and Reconstruction, slavery and abolitionism, the revolutionary Caribbean, and the French Revolution, but it is largely a work of American history. The theoretical foundation of
this work, however, is wholly grounded in recent trends in French Revolutionary history, especially in the ideas and works of François Furet and his followers.² Furet argued that the content of the revolution, its violence and excesses, could not be explained by the successes, failures, or problems of the Old Regime. Instead, it was a product of the revolutionary break itself and that once begun, the ideas thrust forward by it built upon themselves and drove events on a course unpredictable from pre-revolutionary indicators. In the same way, this thesis argues that the true radicalism of the Civil War era cannot be explained by looking only at the conventional precursors of study, but, like the French Revolution, resulted from the exigencies of the moment as revolutionary ideology took hold. This is not to say that in either case the ideology which became dominant did not preexist in some form, but that it was developed and influenced by groups largely overlooked or marginalized before the break occurred.

In that same vein, then, this thesis is not arguing for the existence of a heretofore undiscovered direct ideological lineage between the Jacobins and the Radical Republicans. Rather, the argument is one of indirect influence and analogy between the two groups, that ideas developed by the Jacobins were interpreted, reinterpreted, and transformed by a series of actors, in many cases unwitting, with little knowledge of the heritage of the ideas they were professing and developing. In this way, the flow of ideas did not reproduce a Robespierre embodied in a Republican, but instead an Americanized parallel with the same general starting points, goals and motivations, and

² The major work which placed ideology at the center of the French Revolution was François Furet’s *Penser la Révolution française* (Paris: Gallimard, 1978), Translated by Elborg Forster as *Interpreting the French Revolution* (New York: Cambridge University Press, 1981).
manifestations—all expressed in wholly American terms and structures. In other words, the ideological foundation of the Radical Republicans was not directly descended from the French Revolution, but nevertheless owed its development to it through a subtle chain of influence and transnational transference of ideas resulting in a new ideology that created a striking parallel to its namesake.

In searching for evidence of this radical worldview, a focus is placed on language and ideology as a driving force of revolutionary events, another concept of Furet’s thus far largely ignored in U.S. history. In doing so, much weight is given to literal statements and proclamations as insights into the goals and motivations of the various actors. Though these accounts can sometimes be characterized as rhetorical excess, they also provide a window into the mindset of the speakers as they sought to sway those against whom they fought and whom they wished to ally. Whether or not they present an accurate depiction of reality, these words influenced and drove the larger revolutionary discourse which in turn catalyzed events and compelled the revolution forward.

Additionally, the perspective presented of the American Civil War, as one harsh and punitive towards the South, is in no way tied to the neoconfederate school of scholarship. Far from arguing the ruthlessness imparted by the Union Army and Radical Republicans justified the post-Reconstruction Southern backlash against blacks, this work sees Northern tactics and beliefs as warranted by the unjust and inexcusable slave society Southerners had created and were determined to defend at all costs. Though the American Jacobins failed in the short term and a counterrevolution of sorts occurred, it does not denigrate the higher ideals and beliefs of the men who fought to regenerate the corrupt and decrepit socio-political world of the South.
Finally, because this work posits that the socio-political worldviews of French Jacobins and the Radical Republicans were distinctly different from those of the men of 1776, the logical starting point is an exposition on the disparity between French and American revolutionaries’ belief systems. To that end, a brief overview of the Jacobins and their ideology will serve as the point of reference in the later discussion of the most ideologically pure form of militant abolitionism—that of the Radical Political Abolition Party in the 1850s. In the same way, an overview of the ideology of the American Revolution will represent the point of contrast from which the Radical Republicans rebelled.

When the French Revolution exploded in 1789, the men who eventually populated the National Assembly were mostly political novices, and many turned to informal, after-hours debating societies to learn the craft of statesmanship. The Jacobin Club was at first one of these nameless debating associations attended by liberally-minded deputies when not meeting officially in the Tuilleries Palace in central Paris. As their numbers grew, they soon needed a larger space in which to congregate, and among the possibilities were several abandoned monasteries. Due to its size and location, off Rue Saint Honoré just north of the palace, the deputies chose a former friary of the Dominican order, a group colloquially known in Paris as the “Jacobins” because their original convent had been on the Rue Saint Jacques in the Latin Quarter.³

³ For an overview of who the Jacobins were and what they believed, see Patrice Higonnet, Goodness beyond Virtue: Jacobins during the French Revolution (Cambridge: Harvard University Press, 1998) and David P. Jordan, The Revolutionary Career of Maximilien Robespierre (New York: The Free Press, 1985); For an overview of the Revolution itself, the best and most thorough recent work covering the short term causes
In mid-1789 the Jacobin deputies were not so much of a single ideology as a collection of disparate, but generally like-minded men who valued natural law, justice, equality, and the concept of free labor—the belief that each man must earn his way through life with hard work, thrifty living, charity, morality, and civic virtue. They believed private property was the guarantor of liberty, that an individualistic capitalism would be a good replacement for the feudal, state- and guild-controlled economy of the monarchy, and that criminality, antisocial behaviors, debt, hoarding, speculation, drunkenness, and gambling were signs of an unvirtuous person. In addition, they saw the arrogant or assertive display of wealth or knowledge as vice, and presumed that the poor were virtuous and would excel under a regenerated society purged of the unmoral and unrepentant. As they evolved over the following five years, these ideas would continue to inform their outlook.4

Shedding its more conservative and then moderate members as its political perspective solidified and shifted to the left, by 1791 the Jacobin Club encompassed many members outside the government itself. Within the Assembly, the Jacobin deputies became known as Montagnards and collectively as The Mountain—La Montagne—


4 Higonnet, Goodness Beyond Virtue, 82-85, 87, 90-91, 112, 123, 185, 198-199, 245.
because they crowded onto the high bleachers on the extreme left end of the room—
giving rise to the modern political concepts of left, center, and right as they distinguished
themselves from “the plain” of moderates in the center and conservatives on the right of
the room. By 1793, Jacobinism had evolved from a liberal, natural rights doctrine into a
belief system of absolutes: freedom, equality, higher law, justice, and social welfare—an
understanding that no virtuous man should live in poverty. Though many at the time and
since have perceived this matured ideology as an example of radical extremism in its
most pure form, it continued to reflect its liberal origins and could be better described as
radical constitutional idealism.\textsuperscript{5}

The two facets of Jacobinism, the liberal and the radical, can be seen as a struggle
of balance between private individualism and a greater sense of public universalism.
Thus, Jacobinism manifested as both men imploring the need for legal processes and
justice driven by what was both right and righteous as well as men driven to near-
genocidal rage against unbelievers. Their original liberal views of sacrosanct property
rights, lassiez-faire commerce, and insistence on the rule of law persisted as a moderating
force, creating a foundation which set the ground rules. Throughout the Revolution, these
facets limited property confiscations and restrictions on commerce, insured that the
Terror always functioned with the appearance of legal process through the Tribunals,
even if these became virtual kangaroo courts, and in the provinces served to restrain the
purges of legally-elected deputies at times. These foundational beliefs placed Jacobins

\textsuperscript{5} A good look at the rise of the new political class in 1789-1790 is Timothy Tacket,
\textit{Becoming a Revolutionary: The Deputies of the French National Assembly and the
Emergence of a Revolutionary Culture (1789-1790)} (Princeton: Princeton University
well within the mainstream of their larger political culture, and continued to constrain their ideas and actions even at the height of their power under Robespierre’s Republic of Virtue from 1793 to 1794 during the Reign of Terror.  

At the same time, however, Jacobins were idealists willing to bend the laws to encompass the spirit of their beliefs in social justice, equality, liberty, welfare, and the higher good; when in direct conflict with these socially radicals beliefs, their liberal bastion would shift to accommodate them, but only so far as necessary. Thus, for example, the right to property could be modified in order to allow the taking of Church and émigré property based on complex arguments of unlawful and unearned royal grants or to end slavery in the French Caribbean based on the idea of universal liberty. Additionally, when Jacobins imposed rationing to help control inflation and rampant price gouging, it was at a rate which still ensured a marginal profit for merchants. Such changes were not haphazard, but expressed in carefully-developed legal arguments to maintain the perception of oversight, even if at times they were just for show. Their ideology suggested that even a constitution, a state’s most basic legal document, could in exceptional circumstances be changed for a higher good. Overall, Jacobins abhorred communistic tendencies and were good bourgeoisie, believing in the necessity of a stable, virtuous, and law-based society.

---


7 Patrice Higonnet has termed the Jacobin tendency to act outside of the law to achieve just and righteous ends as “legal illegality.” He notes that because of their extreme disdain for arbitrary action as harkening back to monarchical absolutism, their ideology forced them to cloak illegality in legalisms. Higonnet, *Goodness Beyond Virtue*, 129-132, 155.
While their liberalism echoed the mainstream, their social radicalism very much set Jacobins apart from their moderate colleagues in the National Assembly. In full force by 1793, it was this idealism which, owing to their absolute morality and Manichean outlook, radicalized them, leading to purges of less zealous members and driving France towards total war and Terror. Jacobin radicalism demanded society guarantee to all citizens a minimal existence, universal liberty and equality, and absolute justice—ideas they believed were embodied in the spirit of the Declaration of the Rights of Mans and of the Citizen and the revolution itself—but not the equality of property. Through their role as the revolutionary moral authority, Jacobins pressured the government, from within and without, to pursue the course their ideology commanded. They defined their world in a continual state of war and revolution that required constant vigilance and action in order for the Republic to survive, mandating the preservation of the nation as one and indivisible. In order to purify the government and preserve the wholeness of the nation, they turned to revolutionary violence, urging their followers to action in order to prove themselves worthy and righteous.

In Jacobin radical discourse, virtue, purity, and equality were central, and a deeply moral ideal of virtue became the measure of a man. It was portrayed, as most things during the French Revolution, in Manichean terms: either a man was virtuous and struggled on behalf of the Republic, or his conviction was a facade in order that he may harness the forces of revolution for his own benefit or that of the counterrevolution. With his active support of the Revolution, each man proved his virtue publicly and thereby garnered the rights of citizenship, liberty, and equality. From its vague origins, virtue became narrowly defined as action in the form of patriotism for the Republic. A citizen
was to prove himself equal and worthy by showing all he had personally done for the public good of the Revolution. By early 1793, Maximilien Robespierre, a provincial lawyer from Arras before 1789, had emerged as leader of the Jacobins and the authority on revolutionary morality as well as what defined a good and virtuous citizen.\(^8\)

The virtue of the Republic itself was similarly guarded through a sacrosanct creed of *une volonté une*—the unity of the nation under one sovereign will. According to Robespierre,

> What we need...is a single will [*une volonté une*]. It must be either republican or royalist. If it is to be republican, we must have republican ministers, republican newspapers, republican deputies, a republican government....The body politic suffers from the Revolution and the diversion of wills.

While phrased in secular terms, Robespierre never separated the spiritual from the state; rather, he made the Republic a spiritual entity to be worshipped and cleansed. To that end, the Jacobin Club of Paris and its affiliates across France became a unanimous force to purify the state.\(^9\) They became a civil army to protect the Republic’s virtue and ideological orthodoxy, but at the same time, they became its tribunal, delivering excommunications and denunciations to feed the Terror. The Club molded itself into a model for the Republic: a body of righteous, purified, and tested citizens who would


never end their fight for the unity of France or the revolution until the Republic was secure.¹⁰

Jacobins at first welcomed many into their fold out of pragmatism and openness for those who proclaimed their support for the Revolution and then the Republic. All were welcome until they proved themselves at odds with either of the core beliefs of liberalism and radicalism. Eventually Jacobins repudiated and removed any factions or individuals that threatened their conception of une volonté une. This was equally applied to the former nobility and other conservatives on the right when they resisted change, as well as to those on the extreme left such as the followers of Jacques Hébert and the Cordeliers or Jacques Roux and the Énragés who demanded the further radicalization the revolution.¹¹

In an example of their legalistic mentality, Louis Antoine de Saint-Just, Robespierre’s comrade-in-arms, proclaimed those deemed unvirtuous and a threat to the wholeness of the nation outside the body politic, not citizens, and possessing only a right to a swift execution. In 1793 and 1794, Jacobin-led forces crushed federalist Girondins in Lyons, decimated royalists in the Vendée, quieted the Énragés on the streets of Paris, and eliminated many of their Cordelier challengers in the National Assembly. Yet, they coded even these events in the discourse of morality: according to Robespierre, without virtue “a great revolution is nothing more than a startling crime that annihilates another crime.”


¹¹ For more information on the Hébertists and Énragés, see Denis Richet, “Énragés” and “Hébertists” in Critical Dictionary, 337 and 363.
When elections and legal government failed to regenerate the nation, the virtuous people, through their surrogates, the Jacobins, assumed “the right to purge the legislature lawlessly and continually,” though they would argue that an unvirtuous government was not legal in the first place. In the war against the unvirtuous, Terror would be wielded for the people by the peoples’ true representatives for the survival of the Republic.\textsuperscript{12}

Such abrasive language resulted from a belief that the Republic was in real danger from a counterrevolutionary “aristocratic plot,” that sought to derail the Revolution and break up the state. This fear manifested from early outbreaks of unorganized violence into a program of organized, legalized Terror. Saint-Just declared, “The republic will only be founded when the will of the sovereign will have curbed the monarchical minority and will reign over it by the right of conquest….It is necessary to govern by iron those who cannot be governed by justice.” According to Robespierre, the goal of this revolutionary government was to found a sustainable Republic, protected from all of those who would seek out to destroy it. Thus defining themselves in a continuous state of revolution and war, the Republican motto became “the provisional government of France, revolutionary until peace.”\textsuperscript{13}

\begin{footnotesize}
\begin{enumerate}
\item[\textsuperscript{13}] Louis Antoine de Saint-Just, \textit{Oeuvres choisies} (Paris, 1968), 168; Robespierre, \textit{Oeuvres complètes}, X, 274; Jordan, \textit{Revolutionary Career of Maximilien Robespierre}, 172-173. While the threat of the counterrevolution was the professed purpose of the crackdowns, François Furet has conclusively argued in \textit{Interpreting the French Revolution} that the internal threat was actually a figment of the revolution, and its purpose, along with the Terror, was only to maintain the power of radical discourse over the Republic, its representatives, and an equally fictitious conceptualization of “the people.” The importance here, however, is the ideology of virtue and not the reality. As David Jordan contends, Robespierre believed what he said and his actions were not
\end{enumerate}
\end{footnotesize}
As the Revolution progressed, the language of purity transformed into an idiom of spiritualism. With Robespierre leading the way, Jacobins framed the Revolution as a sort of “spiritual crusade” in which either good would triumph over evil or the Republic would be destroyed. The culmination of this “revolutionary deism” was the Cult of the Supreme Being, an attempt to sanctify the Republic itself as a religious force to further the virtuous regeneration of the people. The moralizing spiritualism of the deputy from Arras also acted as another unifying principle: if national wholeness could first be achieved in the spiritual realm exemplified by virtue, it could then be extended into the earthly world evidenced by liberty and equality. While the cult sought to purify society, however, the guillotine would eliminate those dubbed unvirtuous and unredeemable. It was no coincidence, therefore, that two days after the Festival of the Supreme Being, the laws of 22 Prairial—10 June 1794—accelerated and streamlined the machinery of the Terror, which Robespierre defined as “nothing but prompt, severe, and inflexible justice.”

---

14 Robespierre, *Oeuvres complètes*, X, 357; Jordan, *The Revolutionary Career of Maximilien Robespierre*, 171, 192-193; Secher, *Le génocide franco-française: La Vendée-Vengé* (Paris: Presses Universitaires de France, 1986, Translated by George Holoch as *A French Genocide: The Vendée* (Notre Dame: University of Notre Dame Press, 2003), 3. Far from supporting the very vocal proponents of dechristianization, Robespierre proclaimed that a Jacobin “cannot be republican if he is not first and foremost moral and religious.” As dechristianizers attacked the Catholic Church, Robespierre attacked them; he did not want to Catholicize France, but he detested those without a sense of spiritualism or belief in a higher power, which, to him, was the source for justice and virtue. Jordan, *The
While the bending to extremist radicalism in 1794 was definite—the laws of 22 Prairial were a sort of legal suspension of the law allowing the swift execution of some 20,000 victims in addition to the burning of Vendée and destruction of Lyons—the men who still claimed the Jacobin ideology as their own after the fall of Robespierre on 9 July 1794 tried to strike a chord on their more liberal side. The survivors around Abbé Sieyès, though not using the term Jacobin any longer, sought to modernize France in line with their ideas under the Directory. They were forced to abandon many of the more reaching programs of the Republic of Virtue, such as universal public education and nationalized industry, but they managed to clean up the judicial system, codify conscription, and standardize weights and measures. The Constitution of 1795, drafted by Sieyès, dropped a right to insurrection in favor of a declaration of duties, responsibilities, and human rights. While not everything that pure Jacobinism would have wanted, it was the most plausible result that could be achieved in a state recovering from the excesses of the Terror. It was also the most Jacobinism the world would see for quite some time.\(^{15}\)

In contrast to the dualistic, radical-constitutionalist ideology that rapidly developed in France to fill the vacuum left by the fall of monarchism, pre-revolutionary American socio-political ideology was relatively stable. The colonials’ beliefs were undeniably derived from the Enlightenment-inspired liberalism of their British forbears, stressing individualism, restrictions upon the reach of government, property rights, and

---


\(^{15}\) Higonnet, *Goodness Beyond Virtue*, 52, 64-68.
civic virtue—they lacked the sense of social justice and far-reaching public universalism found in France. This Smithian belief system had existed in the political majority since before the American Revolution, and after independence, this majority quickly suppressed any elements that might have taken a path like that of the French or demanded a thorough imposition of the ideals of the Declaration of Independence.¹⁶

The French had had to cope with a novel political class, whose job would be complicated by the creation of new political bodies, a completely restructured government, the sudden end of legalized noble privileges, and several decades of forward-thinking ideas for reform, some conflicting, that had never faced the test of implementation. American leaders, on the other hand, maintained an active hold on public safety and never faced an underclass decrying traitors, demanding bread, and threatening the day to day security of the nation, allowing them to focus on their own expedient needs. The major debates during the convention centered on the actual structure of the federal system, not liberty and equality. The question of slavery remained

¹⁶ Higonnet, *Goodness Beyond Virtue*, 70, 114-115. While American socio-political ideology lacked the French conception of free labor and the social welfare system it inspired, there was a strain, led by Thomas Jefferson, which similarly lauded the place of the small freeholder in a republican society. In time, however, even Jefferson admitted that his beliefs in small ‘r’ republicanism, influenced by his French Enlightenment intellectual pursuits, would become out of place in the growing and industrializing American society. In another instance, Thomas Paine, a central voice of the American Revolution, was quickly relegated to obscurity when he pushed for universal democracy. Interestingly, though, while he was too radical for the American Revolution, Paine proved not radical enough when he arrived in France in the midst of its revolution, barely escaping the guillotine before retiring to New York. For a comparative look at how American socio-political ideology differed from that of France at the time of the Revolution, see Patrice Higonnet, *Sister Republics: The Origins of French and American Republicanism* (Cambridge: Harvard University Press, 1989) and Anne Sa’adah, *The Shaping of Liberal Politics in Revolutionary France: A Comparative Perspective* (Princeton: Princeton University Press, 1991).
largely tangential and its swift elimination, though proposed, was a nonstarter; even in the northern regions where it existed, slavery was eliminated through gradual processes.\(^{17}\)

There can be little doubt that a moderate, pragmatic, and generally pro-slavery sentiment ruled over the federal government from the creation of the Constitution until the Civil War.\(^{18}\) Despite the rhetoric of the founding fathers, there was little belief for most Americans, especially Southerners, that property rights would ever be wholly modified to exclude slaves; they were property and that was that. Americans feared such a change because it might lead to other exclusions beyond slaves, bringing down the entire economic and cultural structure of the state. To them, the definition of property must be absolute and unchangeable in order to stabilize the society upon which it rests.

While slavery was untouchable as an issue, the prominent men who led the revolution saw control of their own destiny as fair game within their inherent rights as British subjects. They never intended to revolutionize the social order despite their use of broad and inclusive rhetoric which gained them the support of those below their own station. The Sons of Liberty and the members of the Stamp Act Congress were not ‘radicals’ looking to gain power over the government from the outside. In many cases, these men were the authorities, and thus, wanted to ensure their own power and positions over the colonies by removing that of England. In other cases, the men were merchants

\(^{17}\) Higonnet, *Goodness Beyond Virtue*, 323.

who saw the better profitability of smuggled Dutch goods, and thus, sought to circumvent England’s restrictive mercantilist laws.

The political class of the colonies became the political class of the revolution and then assumed that role for the new government. As soon as the war was over, they began to entrench themselves against the expansion of the political revolution to the social order. Men like Thomas Paine, whose *Common Sense* was very useful in garnering support for the war effort, were quickly brushed aside when they suggested the ideals they had trumpeted actually be implemented. In the end, the breakdown of fundamental institutions was restricted only to those previously controlled by the king directly, such as the role and appointment of colonial governors. The colonists enjoyed and believed in the ideological system under which they lived, unlike the French Revolutionaries who sought to overthrow a failing monarchy with a wholly new system and its accompanying ideology. In the American colonies, the leaders only sought to claim the same rights as Englishmen against a distant Parliament which that same body had used to restrain the monarchy in the Glorious Revolution.

These arguments driving the fight for independence in the American colonies solidified almost ten years before any fighting broke out. Though the colonies already had elected assemblies governing local affairs, in the early 1760s London began to eye the Crown’s overseas possessions as an untapped revenue stream. The old guard political elites quietly submitted to Parliament’s authority, while the new, younger generation of politicians railed against what they saw as illegal acts by England. In 1765, New York’s legislators questioned Parliament’s ability to tax unrepresented British citizens, and
Virginian Patrick Henry’s proposals declaring the new levies illegal on similar grounds were widely distributed and printed in all the colonies.

As the rhetoric grew and spread, public protests turned violent and destructive. The most committed protesters organized themselves into the Sons of Liberty, a group known for harassing British troops and companies as well as taking part in the burning of the HMS Gaspee and the Boston Tea Party. In late 1765, the Stamp Act Congress was formed from nine colonial assemblies and it formally asserted Britain’s inability to tax them directly. Finally in 1768, Parliament moved to cut the crisis short by repealing most of the duties, but unfortunately for them, as John Adams noted in his diary, “The people, even to the lowest Ranks have become more attentive to their liberties, more inquisitive about them, and more determined to defend them.”

In spite of Parliament’s actions, Boston continued as a center of resistance in response to the remaining taxes and driven by ongoing attacks in colonial newspapers, raising the level of rhetoric. Bostonians mobbed customs officials, forcing them to abandon the town, and upon their return, citizens instigated an economic boycott, later expanded to all other colonies. Following the Boston Massacre in 1770, the Boston Tea Party in 1773, and London’s imposition of the punitive Coercive Acts, colonial leaders established the Articles of Association and then the Continental Congress. At the local level, the legitimate royal legislatures were replaced by revolutionary bodies assuming the functions of government—though many of the same people populated both bodies.

---

Eventually the protests challenged the legitimacy of English rule itself. As fighting broke out in earnest in 1775, Paine argued in *Common Sense* that “reconciliation is now a fallacious dream,” and “a government of our own is a natural right.” As he and other writers won people to the cause, the reconvened Continental Congress looked towards independence. Thomas Jefferson was given the task of drafting a document expressing the colonies’ official grievances, intentions, and beliefs. Though some of Jefferson’s exaggerations were removed by the Congress, the document followed in Paine’s steps and represented one of the most far-reaching formations of idealist rhetoric to emerge out of American Revolution. Jefferson, an Enlightenment-inspired intellectual and follower of French philosophes, imbued the document with an ideology that far outpaced that of his colleagues and bordered on moving towards the later French idea of social justice.

After hostilities with England ended in 1781, however, the colonists looked to create their new state and such far-reaching ideals were left behind. They saw their revolution as a changing of the political guard and were not concerned with a reorganization of the social order or its dark corners. While they did discuss slavery and its conflict with liberty and equality, they eventually agreed that it was already too firmly embedded, fearing emancipation might upend the social order. It was a problem Jefferson

---

would famously describe as having “the wolf by the ears,” though at the same time he feared that if left untouched, the issue might tear the country apart.  

Following a turbulent and ineffective first draft of a government, in 1789 the states ratified a constitution which represented an about-face in language and rhetoric from the document which ceremonially separated the colonies from England. Gone were Jefferson’s ideological declarations of equality, liberty, and the pursuit of happiness. In their place was James Madison’s simple structure of a new government to guarantee peace, order, and defense. The language of equality was not only removed, its opposite was incorporated in such a way as to formalize, institutionalize, and give a constitutional blessing to a system over which many of the founding fathers had expressed grave concern. Ratification in 1789 thus marked a formal break with the higher ideals of 1776 and the entrenchment of a well-to-do political class that was hardly ready to shake up the social system.  

The system created under the Constitution did witness some upheavals and changes before 1850, including the expansion of suffrage to all white men and a series of


22 For an in-depth look at the ideology behind the Constitution, see Forrest McDonald, Novus Ordo Seclorum: The Intellectual Origins of the Constitution (Lawrence: University of Kansas Press, 1985).
political and moral crises over slavery. During that period, though, there were no serious challenges to the generally-liberal worldview the men of 1789 embedded until the Republican Party came to prominence in the 1850s with its Free Labor ideology. What had come before had represented evolutionary changes in a socio-political system that was designed to change slowly and through established processes. Free Labor as the Republicans would come to define it, on the other hand, was influenced not by the British tradition, but by a different set of men from 1789. This new ideology contained revolutionary potential, a potential only some Republicans fully understood.

Like the Jacobins before them, Republican ideologues claimed that property was defined by society, and society could choose to exclude slaves from its definition if it saw fit. Though the party’s eventual majority embraced only a watered-down, general antislavery policy, its steadfast core, emerging from the abolitionist Liberty Party in the 1840s, held a firm belief in full-fledged, Jacobin-esq Free Labor philosophy. The more fundamentalist wing of this group, those who would form the Radical Republican faction around Thaddeus Stevens and Charles Sumner during the war, at times even advocated an Americanized version of Robespierrian social radicalism. They developed these un-American ideas from the words, actions, and influence of a small band of antislavery militants and legal minds who, through their idealization of the Haitian Revolution had engendered and preserved a new radical heritage. With this legacy in hand, Radical Republicans transformed themselves into nothing less than American Jacobins, leading a righteous army towards the regeneration of entire segments of society.

---

Such an ideological link between disparate times, places, and peoples may appear far-fetched, but upon further investigation, the possibilities of an ideational connection between French Jacobins and Radical Republicans become clear. The key is the underground flow of information that facilitated the transmission of radical and revolutionary ideas from Europe, across the Atlantic, throughout the Caribbean, and into North America. Through an extended network of abolitionists, self-hiring slaves, coastal watermen, deep-sea mariners, and general societal ne’er-do-wells, ideas from Europe and beyond found their way into and throughout the United States within the murky fringes of maritime society and the chattel system, sparking the development of a new radical tradition. These groups provided an undercurrent of news and information connecting the mainland, coastal regions, rebellious colonies, and distant states. With these links in mind, what appeared to be independent events in the French Caribbean and isolated conspiracies on the mainland become interdependent. And, what appeared to be merely a

---

militant form of evangelical abolitionism becomes intimately related to both the bloody fields of Saint Domingue and an unassuming Dominican monastery in Paris.  

The two overarching themes of this work are the conflicting roles of revolutionary violence and legal justifications for what would otherwise be illegal acts. In tracing this dualistic nature, this present work takes a broad scope. The first chapter provides the building blocks upon which American Jacobinism is built and describes the transnational transference of ideas. Chapters two and three discuss the development of American Jacobinism up to and through the Civil War. Chapters four and five harness a comparative approach to contrast the similarities and differences between these American radicals and their French counterparts eighty years earlier. At the same time, chapters two and four focus on the theme of revolutionary violence both before and during the war as it progressed from illegal, extragovernmental action to the standing policy of the Union Army. Chapters three and five, on the other hand, concentrate on the theme of legalism as Congress was forced to justify patently unconstitutional actions. Taken together, then, this work highlights the dualist nature of Jacobin radical constitutional idealism as both the French and Americans attempted to revolutionize their world within the constraints of their ideology.

Chapter one discusses the flow of revolutionary ideas between 1789 and the 1840s. In that period, across the Caribbean as well as up and down the Atlantic coast a

25 A note on names and places: I have tried to streamline the forms used by various historians into what have become the most common. For example, I choose to use Louverture, the form Toussaint himself used, instead of L’Ouverture; St. Domingue, Saint-Domingue, and Saint Domingo all become Saint Domingue, the proper French usage. Primary references, however, remain in their original forms.
barrage of slave rebellions and conspiracies erupted, following the opening salvos of what would become the Haitian Revolution. As slaves in the French colony of Saint Domingue appropriated the language and symbols of the French Revolution and its Jacobin social radicalism, enslaved Americans like Gabriel Prosser and Denmark Vesey were inspired by the news of events and conspired to free themselves. Some radical Northerners then combined the images of these American rebels with the historical legacy of their Haitian forbears, forging an ideal of a warrior slave that challenged all conceptions of black docility and fashioned a new revolutionary heritage for antislavery militancy. Rejecting more mainstream trends deriving from growing Anglo-American abolitionist interactions and the forceful arrival of William Lloyd Garrison and nonresistance in the 1830s, this small militant minority appropriated as their own the language and ideas which had driven their rebellious heroes. Armed with an alternative tradition to 1776, one of inclusion, virtue, and social justice, this imagined legacy served as inspiration for a novel generation of militants determined to end slavery through direct action.26

26 Though the accepted wisdom states the abolition movement was overwhelmingly, if not completely, pacifist until perhaps the 1850s, this idea has begun to be broken down in recent years. Three excellent works which challenge it thus are Merton Lynn Dillon, *Slavery Attacked: Southern Slaves and Their Allies, 1619-1865* (Baton Rouge: Louisiana State University Press, 1990); Stanley Harrold, *The Abolitionists and the South, 1831-1861* (Lexington: University of Kentucky Press, 1995); and John R. McKivigan and Stanley Harrold, Eds, *Antislavery Violence: Sectional, Racial, and Cultural Conflict in Antebellum America* (Knoxville: University of Tennessee Press, 1999). For a good, overall discussion of the historiography on antislavery violence, see McKivigan and Harrold, “Introduction,” in *Antislavery Violence*, 12-18. On Garrisonians’ relationship to slave rebellion, Merton Dillon argues that they and other pacifists disdained and would never encourage insurrection, but they always claimed that slaves would be in the right to act in such a way, Dillon, *Slavery Attacked*, 132, 150, 166. Richard S. Newman notes that the Pennsylvania Abolition Society, which promoted peaceful and legal means to the end of slavery, used Haiti as an example of how government nonintervention towards
Chapter two examines the dual rise of abolitionist political organization and direct action against slavery after 1840, the first, but not the last time that antislavery politics would become a militant creed. Building upon a slow movement towards engagement with the political world, a dedicated cohort of abolitionists rejected Garrisonian moralism. As the antislavery Liberty Party grew, its radical wing rose up around Gerrit Smith in upstate New York and became single-mindedly focused on creating a nation of virtue without slavery. As this faction refined their worldview further with legal and political arguments, they moved away from the pragmatic Liberty men to justify violence by and on behalf of slaves using the mythological image of black freedom and equality. Their ideological development culminated in the 1855 foundation of the Radical Political Abolition Party and its apolitical analog, the American Abolition Society, espousing a worldview demanding universal liberty and equality, social welfare, and justice. When they failed to achieve significant electoral success, Smith and men like Henry Highland Garnet, William Goodell, and James McCune Smith looked beyond politics to end slavery. Through rhetoric and philanthropy, they enacted a militant abolitionist emancipation only brings closer impending doom, see Richard S. Newman, The Transformation of American Abolitionism: Fighting Slavery in the Early Republic (Chapel Hill: University of North Carolina Press, 2002); Furthermore, Peter Hinks maintains that the sentiments espoused by David Walker in Walker’s Appeal, in Four Articles, Together with a Preamble, to the Coloured Citizens of the World, But in Particular, and Very Expressly, to Those of the United States of America, Written in Boston, State of Massachusetts, September 28, 1829, Edited, Annotated, and with an Introduction by Peter Hinks (University Park: The Pennsylvania State University Press, 2000) were widely held beliefs in the black community, Hinks, To Awaken My Afflicted Brethren, 108-112, 245-246. For more on antislavery violence, see also, Herbert Aptheker, To Be Free (1948; New York: Carol Publishing Group, 1991), 41-74; Herbert Aptheker, Abolitionism: A Revolutionary Movement (Boston: Twayne Publishers, 1989), 123-42; Lawrence J. Friedman, Gregarious Saints: Self and Community in American Abolitionism, 1830-1870 (Cambridge: Cambridge University Press, 1982).
movement that served public denunciations and attacks such as John Brown’s raid on Harper’s Ferry.27

Chapter three follows the path of the largest faction of the Liberty Party as they developed a moderate antislavery worldview that became Republicanism. When war came, however, they would return to radical abolitionists’ legal theories in their campaign to wage war and remake the South. Between 1840 and the early years of the Civil War, men like Salmon P. Chase abandoned the wild-eyed idealism of radicals like Smith; these pragmatic antislavery men repackaged their beliefs into a constitutionally-solid creed of non-expansion and denationalization. As the war erupted around them, both Abraham Lincoln and the Radical faction of the Republican Party sought legal justification for their actions, turning to the constitutional arguments developed and pushed by the Radical Political Abolitionists concerning presidential war powers and the constitutional guarantee of a republican form of government. Wielding these legal cudgels, Republicans drove the Union away from moderation towards total war and social reform while at the

same time sweeping away the traditional theory of the Constitution as a static, limiting charter and enacted a vast reconceptualization of constitutional law focused on the equality and justice found in the Declaration of Independence.  

By 1864, Republican demands to bring the South to its knees, to utterly destroy its foundation and rebuild it from scratch were heard, and the Union army loosed campaigns of total warfare designed to make the Confederacy crumble—the cataclysm foreseen by Smith and his cohort. The level of violence and retribution unleashed was something unique in American history, and its study makes up chapter four. Philip H. Sheridan’s and William T. Sherman’s punitive missions to tear apart the heart of Southern society in the Shenandoah Valley and March to the Sea, as well as the ensuing low-grade guerrilla war, provide a point of comparison to similar events during the French Revolution.

---

both proclaimed tactics and violence, as well as determination and strategy, their efforts paralleled those of the French Jacobins in the Vendée and Lyons, which witnessed brutal crackdowns and directed destruction. With the only goal to break the wills and means of their enemies to fight, these events represent the height of both American and French Jacobin military and ideological domination of their eras, providing the free reign of their political wills to transform their states.

With a great victory in hand, Radical proposals for the next phase, Reconstruction, were met with obstructions at every turn. Chapter five, building upon the constitutional mindset in justifying the war, is a discussion of the legal, moderated side of the Jacobin mind in its attempts to reform their respective worlds. By comparing land reform policies and debates in France and the United States, it becomes clear that far from being maniacally driven by a thirst for the blood of their enemies, radicals in both nations were constrained by their own, similar ideologies. They were unwilling to throw away their foundational beliefs in the rule of law at times when such action could have achieved their goals for creating more just, free societies. The unwillingness to step just beyond their most basic beliefs to reach their goals, contrasts with the all-or-nothing willingness to wage war, but shows just how similarly restrained the two ideologies were.

While they made some progress with the Freedman’s Bureau, Civil Rights Act, and the 13th, 14th, and 15th Amendments to the Constitution, without the impetus of war driving a majority to their program, the Radical Republican coalition faltered and split just like their French forbears: their political world was overrun by their successes in the military realm. The epilogue will briefly look at what the French call the longue durée—the long term. The American Jacobins would always be haunted by the dismal failure of
Reconstruction, the failure to achieve a new, virtuous world from the ashes of the Civil War. Instead, they were left with nearly 100 years of Jim Crow oppression in the South and an industrialization which took rampant advantage of the economic reforms imposed and the expansion of federal power. Similarly, though, with the fall of the Jacobin Republic in 1794, the goal of creating a republican nation in France was not achieved until the 1886 peaceful electoral victory of republicans over monarchists.

The balance of this work tries to put the American Civil War into a greater context of European revolutionary radicalism. By reconstructing the heritage of the American Jacobins, the hope is to provide a new perspective in which to view the development of American socio-political ideology. As David Brion Davis suggested, in taking the premise that the Civil War was a revolutionary break with the past, it becomes something new and different; its causes and driving forces take on a new context and appear to have evolved from a legacy and tradition wholly un-American. The following is an attempt to discover the origins and development of this lineage and its impact upon nineteenth century America.
CHAPTER 1

ECHOES OF TOUSSAINT

The Haitian Revolution and the Legitimation of Militant Abolitionism

As the 1850s approached in the United States, members of the abolition movement had become decidedly more militant than those of the previous generation. Many had abandoned the tactics of pacifism coupled with firebrand rhetoric that had burst into prominence with Bostonian William Lloyd Garrison in the early 1830s. To be sure, within ten years radical antislavery activists and the growing Republican coalition would revolutionize Northern society and openly confront the dominance of the Southern Slave Power with overwhelming force. This dramatic shift had many influences, but one common thread throughout this progression into militancy was images of the Haitian Revolution and its most famous patriot, Toussaint Louverture.

As revolution broke out in France in 1789, its colonies were drawn into the fire of change both willingly and unwillingly. While whites and blacks in the French Caribbean

---

1 The title of this chapter, “Echoes of Toussaint,” is a play on the title of James Redpath’s 1860 work, James Redpath, Ed., *Echoes of Harper’s Ferry* (Boston, 1860; Reprint: New York: Arno Press, 1969), a chronicle of Northern abolitionist reaction to and testimony of John Brown’s Harper’s Ferry Raid the previous year. Like Redpath’s collection, it concerns the historical memory of an important event in the abolition movement, and the ways in which those memories impacted the growing radical and militant tendencies amongst antislavery groups. A version of this chapter was presented at the International Conference on Haiti in Limón, Costa Rica in August 2004. I would like to thank Paul Lovejoy and all those who attended and provided useful comments. I would also like to thank Manisha Sinha, my committee member for whom this chapter was originally written as a research paper, as well as my fellow graduate students Jed Foland, Tom Rushford, and Megan Kennedy for proofreading numerous versions and giving much needed feedback and direction to the project.
each looked to improve their own positions and rights, the tiered social and deeply embedded slave systems directly clashed with many of the ideas emanating from Paris. As events progressed, whites’ reluctance towards real change butted up against free black and mulatto hopes of equality and advancement more forcefully, but the real upheaval began when a massive slave rebellion in Saint Domingue, the jewel of colonial France, merged with the Jacobin republicanism carried from the mainland by government commissioners and soldiers.

Injected with the radical ideals of revolutionary justice and equality, the “Black Jacobins” of Saint Domingue transformed into revolutionary heroes for the downtrodden and their new state, Haiti, morphed into a slumbering volcano of radicalism in the Caribbean. Carried by mariners and coastal boatmen, the history and idea of the revolutionary French Caribbean inspired other enslaved men to strike for their own freedom. In time, “French negroes” and “Haiti” became a call to arms for those denied freedom, producing a series of slave conspiracies in Louisiana and along the Eastern seaboard from the 1790s through the 1820s.²

In contrast to the inspiration found by the underclasses in the ideals of the Haitian Revolution, the core white reaction to the Caribbean rebellion in the United States was widespread panic and paranoia. The same terms which inspired enslaved blacks became the watchwords of fear on the lips of every Southerner. As news of the uprising spread

throughout the Caribbean and Atlantic coasts on the wind, white Americans spoke of the coming onslaught of the “Horrors of Saint Domingue.”

There were exceptions, however, and while most white Americans feared a repetition of events in Saint Domingue, a few voiced support for the slave rebels. As early as 1791, Abraham Bishop, a white Connecticut abolitionist, had already declared, “The cause of the Blacks is just.” He continued, “Freedom from tyranny of men is to be had only at the price of blood,” and “I wish success to their arms, with all my heart, and lament, that it is not in my power to afford them effectual assistance. The Sword is drawn, blood must be shed, and freedom must be obtained.” Similarly, Theodore Dwight, a conservative, antislavery Federalist, argued in 1794 that the slave rebels, provoked by “wicked, and unprovoked outrages, committed against their peace, freedom, and existence,” were rightly driven to “unanimity and fanaticism” against their white overlords. For him, the “spread of desolation and blood over the face of the colony” was a justified retaliation.


While Bishop and Dwight were certainly anomalies among whites, Northern blacks in the United States had always shared an affinity with their fighting brethren in the Caribbean, seeing the events in Saint Domingue as an alternative to the revolutionary tradition provided by that of 1776 which had left the South in chains. Though there was some vocal support during the Haitian Revolutionary era itself, by the 1820s northern black antislavery militants had reclaimed the images of Toussaint and black independence for themselves. They looked to the pariah state as a source of racial pride, achievement, and as an example of the universal liberty and equality which had been denied them in the American Revolution. As antislavery movements gained momentum, these black activists presented newspaper and pamphlet accounts painting Saint Domingue as a utopian vision of republican triumph forged by Louverture and his virtuous followers. They justified the bloodshed as a reaction to the treachery of the

_Persons Unlawfully Held in Bondage,“_ (Hartford, 1794), 10-12; Dwight, as a Federalist, is an anomaly for his remarks. Most Federalists disdained the violence of revolutions, especially in France, but at the same time many were members of abolition and manumission societies. On the other hand, support for the Jacobins came from Jeffersonian Republicans, who tended to be archly pro-slavery. See also David Brion Davis, _Revolutions: Reflections on American Equality and Foreign Liberations_ (Cambridge: Harvard University Press, 1990), 51-52; and Alfred N. Hunt, _Haiti’s Influence on Antebellum America: Slumbering Volcano in the Caribbean_ (Baton Rouge: Louisiana State University Press, 1988), 152-153. While these two men were outspoken for the time, Alfred Hunt notes that many white Americans, including southerners, cautiously praised Toussaint because, first, his actions had led to the American acquisition of the Louisiana Territory in 1804 after Napoleon’s plans for it were moot following his defeat on Saint Domingue. Secondly, Toussaint was perceived as restrained and able to reinstitute plantation productivity under a free labor system. While French officials tried to accuse Louverture of massacring whites, most American papers, North and South, would hear nothing of it. See Hunt, _Haiti’s Influence on Antebellum America_, 84-101.
French, rather than a result of emancipation, and argued that black governance was moral, righteous, and stable.¹⁵

The stark contrast to white memories of and reactions to the Haitian Revolution that men of color developed was only the starting point. As black abolitionists continued to mythologize both contemporary Haiti and its foundation, their own constructed histories and images encouraged more antislavery militancy and swelled their ranks as others joined in the praise. Through a process of idealization leading to greater acceptance and eventual imitation, a “heroic embodiment” of the imagined course of events, militant black abolitionists in the 1820s and 1830s argued that since Haiti had, according to their own histories, become a utopia, then its foundation through revolution must have been just and righteous. In other words, they used the mythological image of

---

the Haitian Revolution they had created in their minds to legitimize the radical violence of the rebellion and its leaders, in a sense, domesticating the idea of revolution itself.\(^6\)

When militant abolitionists recalled the glory of Saint Domingue, the independence of Haiti, or the sainthood of Toussaint, they implicitly condoned the action and violence which had occurred, transforming images and justifications of the slaves’ successes into arguments for following in the violent footsteps of the black revolutionaries. Their heroic imagining of the revolution implicitly promoted the idea of violence and insurrection against slavery. When the next generation of American militants came of age in the 1840s and 1850s, they accepted the justifications of and precedents cited by their elders and were soon ready to enact their own Saint Domingue in the South.\(^7\)

---


\(^7\) Fine argues that such a formulation also occurred amongst abolitionists after John Brown’s 1859 raid, legitimizing the idea of political violence for an even broader base within the antislavery movement. The glorification of Brown’s actions energized not only other abolitionists but also free soilers and other non-emancipationist antislavery proponents, helping to radicalize the Republican Party going into the Civil War. Fine, “John Brown's Body,” 225-249.
system was literally and figuratively a world away. The lack of questioning over the
contrasting inequality of the French Caribbean with that of revolutionary Paris was only
compounded by the representatives the colonies sent to sit in the new assemblies; nearly
all of these men came from the *grand blancs*, the great, white plantation-owning segment
of society. The others came from the *petite blancs*, whose status was lower as merchants
and artisans, but just as dependent on the racially-tiered social system as their wealthy
colleagues. In this way, people of color in the French Caribbean were wholly excluded
from the Revolution in Paris.

Looking to claim some piece of the revolution for themselves, *noirs*, the free
blacks, and *gens de couleur*, the mulatto class, petitioned Paris for inclusion.8

Unfortunately, most of these were redirected to the Colonial Committee, which was
largely controlled by the *grand blancs* in the Assembly. Without a voice, *noirs* and *gens
de couleur* were forced to rely upon intermediaries, but the group most supportive of their
cause, the Parisian *Société des Amis des Noirs* did not demand an end to slavery. Instead,
the *Société* sought the end of the slave trade and the inclusion of only affluent *noirs* and

---

8 For the general course of events in the Haitian Revolution, the most recent, and best,
short overview is David Geggus, “The Haitian Revolution,” in *Haitian Revolutionary
Studies*, Blacks and the Diaspora, Edited By Darlene Clark Hine, et al. (Indianapolis:
Indiana University Press, 2002); for a more detailed account, try Robin Blackburn, *The
Overthrow of Colonial Slavery, 1776-1848* (New York: Verso, 1988); also still worth
reading is C.L.R. James, *The Black Jacobins: Toussaint L’Ouverture and the San
overview of the most recent historiography is Franklin W. Knight, “AHR Forum: The
recent narrative is Laurent Dubois, *Avengers of the New World: The Story of the Haitian
Revolution* (Cambridge: Belknap Press of Harvard University Press, 2004); for a view
from the perspective of the Republican administration in Saint Domingue throughout the
revolution, see Robert L. Stein, *Léger Félicité Sonthonax: The Lost Sentinel of the


*gens de couleur* in the ranks of active, voting citizens as a way to counter the reluctantly revolutionary *grands blancs*.  

As the Revolution progressed and radicalized in France, *petits blancs* and *gens de couleur* imported Revolutionary discourse into Saint Domingue, opening a political attack on the traditional society of orders using the same egalitarian sentiments that were being heard in the halls of the Tuilleries and the novel political clubs. In 1790, the conflict between white planters and *gens de couleur* first came to a head when the white colonial militia brutally suppressed a mulatto rebellion under Vincent Ogé. The *gens de couleur* revolt, however, only distracted whites from growing unrest across the French half of the island, where planters routinely drove their slaves to early deaths. In mid-August 1791, as many as 100,000 slaves in the northern provinces rebelled in what appeared to be a well-coordinated effort; a second wave of uprisings followed in the western provinces a few days later. As their revolt engrossed all of Saint Domingue, the enslaved masses quickly became the greatest power on the island.

The moderate governments in Paris between 1789 and 1791 continued their reluctance to pursue rights for blacks, but the changing character of the Revolution

---

9 For a broader look at the discussions of colonial question in Paris, see David Geggus, “Racial Equality, Slavery, and Colonial Secession during the Constituent Assembly,” in *Haitian Revolutionary Studies*, Blacks and the Diaspora, Edited By Darlene Clark Hine, et al (Indianapolis: Indiana University Press, 2002), 157-170; The Jacobin-inspired *petits blancs* were attacking the *grands blancs* for more power within the colonial government, whereas the *gens de couleur*, maintaining a careful proslavery stance, were attacking both in order to gain a political voice for the first time. The split between whites opened the door for *noirs* and *gens de couleur* to push for their rights and full citizenship; Julius S. Scott, *The Common Wind: Currents of Afro-American Communication in the Era of the Haitian Revolution* (Ph.D. Dissertation, Duke University, 1986), 41, 202-203; See also Alfred N. Hunt, *Haiti’s Influence on Antebellum America: Slumbering Volcano in the Caribbean* (Baton Rouge: Louisiana State University Press, 1988), 18-19.
almost ensured eventual progress. With the rising ideological tide, the very wealthy and formerly ennobled conservatives in government, including most of the *grand blancs*, began to either abandon their posts or flee the country. Following the advent of Republican supremacy in France in the late summer of 1792, the Jacobin-led National Convention took up their Caribbean contradiction and extended full political rights to many free men of color in the colonies.\(^{10}\) To ensure enforcement of the decree, Paris dispatched a Republican commission to take over governance of the colony led by the idealistic colonial novice, Léger Félicité Sonthonax.

Upon the announcement of the rights decree in Saint Domingue, an overt struggle for power ensued between the now royalist *grands blancs* and Republican officials allied with *petits blancs* and *gens de couleur*; rebellious slaves by this time formed a third, independent power. When Republican hopes for regaining control of the island significantly decreased in mid-1793, Sonthonax, already an abolitionist with heavy Jacobin leanings before he arrived in Saint Domingue, declared general liberty for any rebel slaves who would fight for the Republic.\(^{11}\) The Convention in Paris retroactively

\(^{10}\) The rights law declared that mulattos and blacks born to free parents were entitled to political rights, but even this restricted suffrage enraged whites.

\(^{11}\) For Sonthonax’s early beliefs in the revolutionary regeneration of society and on the abolition of slavery, see Stein, *Léger Félicité Sonthonax*, 15-25, 41-42, 82-83; He brought Jacobin ideology in its most theoretical forms to his governance of the colony, both in his first stint (ending June 1794) and his second (ending August 1797); Sonthonax issued two proclamations on emancipation, the first, posted on 21 June 1793, gave freedom to the rebels in the north who chose to fight for the Republic, and the second, published on 29 August 1794, declared full emancipation for all slaves in all northern territories under Republican control. The other Republican commissioner, Etienne Polverel, declared general liberty in the rest of Saint Domingue on 21 September and 31 October 1793. For more details on the two proclamations, see Stein, *Léger Félicité Sonthonax*, 75, 78-95; and Carolyn Fick, “The French Revolution in Saint Domingue: A Triumph or a Failure?” in *A Turbulent Time: The French Revolution and the Greater*
approved this edict eight months later on 4 February 1794, official news of which reached the colony on 8 June 1794, nearly a year after the first Republican emancipations. Within a month of the official news, most rebellious blacks, including Toussaint Louverture, were fighting for the Republic which had initially forgotten them, inspired by the promises of radical Jacobinism.

12 This was not only due to the two month travel time across the Atlantic, but also because of the British blockade which had prevented French ships from landing in Saint Domingue since May 1793; see Stein, Léger Félicité Sonthonax, 104.

13 Scholars continue to dispute the degree to which Saint Domingan slaves were ideologically driven in their goals, and among many others weighing in over the last twenty-five years, three historians represent the breadth of the field. Marxist Eugene Genovese suggests that events and ideas in France inspired the slaves, but not directly, marking a turning point in history from slave rebellion to slave revolution when slaves began looking not to (re)establish their own separate communities, but to create a state on equal terms with Europe and a culture on equal terms with mulattos and whites. Eugene D. Genovese, From Rebellion to Revolution: Afro-American Slave Revolts in the Making of the New World (New York: Vintage Books, 1979), XIX-XX, 22, 82, 88, 93-95; David Geggus argues that it is difficult, if not impossible, to discover how slaves understood the ideals of the French Revolution, and that most likely the first spurts of revolt were independent of any ideological influence. If there had to be something, then he suggests rather that the international antislavery movement probably influenced the servile insurrection. However, he does suggest that revolutionary rhetoric greatly influenced free blacks and mulattos, even though their society, in which they too owned and sold slaves, was the complete negation of that rhetoric. Under this scenario, France’s main role in the colonial revolt was a political one, in which the events in Saint Domingue were “responsible for forcing the politicians in Paris belatedly to live up to their ideals.” The emancipation decree from Paris was not in response to the ideological demands of the slaves, but a reaction to those in the colony who questioned Sonthonax’s proclamation of general liberty as a war measure. See David Patrick Geggus, “The French and Haitian Revolutions, and Resistance to Slavery in the Americas: An Overview,” in Revue Française d’Histoire d’Outre-Mer: Explorations, Colonisations, Indépendances 76 (1989): 107-124; Geggus, “Racial Equality, Slavery, and Colonial Secession,” 170; see also David Geggus, “Slavery, War, and Revolution in the Greater Caribbean, 1789-1815,” in A Turbulent Time: The French Revolution and the Greater Caribbean, Edited
The slave rebels’ ideological drive, however, was nothing new. When widespread slave revolts broke out as early as 1791, insurgents demanded shorter work hours and time off; soon, they were calling for emancipation, the right to wear the tri-color as a symbol of the French Revolution, and for whites to give them the freedom already promised by the French “king.” At the same time, revolutionary symbols and the vocabulary of Republican citizenship became increasingly prominent amongst noirs, gens de couleur, and eventually many of the insurgents. Revolting to compel the enforcement of an emancipation that had not been decreed and using the language of the Revolution to do so, slave rebels caused a destabilization that forced Republicans, who were already predisposed to declare and enforce complete equal rights, to take greater control of the colony. The arrival of Republican troops from France, dispatched to quell the early news of violence, only helped to fuel the ideological transformation of the rebellion. These

by David Barry Gaspar and David Patrick Geggus, Blacks and the Diaspora, Edited By Darlene Clark Hine, et al (Indianapolis: Indiana University Press, 1997), 8-11; Geggus’ view is echoed in, among others, Lester Langley, The Americas in the Age of Revolution 1750-1850 (New Haven, Yale University Press, 1996); Most recently, Laurent Dubois has asserted that, in fact, the course of events in Saint Domingue and the rest of the French Caribbean bear out the slaves’ comprehension of Republican ideology. Laurent Dubois, A Colony of Citizens: Revolution and Slave Emancipation in the French Caribbean, 1787-1804 (Chapel Hill: The University of North Carolina Press, 2005), though this work is focused on Martinique and Guadeloupe. Dubois’s dissertation (University of Michigan, 1998) of the same title combines into one work the whole of the French Caribbean including the Haitian Revolution (it was split roughly in two for publication); for his narrative history of the revolution in Saint Domingue with less of an analytical approach, see Dubois, Avengers of the New World. Carolyn Fick also agrees with Dubois’s overall position in Carolyn Fick, The Making of Haiti: The Saint Domingue Revolution From Below (Knoxville: University of Tennessee Press, 1990); The most outspoken and seminal work within this group is Scott, The Common Wind; Scott proclaims bluntly that “Inspired by the ideas of ‘liberty, equality, and fraternity,’ sporadic uprisings of slaves occurred in the French islands as early as the fall of 1789” (1-2).
soldiers and sailors spread radical ideology freely to all who would listen, not having before experienced the tiered social system of the colonies.\textsuperscript{14}

While slaves had opened the debate by demanding emancipation in their own terms, Republican authorities did not declare it until they realized they needed help to defeat the anti-republican colonists. Sonthonax did not free slaves to raise an army, but declared general liberty in order to win over an insurgent army already standing, made of slaves that had taken their own freedom. Credit for the initial successes and the savior of Republican control must go to the slaves, as the new national army, but Sonthonax’ proclamation, coming from the Jacobin Republic’s chief administrator in the colony, radicalized the situation and insured that the debate was articulated fully in the language of the French Revolution. Though the rebellious slaves had always been fighting for

\textsuperscript{14} Dubois, \textit{A Colony of Citizens}, 28, 101; This and all future references to Dubois’s \textit{A Colony of Citizens} is to the dissertation, which covers the whole French Caribbean, rather than his book, which excludes Haiti and focuses on Guadeloupe and Martinique; Scott, \textit{The Common Wind}, 169; Caryn Cossé Bell, \textit{Revolution, Romanticism, and the Afro-Creole Protest Tradition in Louisiana, 1718-1868} (Baton Rouge: Louisiana State University Press, 1997), 21. As noted by many historians, Henri Christophe, André Rigaud, and many other affluent \textit{gens de couleur} in Saint Domingue had been a part of the French Fontages Légion during the American Revolution, serving during the siege of Savannah in 1779; though an unsuccessful action, their unit was noted for having repelled a British counterattack and protecting the rest of the force. On the invocation of kings’ and royal authority by slaves, see Laurent Dubois, “‘Our Three Colors:’ The King, the Republic, and the Political Culture of Slave Revolution in Saint-Domingue,” in \textit{Historical Reflections/ Reflexions Historiques} 29 (Spring 2003): 83-102; while seemingly royalist, it is actually a common occurrence in liberations (it also appears in Hapsburg Austria in 1848 at the end of serfdom), and Dubois convincingly argues that we must read such statements in a colonial or peasant mindset, not in European terms. He suggests that “there was a coexistence, even interplay, between the two sets of symbols and ideologies” (85) of royalism and republicanism, and that the goal of the slaves was always clear: to gain an alliance with the reigning authority of mainland France against the colonists, their masters; Such a scenario was also accepted by contemporary French officials: Jean-Philippe Garran de Coulon, \textit{Rapport sur les troubles de Saint-Domingue...} 4 Vols, Paris: l’Imprimerie Nationale, 1797-1799.
revolutionary ideals, they had simply used different terminology. Moreover, these events in the colonies universalized the ideology of the French Revolution, and the expanded ideals, in turn, further pressured the Parisian assembly, which confirmed their representatives’ actions in February 1794 by ending slavery throughout the French Empire.\textsuperscript{15}

Emancipation transformed slaves into defenders of the Republic, a move that shocked and greatly threatened the ruling \textit{grands blancs} who had become anxious over the radicalism in France. The army became a socially mobilizing force; both \textit{gens de couleur} and ex-slaves rose through the ranks, and many of their leaders, most notably Jean Jacques Dessalines and Toussaint Louverture, also climbed the political ladder. Conversely, in the eyes of rebel slaves and Republican authorities, planters who had controlled the French islands only continued to discredit themselves because their actions were widely perceived as aristocratic, and therefore counterrevolutionary. As enemies of the French state, \textit{grands blancs}, and by implication most whites, became targets of revolutionary justice. In one instance in the French colony of Guadeloupe, a band of rebel slaves slaughtered most of the whites of the town of Trois-Rivères, and then boldly announced to authorities that they had done what they had “to save the white patriots of the island and serve the Republic.”\textsuperscript{16}

\textsuperscript{15} Dubois, \textit{A Colony of Citizens}, 180-186.

The British, Spanish, and Napoleonic armies that attempted to reconquer the French Caribbean between 1791 and 1804 soon realized that service in the Republican Army ideologically indoctrinated its soldiers, making them a continuing threat even after defeat. Following the French reconquest of Guadeloupe in 1802, military authorities understood the preservation of order in the colony depended upon the removal of all former slaves, gens de couleur, and noirs from the island who had served the Republic. One French commander ordered “over a thousand” veterans and other “dangerous” blacks exiled to New York or, failing there, any “unpopulated beaches” on the American coast. These prisoners, reportedly appearing along the Atlantic coast in the aftermath of Gabriel Propper’s attempted slave revolt in Virginia only added to Southern fears and paranoia of the Caribbean troubles spilling onto their own shores.17

White Southerners, known for their extreme paranoia when it came to the specter of servile insurrection, perhaps did have good reason to fear immigrants from Saint Domingue, but they also had a good reason to fear the flow of information and ideas from there as well. As it would turn out, the first proved much easier to regulate than the second, and it was the seeping of revolutionary ideas into the United States which proved the gravest threat to the South. The ways in which it was able to cross the Caribbean allowed it to wreak both imagined and real havoc.

The key to the eruption-like spread of the neo-Jacobin, emancipationist image of the Haitian Revolution throughout the western hemisphere was the culture and society of deep-sea and coastal mariners. While refugees were similarly a great source of news,

---

17 French general quoted in Dubois, “Troubled Water,” 302-303; for similar reports, see Hunt, Haiti’s Influence on Antebellum America, 112.
sailors and tidewater boatmen had provided a steady flow of ideas and information long before the Haitian Revolution began, and would continue to provide it through “the common wind.” They were not only the springboards for a well of information from France to its colonies, but also from Saint Domingue to the rest of the Caribbean and Atlantic seaboard.\textsuperscript{18}

Sailors readily took up the ideas of the French Revolution and emancipation because it meshed with their own proto-revolutionary beliefs and culture. Maritime life afforded great egalitarianism and freedom, and sailors were the miscreants, drifters, and freebooters from all nations, readily accepting any ideology that challenged the old order of which they were not a part. In Caribbean ports especially, these masterless men met and exchanged ideas, news, and experiences; to a great degree, this port culture was responsible for the spread of revolutionary ideas into the rest of a society just as goods flowed out of the ports into the mainland.\textsuperscript{19}

Though blacks, slave and free, rarely held shipboard positions of authority, as early as 1740 black seamen established themselves as a significant part of this maritime


society. Even if sailors were not completely colorblind, the degree of equality offered by maritime culture afforded blacks social and political space they were denied on land; enslaved sailors challenged racial etiquette and plantation discipline simply by their presence. Whereas plantations represented a society in chains, the sea was a world of freedom and mobility, and in many cases, especially so in the Caribbean, the two worlds were in constant view of one another. One slave, Olaudah Equiano, noted the possibilities within maritime society, gaining from the ocean an education in navigation and a new, global perspective, which allowed him to manage himself like any other free person. He guarded his acquired virtual freedom at sea jealously, refusing thereafter to “be imposed upon as other negroes were.”

The maritime world in which Equiano existed was one in which new political and economic opportunities abounded, and sailors’ choice of ship was in part guided by personal political beliefs. If a sailor supported the ideals of the Jacobin Republic he might join a French privateer, or he may wish to exist completely outside of imperial constraints. By 1795, so many sailors agreed with the ideology of the French Revolution that foreigners on French-owned privateers vastly outnumbered French-born sailors. These corsaires jacobin preyed on coastal plantations in order to restock their provisions, and proved willing to aid escaping slaves on shore who appealed to crews. Radically-

---

minded mariners were ready and willing to spread and encourage Jacobin ideology, transporting revolutionary flags and cockades, as well as the men, white and black, who hoped to distribute them.21

Black mariners especially understood the possibilities of the revolutionary Caribbean. They were one of the first groups to hear about events in Saint Domingue, and black jacks on ships flying the flag of any nation promptly realized they could take flight or even mutiny while in Haitian ports and be beyond the reach of any authority. To those mariners who took pride in the actions and successes of the black revolutionaries, the island “burned like a beacon” of freedom. As thousands of black seamen traveled to Haiti between 1790 and 1830, they passed on news and the hope embodied by the revolutionary black state, helping to foster antislavery movements as far away as London, Boston, and Philadelphia. One man, Newport Bowers, a free black dock worker living in Baltimore, upon hearing stories of the Haitian Revolution, even hopped a ship and made his way to Saint Domingue in 1793 to witness events for himself.22

This communication network was also well known to whites on the mainland, and events in Saint Domingue, coupled with white fear that the revolution may spread to other shores, led governments throughout the Caribbean and along the Atlantic coast to place restrictions on black sailors coming into ports. Jamaican authorities in 1792 declared black mariners coming from Saint Domingue agents provocateurs and ordered ports to keep track of all seamen of color. In the southern United States, authorities


22 Black sailor quoted in Bolster, Black Jacks, 144-147, 149, 153; Scott, “Newport Bowers,” 39-40, 45.
developed new laws in the first half of the nineteenth century to restrict the movements and even appearance of black jacks in ports. In most cases, such as with South Carolina’s Negro Seamen Acts in the 1820s which required ships to check their black sailors into the local jail upon arrival, these laws had the inverse effect. They allowed news and information to spread more easily because black sailors were locked in cells with local free blacks and slaves, providing them with ample time to communicate whatever they wanted. After the appearance of David Walker’s revolutionary invective, *Appeal to the Colored Citizens of the World*, in 1829, laws mirroring the South Carolina Acts appeared throughout the rest of the South. These laws, while allowing new forms of contact between free and enslaved blacks, however did signal the decline of seamen of color on the high seas as owners disliked the loss of valuable manpower while in port.23

In addition to black seafarers, there existed a more localized tidewater, coastal, and river-based culture that helped to spread information inland from port cities to plantations. As pilots, free and enslaved men of color gained their most prominent authority, over that of an entire crew, as they directed ships into harbors. As coastal traders, blacks were able to transport contraband goods, revolutionary or seditious

---

information, runaways, and even themselves from Southern ports into the North. Finally, fishermen and dockworkers were able to make contact with an outside world in which they tasted freedom and made their own money. Watermen of all sorts gained a modicum of personal independence that allowed them to exploit aspects of the Southern slave system from within. David Walker would take advantage of this culture in order to distribute his *Appeal* throughout the South at the same time that Southerners were clamping down their society. A decade later, future Radical Abolitionist Frederick Douglass fled the Baltimore wharves into the North though the same networks.24

In coastal North Carolina and other states, maritime culture and trade involved an elite, self-hiring caste of slaves and free blacks, some of whom espoused racial egalitarianism and antiauthoritarianism. Functioning semi-independently from their masters, many tidewater slaves worked autonomously for days or weeks on end, only paying a percentage to their owners. At the same time, they served as agents of resistance and carriers of antislavery ideas, traveling widely and dealing with black mariners who then linked them to far-flung events. On the Mississippi, black steamboat workers and watermen served in the same role, as conduits of information and trade, providing a link to the outside world for inland slaves. On the edge of freedom and slavery, tidewater and

river-based men of color worked as middlemen, influencing other slaves and helping organize insurrections, secure in their ability to escape northward if caught. In many cases they formed a continual chain down the coast, linking would-be rebels in Maryland, Virginia, North Carolina, South Carolina, and Georgia with the North.\footnote{Cecelski, \textit{The Waterman’s Song}, XVI, XVIII; For more on Grandy, see Cecelski, \textit{The Waterman’s Song}, 27-56; and Moses Grandy, \textit{Narrative of the Life of Moses Grandy, Late a Slave in the United States of America} (London: Gilpin, 1843); Buchanan, \textit{The Slave Mississippi}, 155, 165, 171; Buchanan notes that western black rivermen on the Mississippi did not foment insurrection, or at least there are no records of it, but slaves often escaped by using the river and its culture, see 187-233; Hinks, \textit{To Awaken My Afflicted Brethren}, 42.}

Despite knowing the dangers this shadowy world created as early as 1725, whites were generally indisposed to break down the haven of militancy. These slaves and free blacks were the foremost pilots, boatmen, and fishermen, and drove the productivity of local ports and waterways. Even with crackdowns on blacks’ tidewater autonomy in the wake of Southern slave conspiracies linked to the Haitian Revolution, the revolutionary mindset engendered by this culture survived quietly on the periphery of slaveholding until it reemerged during the Civil War.\footnote{Cecelski, \textit{The Waterman’s Song}, XVII, 4, 14, 20-21, 81, 132, chapter seven; this was also the case in Virginia, for that, see James Sidbury, \textit{Ploughshares into Swords: Race, Rebellion, and Identity in Gabriel’s Virginia, 1730-1810} (New York: Cambridge University Press, 1997), 173, 182-183. Union naval commanders turned to many of these slaves and freedmen, such as Robert Smalls, to pilot their warships through the waterways in order to launch attacks; later, the navy enlisted many into full service. Abraham Galloway, a fugitive slave, returned to coastal North Carolina as a Union spy, reporting directly to General Benjamin Butler. After the war, Galloway became a diehard radical politician. Like many tidewater blacks, he was already committed to “universal suffrage, women’s rights, state-sponsored education, civil rights, and even armed self-defense,” ideas which had remained and grown just under the surface through decades of repression. Cecelski, \textit{The Waterman’s Song}, 153-177; On Galloway, see 179-201.}
Running simultaneously alongside these maritime communication networks, and proving only slightly easier to control, was the diffusion of refugees from the French colonies across the Caribbean and up the Atlantic coast. White colonists had fled from the beginning of the rebellion in Saint Domingue, but when they became specific targets of retribution by insurgents, their numbers swelled. Throughout the emigration from the future Haiti, most refugees landed in colonial New Orleans as it passed from Spanish, to French, to American hands. New French-language newspapers appeared, continuing debates over slavery, the Revolution, and the Republic of Virtue.  

The number of émigrés grew as time passed, first in 1804 after the American purchase and then again in 1809 after the failed Aponte Rebellion in Cuba, to the point where French refugees outnumbered the original residents of New Orleans. Expatriate grands blancs easily attained Spanish or American citizenship and entered society thanks to their skills, education, and preexisting acculturation to a slave-based social system. Their royalist beliefs meshed well with royal government in Spanish Louisiana, as well as with Federalists in Charleston and Savannah where many also settled. Later refugees, among them petits blancs who had been affirmed Jacobins, fared well too, but came to

terms with the fact that revolutionary ideas were not welcome. *Gens de couleur* also carved out their own places in local cultures, rising to be leaders of their social group without giving up their own identities. Non-whites from Saint Domingue fared best in New Orleans where they earned distinction by serving in a militia unit under Andrew Jackson during the War of 1812. They did, however, become suspect for a time after revolts in 1795 and 1811.²⁸

Many enslaved and free black refugees did not remain quiet, spreading word of the Revolution and its ideology in both the South and the North. In Philadelphia, already a center of antislavery dissent, the levels of abolitionist rhetoric increased and leaders of the black elite became politically emboldened by the influx of “French negroes.” James Forten declared that Haiti was proof that slaves “could not always be detained in their present bondage,” and that the pariah state “would become a great nation.” Furthermore, in the mid-1790s, a body of “citizens of color of Philadelphia” wrote to the National Convention in Paris to thank them for the “immortal decree” which aided their brothers in bondage.²⁹


Farther south, however, authorities in both the southern United States and Spanish Louisiana perceived any refugees who defended Jacobinism as menaces. While whites were extended the benefit of the doubt in most cases, “French negroes” both free and enslaved were threatened with expulsion. Mirroring their actions against black sailors, local governments promulgated laws in most coastal states and territories barring the entry of black or mulatto refugees altogether, as well as expelling those who had already entered, actions followed by the British and Spanish throughout the Caribbean. Refugee slaves were noted especially for spreading news that a major European power had declared emancipation.\(^{30}\)

To a great degree, whites understood well the threat of the black Revolution and its influence upon their slaves. Thomas Jefferson himself asserted “if something is not done & soon done” about the spreading contagion of liberty and freedom among slaves, “we shall be the murderers of our own children” when the “revolutionary storm, now sweeping the globe, will be upon us.” As the French Republic preyed on American shipping in the Caribbean out of Saint Domingan ports, attempted to organize sympathizers in Spanish Louisiana, and planned an invasion of the lower South by a black Republican army from the French Caribbean under General Theodore

Hédouville—a subordinate of General Louis-Marie Turreau during the pacification of the Vendée—the suggestion was not wholly without merit that refugee men of color, including former Haitian soldiers, might foment a stateside revolution on par with the one ongoing in the French Caribbean.\(^\text{31}\)

In tidewater Virginia, officials blamed the “example of the West Indies” for the tightening of the slave code and new restrictions against meetings of slaves. In New Orleans in 1793, officials accused “apothecaries, ship captains, and militia officers” of trying distribute a tract from the National Convention calling for “citizens of all nations [to resist] the tyrants united against the French Republic.” In Charleston, South Carolina in October 1793, copies of Sonthonax’s Proclamation of General Liberty appeared as newspapers noted the restlessness of the cities’ slave population. And, in 1794 in Bogotá, Colombia, a man was tried for “translating and secretly publishing” the French Declaration of the Rights of Man and of the Citizen.\(^\text{32}\)

The clearest example of Haitian ideological influence finding its way to North American shores was the 1793 trial of pardo—free black—militiaman Pierre Bailly in Spanish New Orleans. Bailly was charged and tried by a military tribunal for inciting

\(^{31}\) Thomas Jefferson to George Tucker, 28 August 1797, in Thomas Jefferson, The Writings of Thomas Jefferson, Edited by Paul L. Ford, 10 Volumes (New York: G.P. Putnam's Son, 1892-1899), VII, 168; Each successive French government actively pursued emancipation until Napoleon Bonaparte took power in 1799, from which time he secretly planned to retake the island in order to re-enslave the population. On the planned invasion of the South under the Directory, see Douglas R. Egerton, “The Empire of Liberty Reconsidered,” in The Revolution of 1800: Democracy, Race, and the New Republic, Edited by James Horn, Jan Ellen Lewis, and Peter S. Onuf (Charlottesville: University of Virginia Press, 2002), 313. For more on the Vendée, see Chapter 5.

rebellion as well as “having burst into tirades against the Spanish government and of being a manifest follower of the maxims of the French rebels.” When asked what he hoped to gain for his fellow pardos, he replied,

The French are just; they have conceded men their rights….A universal equality among men, us, people of color. We have on the Island of Saint-Domingue and other French islands the title *ciudadano activo* [active, full citizen]; we can speak openly, like any white persons and hold the same rank as they. Under our [Spanish] rule do we have this? No, sir, and it is unjust. All of us being men, there should be no difference. Only their method of thinking—not color—should differentiate men.

According to witnesses, he was only awaiting word from Saint Domingue to begin his rebellion. The court agreed and sent him to prison in Cuba. Despite his condemnation, though, radical Jacobin influences from France continued to spread throughout New Orleans. Whites and blacks sang “La Marseillaise,” “Ça ira,” “Les aristocrats à la lantern,” and other French Revolutionary songs in the streets to celebrate the day they would be republicans; in one such song, revelers threatened to guillotine the governor. By 1795, disorder was widespread in the colonial capital as houses burned nightly and unrest grew.33

In addition to revolutionary fervor whites and free blacks engendered throughout the United States, however, enslaved Southerners also used the ideals and idea of the Haitian Revolution as a source of inspiration. Most major slave revolts and conspiracies from 1790 to 1822 in the South evidenced connections to the revolutionary tide

emanating from the Caribbean as Saint Domingue provided blacks free and enslaved a revolutionary precedent. And, using this image, they placed their hopes not on legislated freedom, but in violent insurrection. In pursuit of their goals, however, black Southerners struggled not only to end chattel slavery, but to find a way to equalize the newly freed with their former masters.\footnote{Sidbury, “Saint Domingue in Virginia,” 534, 537, 551; see also Sidbury, \textit{Ploughshares into Swords}, 39-40, 46. Eugene Genovese as well as those who take after him argues that American slaves lacked any sort of revolutionary tradition, and instead looked to work stoppages, breaking tools, and short-term running away as a way to protest and negotiate their positions. This theory simply cannot not be upheld in the face of mounting evidence of invocations and active imitation of Haitian Revolutionary forms within many conspiracies and plots enacted by Southern slaves. For these arguments, see Genovese, \textit{From Rebellion to Revolution} and Eugene D. Genovese, \textit{Roll, Jordan, Roll: The World the Slaves Made} (New York: Vintage Books, 1972), 585-660.}

In Spanish and then American Louisiana, the 1795 Pointe Coupée revolt and the 1811 German Coast Rebellion, as well as Gabriel Prosser’s failed conspiracy in 1800 in Richmond, Virginia and Denmark Vesey’s failed scheme of 1822 in Charleston, South Carolina all occurred under the shadow of the “slumbering volcano” in the Caribbean.\footnote{Michael Johnson argues that the only consequence of Saint Domingue was white paranoia and conspiracy theories, rather than any real and meaningful effect, especially not complicated and far-reaching conspiracies. Specifically, he challenges the evidence in the Denmark Vesey conspiracy (discussed below) to try to prove that the whole thing was concocted by whites to feed their own paranoiac fears. This proposition simply cannot stand up to the evidence suggesting that blacks, free and slave, were very much ideologically influenced by the Haitian example, or at least an idealized version of it. For more, see Michael P. Johnson, “Denmark Vesey and His Co-Conspirators.” \textit{William and Mary Quarterly} 58 (October 2001): 915-976. This is part of a larger, two part forum on the theory Johnson raises; the parts can be found in “Forum: The Making of a Slave Conspiracy, Part 1.” \textit{William and Mary Quarterly} 58 (October 2001): 913-976; and Forum: The Making of a Slave Conspiracy, Part 2.” \textit{William and Mary Quarterly} 59 (January 2002): 135-202.} Though each revolutionary moment failed in the short term to end American slavery, their ideologies and leaders became part of the same mythological pantheon of
antislavery insurrectionism that was built upon the foundation of Saint Domingue. As their names were passed by word of mouth, becoming etched in the minds of other militant slaves as well as their Northern adherents, their actions served as new sources of inspiration alongside tales of the Haitian Revolution.

As the Haitian Revolution continued to engulf the island of Hispanola, whites all along the Gulf of Mexico hunkered down for a coming storm. Though the widespread slave rebellion they expected never emerged, outside of New Orleans in 1795 Spanish officials uncovered a planned slave insurrection in Point Coupée. French agents provocateurs had promised slaves support from French soldiers and the corsaires jacobin if they would rise to imitate the Saint Domingue rebels and “do the same here as at Le Cap [François].” Authorities swarmed the area with military reinforcements, heading off the threat. Several white and free black conspirators, some from Saint Domingue, were banished from the colony, and two whites were sent to prison in Cuba for ten years’ hard labor. Thirty-two slaves were imprisoned and twenty-six others executed; officials placed the heads of the executed on pikes in surrounding districts to warn others of the fate of insurrection.  

In the aftermath of Point Coupée, the Spanish governor cracked down on French refugees from the Caribbean, banishing those found to be threats. In one case, authorities expelled a free black tailor from Louisiana. The governor explained,

He is a native of the part of Saint Domingue that belongs to the French and is mixed up in all the intrigues and harassments of the French colony, besides being ungovernable and audacious. Having such a character around under the present circumstances in which I am placed, might produce bad results.

Spanish authorities also halted the slave trade into Louisiana in 1796 and many slave owners followed suit by reducing the numbers of slaves they held. By 1800, however, the rise of sugar production to augment the barren fields of Saint Domingue encouraged officials to reopen importation, albeit begrudgingly, and only for slaves coming directly from Africa.  

As Louisiana slaveholders greeted the American takeover in 1804, officials in New Orleans continued to report intermittent unrest among slaves and free blacks; in response, patrols were increased and the pardo militia was disbanded. Despite such precautions, Louisiana remained a crossroads and hideout for veterans of the French Republican army as well as Mexican insurgents, corsaires jacobin, and other would be revolutionaries. The two most influential of these insurgent groups were soldiers left over from the campaign in Saint Domingue and the privateer smugglers forced out of Cuba in 1809, both of whom continued to espouse and actively support Republican idealism. In

---

addition, maroon communities and “outlyers” living in the impenetrable swamps and forests created a safe haven for runaways.\textsuperscript{38}

With so many troublemakers around to influence and indoctrinate the local slave population, it was no surprise that the largest slave insurrection in the history of the United States exploded in Louisiana. In January 1811 on the German Coast, thirty-five miles outside of New Orleans, a number of slaves led by Charles Deslondes, a free black Saint Domingan driver, killed several whites and wounded others. The insurgents fled to an arranged rendezvous with maroons and from there marched on New Orleans, burning plantations and gathering recruits as they swept the countryside. Fearing what one witness termed their own “miniature representation of the horrors of St. Domingo,” whites in the path of the rebels fled in terror.\textsuperscript{39}

When the eventual rebellion had grown to between 150 and 500 slaves, a small, quickly assembled militia unit counterattacked. Reports indicated the rebels had formed into tight military units, led by uniformed, mounted officers, and marshaled by flagmen


and drummers. Even though well organized, however, the slaves disbanded and fled when attacked. Two days after the insurrection began, regular army troops, dragoons, and militiamen from New Orleans and Baton Rouge handily defeated the slave band before indiscriminately massacring nearly one hundred blacks. Locals placed the heads of the dead rebels on pikes and with them lined the road from New Orleans to the plantation where the revolt began as a warning.40

While whites in Louisiana were able to suppress the 1811 rebels before the situation was out of hand, successful revolutionary uprisings in Cartagena, Colombia and Barataria, Louisiana in the same year further excited whites’ fears, especially when representatives of the two new republics arrived in New Orleans to recruit men and privateers. To Louisianans’ relief, among those who sailed to Cartagena were a number of the corsaires jacobin based on the coast, but the threat Saint Domingue posed remained. Until the early 1820s, Haiti maintained vocal support for black revolutionaries throughout the Caribbean, and when Spanish forces counterattacked Cartagena on the South American coast, Haitian President Alexandre Pétion gave safe harbor to several vessels. Haitian aid was again given to Jacobin insurgents from Louisiana in 1816 as well as to Simon Bolivar in the 1820s.41


41 Bell, Revolution, Romanticism, and the Afro-Creole Protest Tradition, 47, 61-62.
Though never as dramatic as events on the Gulf coast, those in the Atlantic states inspired similar fears of impending slave-led Armageddon. By 1793, countless white as well as “many hundreds” of black Saint Domingans had landed in Norfolk and Portsmouth, Virginia carrying firsthand news of the slave rebellion. While the black refugees engendered a sense of hope among local men of color, they created great anxiety for white Virginians. One Richmond man reported overhearing a group of blacks outside of his window remark they “were to kill the white people soon in this place” just as “the blacks has kill’d the whites in the French Island and took it a little while ago.” Such fears soon evolved into widespread chatter of a coming uprising from Virginia to South Carolina, a rumor bolstered in August 1793 when a Yorktown resident found a letter in the street from the “Secret Keeper, Richmond” to a colleague in Norfolk. Eventually passed to the governors of both South Carolina and Virginia, the letter claimed thousands of recruits and hundreds of guns were already acquired from a “friend in Charleston.” This friend was purportedly one Isaac Sasportas, a Caribbean-born French agent who the Spanish would execute in 1799 for inciting slaves to revolt by following the example of Saint Domingue.

Douglas Egerton notes a small and apparently poorly organized conspiracy in 1792 in Norfolk, Northampton, and Elizabeth City, Virginia by a slave named Caleb. The plot was found out and broken up before anything really happened, except for a stolen horse. After the initial alarm, six uncaptured plotters tried to go through with the plan with the same lack of success. Most apprehended conspirators were whipped and beaten, the three “most dangerous” were transported to Cuba, and three members of the “second wave” of attack were executed. See Egerton, “The Scenes Which Are Acted in St. Domingue,” 44-47; Sidbury, “Saint Domingue in Virginia,” 539-540; see also Sidbury, Ploughshares into Swords, 42-48; Berlin, Slaves without Masters, 82.

With the militia on alert and nothing more discovered, the panic slowly died down from the “Secret Keepers,” but within five years another slave conspiracy seeing itself as a revolutionary successor to the Haitian example shook Richmond. In the late 1790s, enslaved, self-hiring blacksmith Gabriel Prosser began socializing with both white artisans and Haitian refugees, leading him to develop an ideology of freedom and equality. By 1800 he had decided to strike, overthrowing not just slavery, but white racial hegemony. To accomplish his goal, he sought to appropriate the symbols of white authority, turning scythes, the tools of subordination, into swords, the tools of revolution, and turning masters’ benevolent vision of Christianity into a revolutionary creed. Combining an intimate familiarity with the Richmond wharves and the news and information flowing through them and two Frenchmen who offered to help train his co-conspirators, Gabriel possessed the precursors to organize, inspire, and lead slaves for a coming revolution.  

see also Sidbury, Ploughshares into Swords, 42-43; and Hinks, To Awaken My Afflicted Brethren, 47-48; “A Letter from and to Slave Rebels, 1793,” in A Documentary History of the Negro People in the United States, Edited by Herbert Aptheker, Prefaced by W.E.B. Du Bois (New York: Citadel Press, 1951), 28; For general accounts of the Secret Keeper conspiracy, see Sidbury, “Saint Domingue in Virginia,” 540-543; and Alderson, “Charleston’s Rumored Slave Revolt of 1793,” 93-111; see also Egerton, “The Scenes Which Are Acted in St. Domingue,” 48-49. Circumstantial evidence suggests Sasportas was the “friend in Charleston” providing powder to the aspiring rebels. James Sidbury notes that if Sasportas was involved with the Secret Keepers, then the 1793 conspiracy “may have been connected in elusive ways to the most radical wings of the international movement inspired by the French Revolution.” See Sidbury, “Saint Domingue in Virginia,” 542.

44 For more on the Frenchmen, see Egerton, “The Scenes Which Are Acted in St. Domingue,” 52; and Egerton, Gabriel’s Rebellion, 43; Egerton, Gabriel’s Rebellion, X, 24-26, 29-31, 33, 44, 47-48; Egerton, “The Scenes Which Are Acted in St. Domingue,” 52-53; Dillon, Slavery Attacked, 56-57. Many historians make the claim that Gabriel was influenced by Saint Domingue, but for two examples, see Genovese, From Rebellion to Revolution, 95; and Dubois, “Troubled Water,” 305; Egerton claims that Gabriel also had
Believing “an impending civil war” was coming over the heated election of 1800 between Thomas Jefferson and incumbent John Adams, Gabriel looked to take advantage and capture Richmond and its arsenal while whites were distracted. After slaves from neighboring areas killed their masters and secured the region, boatmen would then export the conspiracy to more distant counties, eventually leading to statewide success. He hoped that with a swift, successful offensive, the rebellion would draw followers, including white artisans because of their animosity for planters and the governing classes as well as their support for the French Revolution. Additionally, he gave strict instructions that poor, slaveless whites, Methodists, Quakers, and Frenchmen not be harmed. Weather delayed the appointed hour, however, and some conspirators confessed to the plot. As whites garnered the extent of the intended rebellion, they quickly found and executed the ringleaders, including Gabriel. One Richmonder remarked of those involved, “The accused have exhibited a spirit, which, if it becomes general, must deluge the Southern country in blood. They manifested a sense of their rights, and contempt of danger, and a thirst for revenge which portend the most unhappy consequences.” Some of knowledge of and was inspired by the Secret Keeper plot and other failed plans as well as the Haitian example. See Egerton, “The Scenes Which Are Acted in St. Domingue,” 51; Egerton, *Gabriel’s Rebellion*, X, 7-9, 16-17, 46-48, 51; Sidbury, *Ploughshares into Swords*, 5, 15-16, 38-40, 46, 49, 68-69, 79-84, 93, 139; While Sidbury plays upon the religious discourse present in some of Gabriel’s rhetoric and that of his followers, Egerton, Dillon, and others contend that the revolt, in fact, had a very secular base with very few overt references to Christianity. For Sidbury’s discussion of these differences, see Sidbury, *Ploughshares into Swords*, 74-75; Hinks appears to side with Sidbury, but notes that religion became increasingly prominent in insurrectionary discourse after Gabriel’s plot until it emerged as the center of Vesey’s conspiracy, see Hinks, *To Awaken My Afflicted Brethren*, 59; For the opposite take, see Egerton, *Gabriel’s Rebellion*, 179-181; and Dillon, *Slavery Attacked*, 58-59.
those who remained free tried to reorganize, but their effort failed within two years as well.\footnote{Palmer, McRae, and Flournoy, Eds., \textit{Calendar of Virginia State Papers} (Richmond 1890), IX, 159-160, 164-165; Dubois, “Troubled Water,” 305; Egerton, \textit{Gabriel’s Rebellion}, XI, 37-42, 45-47, 50-51, 64-65; Sidbury, \textit{Ploughshares into Swords}, 58-60; For the claim about who should live, see Egerton, “The Scenes Which Are Acted in St. Domingue,” 54; John Randolph quoted in Egerton, \textit{Gabriel’s Rebellion}, 102; Aptheker, \textit{American Negro Slave Revolts}, 223-224. Gabriel’s perceptions of the white world around him were skewed towards universalist radicalism; he did not realize that white Jacobin artisans, American Francophiles, and the Frenchmen he knew were in reality the far left wing of the Jeffersonian coalition or, as in the case of James Madison, not “true believers,” and would, therefore, not be coming to his aid, see Egerton, \textit{Gabriel’s Rebellion}, 45-47; Quoted in Dillon, \textit{Slavery Attacked}, 59; from Palmer, \textit{Calendar of Virginia State Papers}, IX, 152; these claims are echoed in Sidbury, \textit{Ploughshares into Swords}, 97; For the details of the “Easter Plot” of Gabriel’s remaining conspirators, see Egerton, \textit{Gabriel’s Rebellion}, 120-146; Peter Hinks argues that the leaders of the Easter Plot “while not as disciplined in their organization…[they] still showed the same concern for ideology and networks of communication that strove to incorporate large numbers of people over broad territories into revolt,” Hinks, \textit{To Awaken My Afflicted Brethren}, 53.}

In the wake of Gabriel’s Rebellion, Virginia whites greatly restricted the autonomy of self-hiring bondsmen and the independence of watermen. At the same time, though, they played up the extent of the conspiracy and made the case well known throughout the country. For some Northern blacks, Gabriel became a symbol that Southern slaves remained ready to fight for their humanity and freedom. In 1822, such hopes were renewed again by Denmark Vesey in Charleston, South Carolina, where constraints on urban and maritime slaves remained relatively lax, especially as the passage of time lulled white fears of Saint Domingue. By the 1820s, Vesey had developed what abolitionist and Union army officer Thomas Wentworth Higginson would call “the most elaborate insurrectionary plot ever formed by American slaves.”\footnote{Davis, \textit{Revolutions}, 52; Sidbury, \textit{Ploughshares into Swords}, 52, 259, 267; Egerton, “The Scenes Which Are Acted in St. Domingue,” 57; Thomas Wentworth Higginson, \textit{Black Rebellion: Five Slave Revolts}, Excerpted from \textit{Travelers and Outlaws}, With an}
The Caribbean-born Vesey exemplified the type of slave of which whites were most afraid. A product of maritime life, self-hiring culture, and political consciousness, his experiences exemplified the threat of the revolutionary era. Vesey had toiled in the cane fields of colonial Saint Domingue, which, when compounded with freedom after winning a lottery in 1799, allowed him to see the most dire contrasts of the servile institution. After settling in South Carolina and both literate and bilingual in French and English, he met, conversed, and became close friends with many Haitian refugees. He could neither read nor hear enough about the Caribbean revolution, reportedly rejoicing in the news of blacks controlling the plantations of their former masters.\(^{47}\)

The ideal of Haiti remained in Vesey’s mind as he found constant rejection by the gens de couleur of Charleston. Instead, he found comfort and community with those who remained in chains as he pored over and read aloud “all the passages in the newspapers that related to St. Domingo, and apparently every pamphlet he could lay his hands on, that had any connection to slavery.” According to a coconspirator, Vesey preached to his enslaved friends: “We [are] deprived of our rights and privileges by the white people…and that it [is] time for us to seek for our rights…we [are] fully able to conquer the whites, if we [are] only unanimous and courageous, as the St. Domingo people were.” He cajoled and encouraged his enslaved friends to follow his example and was even

---

\(^{47}\) For one very clear example of whites’ paranoia over Haiti and free blacks in Charleston, see Thomas Pinckney, “Reflections, Occasioned by the Late Disturbances in Charleston, by T. Pinckney,” (Charleston: A.E. Miller, 1822), in Slave Insurrections: Selected Documents (Westport: Negro Universities Press, 1970), 1-30; Egerton, He Shall Go Out Free, XVI, 45, 64, 68.
noted for “haranguing white strangers in taverns about the injustice of slavery.” Thus, like Gabriel, he had developed an ideology at odds with white hegemony. But, while the Richmond blacksmith followed Toussaint in believing whites might accept equality at the point of a bayonet, Vesey understood like Dessalines that they never would. 48

To that end, he and his captains would on 14 July 1822—Bastille Day, the anniversary of the French Revolution as well as emancipation in Massachusetts—raise an army of slaves, kill their masters, take the city armory, and “sweep the town with fire and sword, not permitting a single white soul to escape.” After securing the port and freeing as many slaves in the region as possible, he and his compatriots would immediately disembark for a new future in Haiti. According to another conspirator, “the people of San Domingo…would assist them in obtaining their liberty, if they only made the motion first themselves.” Infused with equal parts Biblical prophecy and jacobinical ideology, Vesey promised to deliver his flock out of their oppression. 49

48 “The Confession of Jack Purcell,” in Hamilton, “An Account of the Late Intended Insurrection,” 42; “Confession of Jesse,” in Hamilton, “An Account of the Late Intended Insurrection,” 39; Egerton, He Shall Go Out Free, 44, 94-95, 98-100, 108; On Vesey’s wish to see other slaves free while, as a free man, he could leave of his own will, see the testimony of Frank Ferguson in Hamilton, “An Account of the Late Intended Insurrection,” 35. Tradition says that Dessalines created Haiti’s flag by stripping the white out of the French trois-couleurs, just as he had done in the French colony itself.

49 Rolla Bennett quoted in James Hamilton, “An Account of the Late Intended Insurrection Among a Portion of the Blacks of this City, Published by the Authority of the Corporation of Charleston,” (Charleston: A.E. Miller, 1822), in Slave Insurrections: Selected Documents (Westport: Negro Universities Press, 1970), 9, 34; “Confession of Jesse,” in Hamilton, “An Account of the Late Intended Insurrection,” 39-40; “Witness Number 10” claimed that Gullah Jack said the English would help them by carrying them away to Saint Domingue on their ships, which, while different from Vesey’s plan, could be plausible to slaves who had witnessed the War of 1812, for this, see Hamilton, “An Account of the Late Intended Insurrection,” 38; see also Douglas R. Egerton, He Shall Go Out Free: The Lives of Denmark Vesey (Madison: Madison House, 1999), XV-XVI,
As in Gabriel’s plan before, however, a coconspirator exposed the scheme, forcing its leader into hiding, but he was quickly found and hanged. When authorities discovered the far-reaching implications of the plan, white fears in Charleston exploded. The editor of the Charleston Times exclaimed, “Our Negroes are truly the Jacobins of the country; that they are the anarchists and the domestic enemy; the common enemy of civilized society, and the barbarians who would, IF THEY COULD, become the DESTROYERS of our race.” With Vesey’s downfall, the threat of rebellion finally outgrew the convenience of self-hiring and autonomy across the South, leading to a crackdown. Officials passed laws to restrict slaves’ freedoms and restrain the movement of black watermen and mariners in port with the Negro Seamen Acts. Vesey’s attempted rebellion became the last eruption of the “slumbering volcano” in the southern United States, as whites’ increasingly vengeful reactions to slave insurrections proved successful in preventing future plots against slavery from within.  

---

50 Egerton, He Shall Go Out Free, 170, 216-217; Edwin C. Holland, A Refutation of the Calumnies Circulated Against the Southern & Western States, Respecting the Institution and Existence of Slavery among Them, To which Is Added, a Minute and Particular Account of the Actual State and Condition of Their Negro Population, Together with Historical Notices of All the Insurrections That Have Taken Place Since the Settlement of the Country, by a South-Carolinian (Charleston: A.E. Miller, 1822; New York: Negro Universities Press, 1969), 86. Nat Turner’s rebellion is a good example of the increase in white vengeance for black rebellion. Though he was not inspired by Haiti, his 1831 religiously-inspired revolt was so harshly dealt with that it clearly sent a signal to other would-be rebels. Whites also began to change their tactics after Turner, and while placing monumentally harsh new restrictions on all aspects of blacks’ lives, they also moved towards a conscious construction of paternalism rather than relying solely on brute force for governing their slaves.
While Southern slaves took the Haitian Revolution as inspiration for their own insurrectionary plans, many Northern blacks came to see Saint Domingue as a symbol of hope and defiance for their race. In 1818, these ideas were expressed in print for the first time. Prince Saunders, a Vermont-born black and future Attorney General of Haiti, wanted to rebut arguments that men of color were inferior to whites and incapable of maintaining the rule of law on their own; his *Haytian Papers*, a collection of documents and memoirs, became the foundation of future black militant praise of the former colony.

Saunders’s treatise stressed the strength of and respect for the laws in Saint Domingue, and argued that former revolutionary leader Henri Christophe had created an era of peace and prosperity unknown beforehand. Saunders succinctly blamed the violence and destruction of the civil wars not on emancipation or the slave rebels, but on Napoleon and the *noirs* and *gens de couleur* who sided against Toussaint. In his estimation, the Bonapartist traitors alone made “the blood of their fellow countrymen flow in torrents” by kidnapping the one man who “had reinstated, in full force, law, morals, religion, education, and industry.” Despite this treachery, however, the people of Haiti had overcome all obstacles; they drove out the French and, under Christophe, established an unprecedented level of order and civility, proving themselves a tribute to the greatness of their race.⁵¹

---

⁵¹ Prince Saunders, *Haytian Papers, A Collection of the Very Interesting Proclamations and Other Official Documents, Together with Some Account of the Rise, Progress, and Present State of the Kingdom of Hayti. An Address, Delivered at Bethel Church, Philadelphia, on the 30th of September, 1818, Before the Pennsylvania Augustine Society, for the Education of People of Colour. Memoir, Presented to the American*
Though whites largely ignored Saunders’s excessively positive vision of Haiti, which was constructed in part to encourage immigration there, black Americans readily took it up in the 1820s, a period also marked by a popularity of celebrating Haitian independence day in Northern black communities. John Brown Russwurm, a student at Bowdoin College and developing militant, was among Saunders’ first ideological disciples and vociferously promoted the achievements of the Saint Domingue rebels, writing numerous term papers on the topic. In his commencement address in the summer of 1826, Russwurm took the occasion to herald not the fiftieth anniversary of the United States’ Declaration of Independence, but instead unexpectedly lauded the importance, impact, and success of revolution in Saint Domingue. His speech went so far as to imagine the patriots of Haiti and its revolution as black parallels to the American founders.52

---

Following his graduation from Bowdoin, Russwurm’s New York-based newspaper *Freedom’s Journal* published numerous approbative pieces on the Revolution and Toussaint. These articles constructed the image of a revolution led by a man of the utmost honor and morality, depicted as the epitome of a just, virtuous European leader and “one of the most extraordinary men of his age.” One *Journal* contributor rendered the black Napoleon as a righteous and disciplinarian leader who preserved the strictest sobriety…was particularly attentive to the means of reforming the loose and licentious manners of the females; and…set about the restoring of the public finances with wonderful address….The negroes were induced to return cheerfully to the labours of the field, and to submit to regulations under the black officers….All appeared to be happy, and regarded Toussaint as their guardian angel.

Even Louverture’s deputy Dessalines, deemed a bloodthirsty monster by most accounts—his battle cry was “Burn down houses, Cut off heads”—was praised in another article as “one of the most courageous, enterprising and skillful of all the negro generals.”

Beyond merely lauding the revolutionary generation, *Freedom’s Journal* presented contemporary Haiti as an idyllic isle of peace and prosperity where leaders had proven themselves equal to those in any state of Europe. One writer argued that during the revolution in Saint Domingue,

---

53 *Freedom’s Journal*, 4 May 1827 and 11 May 1827; Alfred Hunt notes that many American newspapers, which praising Toussaint, demonized Dessalines as a bloody tyrant. See Hunt, *Haiti’s Influence on Antebellum America*, 84-101; *Freedom’s Journal*, 18 May 1827; Dessalines, urging his men with the cry “Koupe tet, boule kay” in Haitian Creole, is still considered by many historians to be the most ruthless figure of the revolution. François “Papa Doc” Duvalier, the vicious Haitian dictator from 1957-1971, portrayed himself as an heir to the ideals of Dessalines.
the negro character...burst upon us in all the splendor of native and original
greatness: And the subsequent transactions in that Island have presented the most
incontestible proofs, that the negro is not, in general, wanting in the higher
qualifications of the mind; and that, with the same advantages of liberty,
independence and education, as their white brethren of Europe and America, the
race would not be found deficient in hearts pregnant with heroic energies, and
hands capable of wielding the sword of war, or swaying the rod of empire.

Northern blacks saw the Haitian government as constructed upon the most esteemed
principles of republicanism, and still led by men of “considerable intellect and great
energy” who guaranteed the rights of all its citizens, rich and poor. Given freedom and
political rights, former slaves had not rampaged across the land raping and pillaging, but
like Toussaint, they had come to see themselves as the equals to their former masters,
having realized their own manhood in every respect.54

As their praise continued unabated, Russwurm and his contributors, such as black
agitator David Walker, began posing the example of the Caribbean state as a warning to
Southern whites and as an omen of events to come for American slaves. Having
successfully regenerated and domesticated the image of the revolution in their own
minds, Northern black militants began to justify and threaten violent action, citing their
imagined historical precedent. They declared that if the “national sin” in the United States
was not quickly purged, “the horrors of the revolutionary scenes of St. Domingo, will be
reacted before our eyes,” but that even those “will be but [an] infant's prattle by [the]
side” of the coming onslaught. Southern slaves, oppressed and without knowledge of war

54 Freedom’s Journal, 4 May 1827; Freedom’s Journal, 27 April, 1 and 29 June 1827;
for more examples of laudatory accounts of Haiti and its patriots, see Freedom’s Journal,
16 March, 6 and 20 April, 4 May, 15 June, 13 and 27 July, 10 August, 12 October 1827;
7 and 14 November, 12 December 1828.
and weapons, would, like their brethren in Saint Domingue, be divinely inspired to rise up, inherently possessing unknown martial skills that would come out at the needed moment. The most explicit and alarming of these threats came from the Rev. O.P. Hoyt in an address delivered on American Independence Day in 1826:

Let it be remembered that these negroes only need to know their strength and the unrighteous tenure by which they are held in bondage, together with an artful leader, and they would drench the whole continent from the Potomac to the gulf of Mexico, in the blood of the whites. It is vain to think of keeping them in ignorance....Some of the free blacks are men of intelligence. Their influence is great....They have heard of the scenes of St. Domingo. They see there a coloured population, intelligent and free and happy... You may build a wall to heaven around the island of the blacks and still you cannot resist it.—Their example will be perpetually before the slaves and serve as a beacon to invite them to insurrection. It bids them to go forth to freedom or to death....The day of vengeance is not far distant. The tempest is gathered on the mountain tops and threatens to sweep down into the plains below, desolating with its lightning and deafening with its thunder....The arm of the slave may yet grasp the battle axe and the sword, and if not, we, our children, or our children's children may perish beneath the stroke...the rains of more than thirty years have scarcely yet bleached the soil [of Haiti] from the blood of the French.

Like Hoyt, David Walker also moved beyond mere praise of the Haitian example, and in his *Appeal to the Coloured Citizens of the World* advocated that American slaves actively follow in the footsteps of the Saint Domingan rebels, freeing themselves from the yoke of the “unjust, jealous, unmerciful, avaricious and blood-thirsty” master class by any means available. Many Northern blacks responded favorably to Walker’s revolutionary creed, designed to be *Common Sense* for slaves. The Bostonian demanded men of color put faith in themselves, dare to act, and take their rights back from their

---

55 *Freedom’s Journal*, 18 May 1827; 27 October 1828; *Freedom’s Journal*, 6 April, 21 December 1827; *Freedom’s Journal*, 18 May 1827; reprinted from an address delivered by Rev. O.P. Hoyt in Potsdam, NY on 4 July 1826.
masters because whites were unlikely to pity slaves’ wretchedness or yield to abolitionists’ moral suasion. He urged that slaves must recant their own consent to be oppressed, lead moral lives, and become educated, temperate, religious, and self-regulated. One newspaper noted that those who had read the Appeal, or heard it read, “glory in its principles, as if it were a star in the east, guiding them to freedom and emancipation.” Amos Beman, a black minister in Connecticut, reported that the work was “read and re-read” aloud in groups “until [its] words were stamped in letters of fire upon our souls.”

Another militant, calling himself Nero, tried to threaten Southerners into submission. In 1831, one year after the Nat Turner rebellion, he dispatched a letter to Jerusalem, Virginia proclaiming that “as long as [oppression] exists, [revenge] is justifiable.” He lambasted shaken whites that Nat Turner only represented the first wave of a wide-reaching conspiracy hellbent on destroying slavery and restoring black dignity at all costs. The conspirators, black and white, were a revolutionary vanguard led by a “modern Leonidas,” who escaped to Haiti where he and his captains were “taking lessons from the venerable survivors of the Haytian Revolution…and the genius of Tousaint.”

---

When ready, they would strike and “not only make a blaze but scorch [whites’] very bones to a crisp.” Nero concluded,

We shall be able to bring into the field three hundred thousand men who will be all willing to hazard their lives in defense of our common rights…men that can perform deeds of death and destruction that would have made a Cortes or Pizarro relent, a Red Jacket sympathize, or a Tecumseh weep. 57

In the end, though, the shift into militancy of Russwurm, Hoyt, Walker, Nero, and their colleagues failed to inspire anything more than a massive Southern backlash when combined with the revolt of Nat Turner in 1831. In a sense, it was too much, too soon, and the larger abolition movement was not ready for their particular brand of militancy. Following Walker’s death in 1830 and taking advantage of the general aversion to the increasingly militant tone of black abolitionism, moreover, the rise of William Lloyd Garrison’s Liberator and its accompanying nonresistance movement stymied whatever momentum towards violence had arisen in the black community. 58

As Garrison and his followers gained momentum, they appropriated black militants’ ideas of immediatism, anti-colonization, anti-racism, and equal rights, undercutting the earlier movement further, and taking the helm of radical abolitionism. While white radicals did not shy away from using images of the Haitian Revolution, they were more concerned with proving that abolition would not lead to the destruction of the South and that emancipated slaves would be able to integrate into a civil society. Thus,


58 Though as a pacifist Garrison disdained antislavery violence altogether, he and his followers were many times subjected to antiabolition mobs, which in the case of Elijah Lovejoy ended in death in 1837.
they forced a return to the earlier themes and ideas presented by Prince Saunders in his *Haytien Papers* that focused squarely on the positive outcomes and not the violent means of the Saint Domingue rebellion.

With whites firmly integrated into the movement, militant abolitionism became centered not on calls to action, but on a cautionary creed. Because slaves “would be justified in using retaliatory measures more than any people on the face of the earth,” Garrison argued that emancipation must come immediately and willingly to avoid the dangers of open rebellion, an anathema to the pacifist and something which would scare off many of the reluctantly reformist from his cause. He answered his detractors, “*We do not preach rebellion*—no but submission and peace. Our enemies may accuse us of striving to stir up the slaves to revenge but their accusations are false.” Militancy and forced abolition would only make “blood…flow like water—the blood of guilty men, and of innocent women and children. Then will be heard lamentations and weeping, such as will blot out the remembrance of the horrors of St. Domingo.”

59 *Liberator*, 8 January and 3 September 1831; Henry Mayer, *All on fire: William Lloyd Garrison and the Abolition of Slavery* (New York: St. Martin's Press, 1998), 115-116, 284, 389; William Lloyd Garrison, “Address to the American Colonization Society, 4 July 1829,” in *William Lloyd Garrison and the Fight Against Slavery: Selections from The Liberator*, Edited by William E. Cain (Boston: Bedford Books of St. Martin's Press, 1995), 68. Though his radicalism was moderated compared to the black firebrands of the 1820s, Garrison was accused by his Northern antislavery detractors of being a Jacobin. One of these enemies, Joseph Tracy, a pro-colonization minister from Vermont, attacked the radical foundations of Garrison’s abolitionism, seeing it based upon the same natural rights doctrine as the failed Republic of Virtue. He declared that "immediate emancipation, founded on the naked doctrine of the equal rights of all men... This is not the American interpretation. It is that of French Jacobinism," and the actions of those French radicals had “only deluged France in blood, and whelmed Europe in tears.” Moreover, Tracey is representative of those who did not buy into the idealization of Haiti. He notes that liberty under the Republic and Toussaint was conditioned and still a half-free, controlled labor system in reality giving little freedom to former plantation slaves. See Joseph Tracy, *Natural Equality: A Sermon Before the Vermont Colonization Society,*
In spite of their vows to reject physical violence, as Garrison’s movement progressed his followers’ language became more graphic, continuing the trend of domesticating revolutionary imagery. Amos A. Phelps of Massachusetts, an organizer of the American Anti-Slavery Society, pleaded in 1834 that “Slaveholders have but one alternative, either to emancipate their slaves voluntarily, and thus escape the danger they dread, or have the slaves emancipate themselves by force. Peaceable emancipation, or violent with all its horrors, will inevitably take place.” The problem was becoming more pressing each year as the slave population grew, and, he continued, they would become “a mass of physical strength that will not always sleep.” When the moment arrives, “it will be violent indeed…a vengeance lashed to fury by years of oppression and outrage; and that indeed, will be ‘uncapping a volcano,’ and pouring desolation over the land.”

While there was internal debate over the use of such strong language, when it came to praise for Haiti, Northern abolitionists of all persuasions eventually sounded the same. They used the example of Haiti and its founders as proof: first, that blacks could achieve great things if only they were removed from slavery; second, that slavery was an evil which itself led to the violence and bloodshed in the former colony; third, that whites themselves, not emancipation, were to blame for the greatest periods of destruction during the revolution; and finally, that the same events might transpire in the South unless all slaves were immediately and unconditionally liberated. Between 1831 and the early 1840s, abolitionists took each of these themes out of its historical context, and

---

60 Amos A. Phelps, Lectures on Slavery and Its Remedy (St. Clair Shores: Scholarly Press, 1970), 209-211.
developed them into a heroic and romantic illustration of the Haitian Revolution that all abolitionists could embrace. In this way, abolitionists began laying the foundation for an alternative revolutionary heritage to 1776 and the inequality enshrined in the Constitution.\(^{61}\)

Thus, on Toussaint, Garrison followed in the footsteps of Prince Saunders and portrayed him as a morally superior parallel to George Washington. Ralph Waldo Emerson would remark in the 1840s, referring to Toussaint and the heroes of Haiti, “here is the anti-slave: here is man: and if you have man, black or white is an insignificance.” Other white abolitionists continued this trend, removing Toussaint from the bloodshed of Saint Domingue and placing him in a hyperbolic sainthood.\(^{62}\)

In the early 1830s, white New England abolitionist David Lee Child argued that Louverture perfectly proved the potentialities his race, stressing the general’s lack of white blood to counter arguments that mulattos were the only men of color who could achieve greatness. In fact, depictions like that of Child lead readers to believe that

\(^{61}\) Garrisonian abolitionists had to praise Haiti constantly in order to counter the insipid and pervasive idea expressed by southerners like Thomas R. Dew. He argued that men of color, slave or free, were “totally unfit for freedom and government” and only guaranteed “ruin and degradation” as well as “relentless carnage and massacre” for white Americans, the same fates suffered by French colonists in Saint Domingue. However, with such praise of Haitian revolutionaries, and especially their insistence that the worst violence took place while slavery still officially existed, abolitionists were also inadvertently condoning the idea of servile revolution; see Thomas R. Dew, “Abolition of Negro Slavery,” in *The Ideology of Slavery: Proslavery Thought in the Antebellum South, 1830-1860*, Edited by Drew Gilpin Faust (Baton Rouge: Louisiana State University Press, 1981), 55-60; For more on this, see Eric J. Sundquist, *To Wake the Nations: Race in the Making of American Literature* (Cambridge: Belknap Press, 1994), 34.

Louverture was a moral, temperate, and Christian New Englander, not a general who had bloodily fought his way to victory on a small Caribbean island. Furthermore, in hopes of allaying fears of the coming British emancipation in the West Indies, Child posed Haiti as a perfect example for “the sound policy, and superior safety of immediate emancipation.” The reformer acknowledged the violence of the revolution, but followed Saunders by blaming that violence on colonial whites and Napoleon’s treachery.  

According to Child, the first outbreaks of the “horrors of Saint Domingue” occurred in 1790 after the executions of mulatto rebel leaders Vincent Ogé and Jean Baptiste Chavannes, and were the fault of colonial aristocrats:

The mulattoes flew to arms, and they were soon joined by the slaves generally. Then, indeed, commenced a bloody revolution….Great revolutions are usually bloody, but on whom is the guilt? Doubtless on those who withhold from men their just rights—not on those who claim and vindicate them. It is the denial of rights that raises insurrections. It was not the granting, but the withholding of emancipation, which deluged St. Domingo with blood.

He concluded, “It appears that the revolution of St. Domingo, in every stage of it, furnishes the most decisive proof of the dangers of slavery,” and the necessity of immediatism as argued by Garrison.  

Child also faulted Napoleon for the greatest bloodletting and destruction. He asserted that after their emancipation, the slaves of Saint Domingue “were peaceable,


64 David Lee Child, Oration in Honor of Universal Emancipation in the British Empire, Delivered at South Reading, August First, 1834, By David L. Child (Boston: Garrison and Knapp, 1834; Samuel J. May Anti-Slavery Collection, Cornell University Library, Ithaca), 35-37; See also Sundquist, To Wake the Nations, 32.
kind, orderly, and industrious….For nearly eight years, peace, contentment and felicity, reigned.” Then, in 1802, Bonaparte’s expedition arrived to re-enslave the black population, which along with the capture of Toussaint, sparked the “bloody and perfidious” violence. The French trapped [the Haitian] leader by treachery, and murdered him. At length the Haytien rose in his wrath, and truly the genius of fire could not revel in its flames more familiarly than he. The fury swept over the island like a conflagration, and their weak-hearted enemies, the traitors to solemn leagues, were consumed from the surface of the glorious island. It is true, that the young and tender were not spared. But let white men endure four centuries of oppression, let them be blessed with the boon of liberty, let them hug it to their hearts and feel its warm and expansive influence; then let it be rudely snatched away, and daggers substituted in its place.

Differing from many of his pacifist colleagues, Child did not disregard or shy away from the bloodiness of the revolution, but justified it as the right all men to liberty while also posing it as a warning of a future storm to southerners who maintain slavery.  

Another abolitionist tract, written anonymously in 1839 in support of immediate emancipation, countered the charge that former slaves in Saint Domingue became bloodthirsty after emancipation, arguing “emancipation produced the most blessed effects….No disasters whatever occurred in consequence of this step.” Everywhere “the negroes continued their labor” as if no revolution had occurred or their former masters were still present. In this telling of the rebellion, even grands blancs came to realize the benefits of the system because Toussaint was able to make the plantations produce for their owners once again, as though there had never been a revolution. The author

---

described Toussaint as though he were a capable and praiseworthy monarch, controlling every aspect of government personally:

Toussaint L’Ouverture is the most active and indefatigable man, of whom it is possible to form an idea. He is always present whenever difficulty or danger makes his presence necessary. His great sobriety,—the power of living without repose,—the facility with which he resumes the affairs of the cabinet, after the most tiresome excursions,—of answering daily a hundred letters,—and of habitually tiring five secretaries—render him so superior to all around him, that their respect and submission almost amount to fanaticism.66

Lydia Maria Child, the wife of David Child, also praised Toussaint in her works. She depicted him as moral and always searching for more knowledge, his greatness apparent well before events thrust him to power: in his studies, she supposed, he had read eighteenth century French humanist Abbé Raynal’s supposition that a great black chief would appear to lead his people out of bondage as Moses led the Israelites out of Egypt or Spartacus led Roman slaves into rebellion, and believed he was destined to be that leader. A nonresistant pacifist, Lydia Child’s Toussaint was thrust into the insurrection against his will, but turned to healing as a means of preserving his beliefs within the rebel army. When his time came to lead, to sacrifice his “personal feeling to the public good,” it was “never in a bloodthirsty spirit” and his motto for battle was always “no retaliation.” Even in the darkest hours he remained true to his virtue and morality, always a healer rather than a destroyer. Child concluded that the United States should “take pride in Toussaint Louverture, as the man who made an opening of freedom for his oppressed race, and the greatness of his character and achievements proved the capabilities of Black

66 “Liberty.” The Image and Superscription on Every Coin Issued by the United States of America (1839; Samuel J. May Anti-Slavery Collection, Cornell University Library, Ithaca), 76-78, Appendix, 15-16.
Men.” She agreed with her husband’s image of the black general as the epitome of a New England pacifist forced into a rebellion against his own conscience, able to cope only because of the greatness of the endeavor.67

Though the praise for Louverture was becoming increasingly exaggerated, it continued unabated. At the 1836 meeting of the New England Anti-Slavery Convention, Charles Stuart attested to the magnanimous character of Toussaint and the prospects that his image proved for the rest of his race by providing an example of greatness. He professed that during the Saint Domingan war with the British, an English officer, forced ashore by weather, was captured and brought before Christophe, who tried him as a spy and condemned him to death. Toussaint intervened, however, arguing the better course was to let the man sail back for England to order the crown to stop their war. Stuart argued that such benevolence towards a sworn enemy “was the act of a great man, of a great heart” who he, and every man, should acknowledge as a “MAN and a BROTHER.” Another abolitionist argued that “the world may be safely challenged to produce a nobler character than that of Toussaint, the George Washington of St. Domingo.” He had provided his countrymen with “union and a wise constitution,” and had run the island peacefully until the First Consul decided to reclaim it for his own; but, even then, the

67 Lydia M. Child quoted in Hunt, Haiti’s Influence on Antebellum America, 95-96. Another work which incorporates all of these themes, and shows that even as the antislavery movement progressed towards militancy these conservative depictions remained, is John R. Beard, The Life of Toussaint L’Ouverture, the Negro Patriot of Hayti: Comprising an Account of the Struggle for Liberty in the Island, and a Sketch of its History to the Present Period (London, 1853; Westport: Negro Universities Press, 1970).
black general “would neither break his word nor sell his country,” sacrificing himself instead of giving up the freedom of his people.\textsuperscript{68}

Moreover, Toussaint was not the only hero of the revolution who was transformed into hyperbole by abolitionists; black militant and Oberlin College graduate George B. Vashon, who had actually spent time in Haiti, later commemorated mulatto leader Vincent Ogé in verse:

\begin{verbatim}
Thy coming fame, Oje! is sure
Thy name with that of L’Ouverture
And the noble souls that stood
With both of you, in times of blood
Will to be the tyrant’s fear
Will live, the sinking soul to cheer!
\end{verbatim}

Others soon embraced refurbished images of Dessalines, Christophe, and other rebel commanders like André Rigaud. To many abolitionists, knowledge of their tales became second nature, and they often made passing references to them in newspapers and pamphlets in a testament to the domestication of the imagery.\textsuperscript{69}

Others were also influenced by the Anglo-American connection to British Emancipation. American antislavery leaders communicated with their colleagues in


England constantly, gave and received lecture tours from each other, and exchanged ideas and tactics. As black militants had celebrated Haitian Independence Day in the 1820s as a way of paying their respects to an alternative, colorblind revolutionary heritage, many abolitionists in the 1830s and 1840s celebrated Jamaican Independence Day as a way of commemorating the successes of peaceful emancipation. While a great majority of the abolition movement in the United States was willing to take both the British and Haitian examples to prove the necessity of immediate emancipation to avoid the violence of the French Caribbean and to show ease and relative peacefulness with which Jamaican slaves were freed, a small, radical, and increasingly militant faction focused solely on the Haitian Revolution.

This minority group eventually produced the epitome of praise for the Haitian Revolution and its leading figures. Black abolitionist, Liberty Party member, and physician James McCune Smith delivered a lecture in 1841 at the Stuyvesant Institute in New York which signaled the capstone of the previous imagery as well as the beginning of a new strain, one which used the heroic images of Saint Domingue to justify the violence. His militancy emboldened by the recent Amistad and Creole mutinies in which slaves took over the ships transporting them, McCune Smith did not brush aside the bloodiness of the revolt in which whites were killed and wounded, but instead justified the slaves’ violence and revolutionary methods. He argued that revolution was “the legitimate fruit of slavery” and the “consequence of withholding from men their liberty.” However, the doctor depicted slave rebels as driven not by base desires, but by reason and controlled impulses, and therefore worthy of the rights of man for which they had struggled so valiantly: when Sonthonax and his co-administrator Étienne Polverel
pleaded to the army of slaves for aid against the royalist whites, they offered them liberty as well as the plunder of Cap François; “this offer of plunder was rejected by [rebel leaders] Jean François and Biassou.”

At the same time, though, McCune Smith did not proclaim the slaves or their commander were innocent of the “Horrors of Saint Domingue.” The more subtle point is that those horrors would have been much worse without a leader like Louverture to bring peace to the island: “whilst the orgies of the French revolution thrust forward a being whose path was by rivers of blood, the horrors of Saint Domingue produced one who was pre-eminently a peace-maker.” Contrasting Toussaint’s restraint, however, was the justified retaliation of Jean Jacques Dessalines, “the Robespierre of the island,” who punished two-faced whites with extermination for even considering the reimposition of slavery. Thus, “it was treachery towards Toussaint that caused the massacre of St. Domingo,” and, the future Radical Political Abolitionist warned, without change the same fate would come to whites in the United States.

---


71 Unlike most abolitionists, McCune Smith’s portrayal of Dessalines’ massacres of whites was not set against a backdrop of civil war or “circumstances.” He makes clear that it was a post-independence retaliation against all whites, not just those who might be a threat. However, he stresses that because of the treachery of Napoleon and the grands blancs, Dessalines’ actions were completely justified and within the bounds of a higher law. It would be this “higher law” doctrine that many Liberty Party and Radical Political Abolition Party members would later begin to use as a justification for the destruction of Southern slavery from without. McCune Smith, *A Lecture on the Haytien Revolutions*, 19-20, 27-28.
As the not-so-subtle threat levied by McCune Smith shows, what began as honorific and laudatory images of Toussaint and the Haitian Revolution became sharp rhetoric and justifications for violence that indirectly threatened Southern slaveholders. In the twenty years before McCune Smith’s address, the abolition movement as a whole progressed towards militancy and was well on the way to embracing open violence, thanks in part to the heroic imagery of violent revolution they had reclaimed as their own abolitionist heritage. As discourse on Haiti grew more vocal and incendiary, so too did the language of Southern slave resistance and rebellion. Instead of simply praising the ends of Haitian patriots, the growing American Jacobins reveled in their means, and some of them, in time, encouraged their imitation by Southern slaves. In the 1840s, many of these militants broke from Garrison and radicalized their rhetoric; a few even proclaimed a slave insurrection should be provoked by the faithful.

Samuel E. Cornish’s newspaper, *The Colored American*, spoke out in more militant terms than most. He demanded “universal emancipation, and universal enfranchisement” even if by force, because “should we die in the pursuit, we will die virtuous martyrs in a holy cause.” Furthermore, with the ever-growing debate over Southern expansion into the Southwest, Cornish militantly declared that if the annexation of Texas should be brought up and legislated upon, it will be an act of reckless outrage upon the opinion and wishes of the people, and one that will merit, at their hand, an eternal oblivion for their representatives…Should our national sin result in such a division, what consequences may not be expected?…From the Potomac to the extreme Southern boundaries of our government, throughout these regions of oppression and lawless aristocracy, where the slave and the honest white laborer alike, are oppressed and brutalized, would anarchy, bloodshed and rapine, delve and deluge the country.
Cornish plainly suggested that the righteous and virtuous would not stand for a Southern acquisition of Texas, and the result for those who pursued that course was an American version of the “Horrors of Saint Domingue.” Yet, Cornish’s threat of retaliation was only the tip of the iceberg.⁷²

In 1839, upstate New Yorker Jabez Delano Hammond wrote to reformer and future militant abolitionist Gerrit Smith to inform him of a plan for a Northern invasion of the South to destroy slavery, an idea very similar to that of the earlier Nero. Hammond, a Democratic judge and former congressman, had decided that voluntary emancipation and moral suasion alone were no longer enough. Antislavery forces needed to be proactive because “the only way in which slavery in the South can be abolished is by force.” He wanted to establish two military academies, one in Canada and one in Mexico, beyond the reach of the South or the federal government, where fugitive slaves would be trained as warriors and “dispatched to infiltrate the South.” These “most successful Southern missionaries” would blend into the slave population, incite sabotage, and foment insurrection. The culmination would be a large-scale slave rebellion led by this revolutionary vanguard of covert fugitives that would bring slaveholders to their knees and force the end of slavery.⁷³

Unable to gain Smith’s support for his initial plans, Hammond continued to develop his ideas and made a more public appeal in 1847. The result was a fictionalized slave autobiography The Life and Opinions of Julius Melbourne, which proposed a

⁷² Colored American, 15 April and 2 September 1837.

⁷³ Jabez Delano Hammond to Gerrit Smith, 18 May 1839, in Gerrit Smith Papers, Syracuse University Library, Syracuse; On Hammond’s party affiliation, see The National Era, 12 August 1852; Dillon, Slavery Attacked, 205-206.
revised plan for invasion. The judge argued that black armies and military academies should be founded and funded by antislavery philanthropists, in lieu of holding abolitionist lectures in the North, where the unconverted were by then a lost cause. They would recruit, train, educate, and then release their troops upon the South. The existence of slavery itself would guarantee the success of an invasion: “what could [slaveholders] do to repel an invading force, when each man has a deadly enemy in his own house?” He imagined and wistfully hoped for the coming unmitigated and interminable...[and] exterminating war...when the rich rice and cotton fields of the south will be drenched with human gore, when the quiet retreats of the domestic circle will be stained with the blood of “wife, children, and friends,”—and when the gorgeous palaces which now adorn the southern plantations will be enveloped in flames.

Such images mirrored the most vividly described scenes of destruction in Saint Domingue, and suggest that an American Haiti is exactly what Hammond sought to achieve.74

Though the views expressed by Hammond and Cornish were elusive in the 1830s, by the 1840s, the perpetual heroic embodiment of Louverture and the utopian ideal of the black pariah state had led to a growing acceptance of slave rebellion as a legitimate solution to American slavery. As militant abolitionists continued to legitimate and domesticate Saint Domingans’ revolutionary methods and jacobinical ideology, Hammond and Cornish became two extremists among many. Through continual exposure

74 Julius Melbourne [Jabez Delano Hammond], *Life and Opinions of Julius Melbourne; with Sketches of the Lives and Characters of Thomas Jefferson, John Quincy Adams, John Randolph, and Several Other Eminent American Statesmen*, Edited by Jabez Delano Hammond (Syracuse: Hall and Dickson, 1847), 105, 130, 138-139, 237; see also Dillon, *Slavery Attacked*, 206.
and praise for the ends of what they saw as the heroic actions of their Haitian patriots, they only succeeded in legitimizing those methods for future imitators. As they moved closer to inciting rebellion directly, they accepted their imagined utopia’s foundation as their own revolutionary legacy; over time, American slave rebels were added into this mythology, creating a pantheon of insurgent heroes for them to invoke for inspiration.75

By the mid-1840s, others were willing to join them in their declarations against the South. In January 1842 Gerrit Smith took a step beyond newspapers and pamphlets and purported to beseech slaves directly in his “Address to the Slaves of the United States” before the Liberty Party convention. While he had been reluctant to assist Judge Hammond’s plans for invading the South in the late 1830s, by 1842 his radicalism had matured. In his address, he advocated Northern aid of slaves’ escape from the South, as well as the active resistance by those slaves against their masters. The New York radical further declared that abolitionists were duty bound to enter the South and encourage escapes, and slaves were duty bound to flee. He pressed fugitives to become “advisors, comforters, and helpers” to their brethren still in bondage, and urged that bondsmen steal anything necessary for their flight. Smith did, however, caution against the use of overt

75 Fine, “John Brown's Body,” 225-249. One very interesting development in abolitionists’ uses of Haitian revolutionary imagery was that the Saint Domingan patriots were merged with images of the leaders of American slave conspiracies and rebellions, creating a sort of “antislavery pantheon” of heroes to worship. For example, in Henry Highland Garnet’s 1844 Address to the Slaves of the United States, the militant black abolitionist placed the names of Denmark Vesey, Nat Turner, Madison Washington, and Joseph Cinqué next to that of Toussaint. For Garnet’s address, see Henry Highland Garnet, “An Address to the Slaves of the United States of America,” in Walker’s Appeal, With a Brief Sketch of his Life, by Henry Highland Garnet, and also Garnet’s Address to the Slaves of the United States of America (New York: J.H. Tobitt, 1848; Reprint: New York: Arno Press, 1969).
violence; he had only progressed to encouraging flight, not yet rebellion, still paying lip
service to the pacifism of the greater abolition movement.\textsuperscript{76}

While Smith would continue to grow more radical, black militants were not far
behind in their own rhetoric or actions. By 1843, Northern free men of color had proven
themselves willing to vehemently defend themselves when challenged by bounty hunters
and mobs.\textsuperscript{77} At a National Convention of Colored Citizens in Buffalo that year, speakers
such as Reverend Samuel Davis associated their cause with revolutionary movements in
Greece and Poland, as well as with the actions and acceptance of violence of the
American revolutionary generation. Davis rejected Garrison’s pacifist, nonresistant God
and instead appealed to the “God of armies.” He argued that American and European

\textsuperscript{76} Smith actually made a similar, though less publicized address in 1837; see Harrold,
\textit{The Abolitionists and the South}, 58-59; Dillon, \textit{Slavery Attacked}, 208-210; For Smith’s
Address, see \textit{National Anti-Slavery Standard}, 24 February 1842; In 1843 Garrison
delivered a similar address that was accepted by the New England Anti-Slavery
Convention. His speech, not surprisingly, advocated nonresistance and abstinence from
all forms of force, including “bowie knives, pistols, swords, guns, or any other deadly
implements.” Slaves, he said, would soon be free because he and his followers were
applying “appeals, warnings, rebukes, arguments and facts, addressed to the
understandings, consciences, and hearts of the people.” For Garrison’s \textit{Address} see
\textit{Liberator}, 2 June 1843.

\textsuperscript{77} Bounty hunters would come into the North with vague descriptions of runaway slaves,
capture a free black, and then carry them back to the South. This became such a problem
that many states passed “personal liberty” laws classifying such actions as kidnapping.
This would be one of the major reasons Southerners pressed for the Fugitive Slave Act in
1850, to take the process out of state and bounty hunters’ hands and make retrieval a
federal responsibility. In addition, anti-abolition were common after Garrison raised the
level of rhetoric in the 1830s, himself being attacked several times. Another abolitionist
publisher, Elijah Lovejoy, was shot dead in 1837 after a mob heard that he had acquired a
new printing press after his old one had been destroyed. Whether or not to fight back
against such mobs was always a contentious point for the Boston pacifist and his
followers. Black antislavery militants led the way in arguing that they had a right to resist
bounty hunters, and by extension mobs, with force. By 1850, such action in self-defense
was generally accepted as not a violation of pacifism.
volunteers joining Greek forces fighting the Turks in the 1820s only provided precedent
for Northern blacks to head south to fight for the freedom of their race if a slave revolt
broke out.78

Following Davis’ exhortations, Henry Highland Garnet delivered his own
“Address to the Slaves,” which the convention’s critics dubbed “war-like” and an
encouragement to insurrection. The address returned to the fiery and incendiary language
of David Walker’s Appeal, declaring that when revolutionary orators proclaimed
“LIBERTY OR DEATH…it ran from soul to soul like electric fire, and nerved the arm of
thousands to fight in the holy cause of Freedom.” The speech of the former mariner who
had twice sailed to the Caribbean was intended to do just that for slaves. He lambasted
docile and submissive slaves, urging that “they must strike the first blow,” for they “had
far better all die—die immediately, than live as slaves.” By striking out against white
Southerners, enslaved blacks would regain their manhood, and join “Denmark
Veazie…on the same monument with Moses, Hampden, Tell, Bruce, and Wallace,
Toussaint L’Overture, Lafayette and Washington.” The coming struggle would test men,
however, and Garnet proclaimed to his listeners that “there is not much hope of
redemption without the shedding of blood [and] if you must bleed, let it all come at
once.” He encouraged them, “arise, arise! Strike for your lives and liberties. Now is the

78 Dillon, Slavery Attacked, 213-214; see also Jane H. Pease and William H. Pease, They
Who Would Be Free: Blacks' Search for Freedom, 1830-1861 (New York: Atheneum,
1974), 238-239.
day and now is the hour…Let your motto be resistance! resistance! RESISTANCE! No oppressed people have ever secured their liberty without resistance."

Though Garnet was rejected by the Buffalo convention, his oration was the culmination of a thirty year process of the heroic embodiment and domestication of the Haitian Revolution and creation of an ideological mythology providing American antislavery militants with a revolutionary heritage of their own. Its justified militancy was also the first general call to arms in the abolition movement, and marked the public renewal of Jacobin-esq radicalism that would only continue to grow as the years passed. During that time, the author of the Address held firm to his militant convictions as nonresistance and pacifism crumbled around him, and the abolition movement produced a new generation of radicals willing to strike against slavery with action rather than words. These American Jacobins launched a two-pronged assault against slavery, both anathemas just a few years earlier. Gerrit Smith and others helped direct the Liberty Party after 1840 as a political front, while simultaneously other antislavery militants became proactive in rescuing slaves from their Southern bondage.

In the wake of Smith and his followers’ conversion to militancy and political action, what had been a small, tight-knit sect in the 1840s would see the ranks of

---

79 Garnet, “An Address to the Slaves,” 89, 92-96. The line “there is not much hope of redemption without the shedding of blood,” was removed by Garnet from the 1848 version of the Address for publication. In that version, his call to “Strike” is also connoted to advise a general strike from work, not a physical blow against masters; for the original Address cited in this paragraph, see Garnet, “An Address to the Slaves of the United States of America,” in Negro Orators and their Orations, Edited by Carter G. Woodson (Washington: Associated Publishers, 1925), 150-157. Schor, Henry Highland Garnet, 6-8; Benjamin Quarles, Black Abolitionists (New York: Oxford University Press, 1969), 226; Pease and Pease, They Who Would Be Free, 238.
Garrison’s flock vastly diminish as theirs grew. While many notable abolitionists had reviled the gory details of the Haitian Revolution during the 1830s and 1840s, by the next decade they used their implicit acceptance of violence to warn the South. At the same time, men such as William Wells Brown, Wendell Philips, Frederick Douglass, and Martin Delany continued to laud the heroes of Saint Domingue and other revolutions with language that rivaled their 1820s counterparts. Others skipped the historical justifications and directly threatened action.

By the late 1850s, nonresistants like Lydia Maria Child and even Garrison himself spoke of the coming storm in words and details that would have shocked themselves two decades before, in some cases speaking as though they had already disavowed pacifism. By the outbreak of the Civil War, virtually no hold-outs among abolitionists remained on the side of inaction, and throughout this sea-change in radical abolitionism, the deeds, ideas, and heroics of Toussaint Louverture and his black brothers-in-arms marked the path and engendered an American parallel to the ideology which had driven “the horrors of Saint Domingue.” Those who were swayed by the changing reality of the antislavery movement would demand that that ideology be followed by the government.
CHAPTER 2

“A LITTLE WHOLESOME SLAUGHTER, TO AROUSE THE CONSCIENCE OF THE PEOPLE”¹

The Rise and Fall of Radical Political Abolitionism

In 1855, New York reformers Gerrit Smith and William Goodell began their latest foray into the extreme fringes of political abolitionism. Joined by a small cohort of close supporters, they formed the Radical Political Abolition Party as a Manichean alternative to the rising Republican Party. The duo’s first expedition from moralist abolitionism into the world of politics came with the rise of the Liberty Party in 1840, but imploded within eight years over the degree of ideological orthodoxy the party’s more politically savvy members were willing to heed. The successive minor parties the men fielded in the aftermath of the breakup, usually with Smith on the ticket and Goodell on the masthead, failed to achieve anything of note, but provided a forum for the continued development and radicalization of their beliefs. Their latest effort, profiting from fifteen years of progress in both their ideology and willingness to engage slavery with physical force, represented the most consolidated, fundamentalist, and uncompromising vision of political radicalism to exist since Maximilien Robespierre met the guillotine in the summer of 1794.

In contrast to the pragmatic men of the Liberty Party like Salmon P. Chase who looked to moderated antislavery theories as a foundation to build a wider political

coalition, Smith and Goodell promoted equal rights, universal reform, and the immediate abolition of slavery everywhere. The beliefs of the Radical Political Abolition men were so ruthlessly single-minded and its leadership so determined to end slavery, that within the year they disbanded to work extrapoliitically rather than accept the marginalization that their black militant abolitionist forbears faced in the 1830s. Struggling against what they defined as an illegitimate and usurped government, Smith and his followers demanded worthy men take up the call of righteousness and violently impose the virtuous will of the people in terms posing an uncanny parallel to the extremism of French Jacobinism. The culmination of this eschewing of politics was their wholehearted embrace of John Brown and his plan to revolutionize and regenerate the nation on his own through an invasion of the South.

In the aftermath of Brown’s folly in late 1859, many antislavery proponents decried it and its secret supporters for endangering the careful political balance the Republican Party was building, a stark contrast to twenty years earlier when many of the same men condemned the entire concept of political abolitionism. The dramatic transformation in the American antislavery movement from pacifist nonresistance to direct action between 1840 and 1860 developed from two components that continually compounded each other. The first was the acceptance of increasingly militant direct action against the chattel institution, resulting from a combination of black militants’ progressively more radical rhetoric of revolutionary heroism—their embodiment of the Haitian Revolution and its ideals as their own—and a growing belief in as well as dramatic proof of slaves’ willingness to strike out for their own freedom. The second component began with the breakdown of the Garrisonian abolitionist alliance of the
1830s and culminated in the rise of the antislavery Liberty Party. Matured from a petition movement and antislavery legal cases to greater political engagement and organization through the drive of a select group of abolitionists, the party by the early 1840s had a cultivated new coterie ready to end slavery through engagement with their world instead of through prayer from afar.

When the current of militancy against slavery crossed paths with the nascent political movement in the early 1840s, it further radicalized already fervent antislavery men on the extremist fringe like Smith and Goodell and began their movement beyond the limits of what most Liberty men were willing to accept. Shipboard mutinies, daring escapes, new federal laws, and growing political impetus pushed the two currents of physical and electoral engagement continually against each other, leading to broader support for freedom raids and physical resistance against slaveholders by militants. By the late 1840s, Smith’s upstate New York legion severed themselves from the more pragmatic Liberty men in both the West and East and formed the insurgent Liberty League as their first radical antislavery soap box. From that foundation, they developed a jacobinical worldview that became Radical Political Abolitionism before following the logical course their ideology commanded: they abandoned politics in favor of covert support for militant strikes against the Slave Power.

The following chapter explores this dual rise of antislavery direct and political action. Beginning with the rise of political engagement and the foundation of the Liberty Party, it traces the results of the continuous juxtaposition of abolitionist militancy and electioneering. Rather than following the development of the eventually successful and moderated branch of the Libertyites, the subject of the next chapter, the focus is placed
upon Gerrit Smith and his small contingent of devotees willing to risk obscurity for purity of soul and the acceleration of slavery’s demise by any means. In their quest for orthodoxy in the fight against the South, the regularly-marginalized faction went through several iterations with several names, but in the end developed and streamlined a series of legal and ideological justifications for destroying slavery before following their own words into a unilateral, ill-informed direct strike.

**One Idea, Two Courses**
The Parallel Rise of Political Abolitionism and Militant Action

At the same time black militant abolitionists like David Walker and John Russwurm were preaching their firebrand rhetoric against slavery, New York social reformer Gerrit Smith acquired vast wealth through land speculation. Beginning in the 1820s, he used these assets to support a variety of reform organizations ranging from temperance to antislavery, and though searching for an adamantine doctrine to follow, he nevertheless remained pragmatic in his patronage. As his focus narrowed to the fight against slavery, he provided funds to both Bostonian William Lloyd Garrison, who demanded immediate and complete abolition, as well as rival colonizationists who sought to transport freed blacks out of the United States altogether. By mid-1830s, however, Smith had rejected colonization as a racist and unjust solution, and looked instead to more dogmatic and uncompromising approaches. He moved firmly into Garrison’s fold at the American Anti-Slavery Society and began describing himself as a “fanatic” and “outlaw” against slavery.

---

The most prominent and vocal persona of abolitionism since 1830 through his newspaper, the *Liberator*, Garrison taught his followers to eschew direct action in favor of pacifism and moral persuasion. He argued that until the minds of men were convinced of and saved from the sin of slavery, abolition was a dead letter. One of the first tactics adopted in this program of passive suasion was the mass mailing of antislavery literature to the South in the hope of converting slaveholders. In reaction, Southern postmasters refused delivery, invariably raising legal issues which several antislavery agitators pressed through complaints and petitions to Congress. Once they realized the great potential of petitioning Congress for emancipation as an extension of moral suasion, the number of appeals to Washington ballooned dramatically in the mid-1830s.

Upon receipt of the documents, the House of Representatives reacted almost as irately as had the postmasters when Northern members like President-cum-Congressman John Quincy Adams of Massachusetts presented them on the floor. Southern ire led to a plan of tabling the motions in order to prevent their discussion, eventually to the point of a standing order disallowing them from being opened—the gag rule. Aghast at the dubious constitutionality of such obstructionism, but intrigued by the publicity from their actions, savvy abolitionists saw the possibilities of further direct action. While Garrison, Smith, and others remained wary of any dealings with the slave-supporting system lest abolitionism be sullied by the dirty world of political intrigue and compromise, other

---

modern biography of Smith has yet to be written, Stauffer’s *The Black Hearts of Men* is a sort of intellectual biography of Smith and his closest friends. See Stauffer, *The Black Hearts of Men*, 97-110 for a brief biographical sketch of Smith’s reformism in the 1830s.
Society members, buoyed by the success of their campaign, looked beyond the purely moralist approach of Garrisonian nonresistance towards the fringes of engagement.\(^3\)

Searching for their next tactic in the fight against slavery, these forward-looking abolitionists turned to legal challenges to ensure slaves escaping to the North were beyond the reach of their masters. To that end, former Alabama slaveholder turned Ohio-based abolitionist lawyer James G. Birney theorized in his *Philanthropist* that the lack of “positive law” in Ohio made any slave who entered Ohio legally forever free. Birney based his argument on the 1772 British common law decision *Somerset v. Stewart* by William Murray, Lord Mansfield, Chief Justice of the King’s Bench, the highest court in Britain. Mansfield, a conservative and disinclined towards abolitionists, nevertheless ruled that slavery, being so pernicious and “so odious” an institution, required “positive law” such as slave codes for establishment. In its absence, individual slaves’ status as such in slaveholding jurisdictions was unrecognizable in the British Isles. *Somerset*, in effect, barred slavery in England and freed slaves if brought there from the slaveholding colonies.\(^4\)

---

\(^3\) William Wiecek, *The Sources of Antislavery Constitutionalism in America, 1760-1848* (Ithaca: Cornell University Press, 1977), 182-184; Adams made something of a game of getting the petitions read and provoking Southern Congressmen with them before maneuvering within the rules to avoid any reprimands. For his exploits, see Leonard L. Richards, *The Life and Times of Congressman John Quincy Adams* (New York: Oxford University Press, 1986).

Searching for a vulnerability to press their case, American abolitionists like Birney latched onto Lord Mansfield’s decision, arguing, first, that because it was decided before the American Revolution, it was binding common law in the former colonies. Second, taking liberty with the particulars of the case and successive rulings, they surmised that the lack of positive law supporting slavery in the North meant that slaves entering free states by choice or in service of their masters were immediately free. While beyond the scope of the 1772 decision and generally rejected by Northern state judges, antislavery lawyers as early as 1836, including Ohioan Salmon P. Chase, asserted this neo-Somerset doctrine in court to secure the freedom of fugitive slaves. In the wildly publicized case of Matilda Lawrence in Cincinnati, Ohio, Chase and Birney argued together that “slavery can have no existence beyond the territorial limits of the state which sanctions it….The moment a slave comes into [a free state] he acquires a legal right to freedom.” This reading of Somerset quickly became a cornerstone of antislavery politics as a legitimate method to attack the Slave Power. It was in turn combined with an argument that the founders had looked to the eventual containment and abolition of slavery in the framing of the Constitution, since they allowed the time-delayed banning of the African slave trade and went to such lengths to avoid the term itself.5

---

Combining the neo-Somerset and founder-centric arguments, Chase argued, “The Constitution found slavery and left it a State institution—the creature and dependent of State law—wholly local in its existence and character.” The Massachusetts Anti-Slavery Society, arguing for the abolition of slavery in the District of Columbia, echoed Chase when it resolved, on a motion of Henry B. Stanton, that if “Congress has no right to meddle with slavery….It follows that that body had no right to accept of that which it could not constitutionally touch.” As far as the national government was concerned, Southern slaves were recognized as having the same basic rights and privileges as any Northerner or white Southerner, and thus the positive law argument was extended to federal property and territories. As a Senator, Chase later declared,

The very moment a slaves passes beyond the jurisdiction of the state…he ceases to be a slave; not because any law or regulation of the state which he enters confers freedom upon him, but because he continues to be a man and leaves behind him the law of force, which made him a slave.

In other words, abolitionists maintained that where established by positive law, slavery was repugnant but tolerated, and everywhere else was barred from existence. Birney, with Smith and Goodell, would later expand their reading of Somerset even further to argue that slavery was so unnatural and insidious that it could be nowhere legitimate, even when established by positive law, though this was a narrowly accepted position.6

At the same time that antislavery lawyers were attacking the institution on legal grounds, by 1836 other abolitionists and reformers such as Samuel J. May in New York

---

6 Chase quoted in Foner, Free Soil, Free Labor, Free Men, 76; Stanton’s motion quoted in Wieck, The Sources of Antislavery Constitutionalism, 189; Congressional Globe, 33rd Congress, 1st Session, 421; Foner, Free Soil, Free Labor, Free Men, 76-77; Wieck, The Sources of Antislavery Constitutionalism, 39, 193.
and Elizur Wright in Massachusetts saw that politics could not be forsaken altogether. At the 1836 New England Anti-Slavery Convention, May declared it was the duty for all abolitionists to vote for Congressional candidates who supported the antislavery movement. The next year at the annual meeting of the American Anti-Slavery Society, still helmed by the apolitical Garrison, Wright and his sympathizers noted in the official report that since slavery and its problems “were politically created, and are politically sustained, they can only be politically broken….Political action there must be. Law must be brought back from its unnatural alliance with despotism, before freedom can be established.” The main fear among abolitionists continued to be that engaging in party politics would taint their righteousness, but also that choosing political sides could threaten the support of major party-supporting abolitionists.7

Seeking a middle ground, in 1838 Joshua Leavitt encouraged the readers of his Emancipator to interrogate candidates on their beliefs on slavery and then cast votes for all candidates, irrespective of party, who supported or advocated abolitionist aims; he even provided tips on organizing interrogation groups, tactics for questioners, and sample questions. One set of such questions ranged from the abolition of the slave trade in the District of Columbia and barring slavery from the territories to refusing admission to any

---

future slave states, three distinct points which would remain central to antislavery politics for decades to come as its denationalization policy. In Massachusetts, where a majority of votes was required for election, interrogation was successfully combined with vote scattering to prevent non-approved candidates from winning.⁸

Garrison, while uneasy with encouraging his flock to vote for fear of usurping moral suasion as a viable tactic, acquiesced to the movement, though perhaps hoping it would fail so his flock would return. Among those abolitionists who looked towards increasing political action, however, there was a growing aversion to Garrison’s methods and beliefs. They feared that any antislavery political organization would be tainted by his outspoken image as a radical firebrand and instigator. Wright commented in 1837, “Garrison is doing more mischief than his neck is worth.” By the next year, Wright had decided that Garrison’s push for women’s equality as well as his religious zeal both merely turned the public off to the entire movement.⁹

Pushing forward in spite of Boston editor’s reluctance, at the 1838 New England Anti-Slavery Society annual meeting New Yorker Alvan Stewart introduced and won unanimous assent on two resolutions proclaiming it the “solemn and imperative duty” of all abolitionists to vote for antislavery candidates. In reaction and drawing the indignation of the pro-engagement contingent, Garrison mustered the votes to see similar resolutions in the Massachusetts state society fail. In response, Wright and his allies officially severed their ties with the Boston radical and formed the Massachusetts Abolition Society to work independently towards their goals. While politically-minded abolitionists

---

⁸ *The Emancipator*, 20 September 1838; Laurie, *Beyond Garrison*, 42, 50.

continued to restrict themselves to questioning candidates and scattering votes when no approved candidates were running, Wright claimed they were becoming “feared as they never would have been had they remained in the quiescent land of abstractions.”

The progress Wright was so excited to see, however, was also driving a wedge further into the American Anti-Slavery Society. With a growing push for more concrete political action and increasing resistance from Garrisonian nonresistant stalwarts, in 1839 the Society very publicly fractured. The breakaway faction, which included Alvan Stewart, Joshua Leavitt, and Elizur Wright—as well as a freshly converted Gerrit Smith in the first but not the last time he would shift away from pacifism—turned to what they termed “Bible politics” as a radical, yet engaged path to ending slavery.

In a meeting of worlds, the rise of this pro-politics movement and the eventual break in the national society occurred concurrently with two major catalyzing developments. First, militant black abolitionists’ were increasingly accepting the legacy of the Haitian Revolution as their own, justifying direct action and past violence. Second, abolitionists were confronted with vivid events forcing them to rethink their conceptions of Southern black docility and willingness to endure bondage. The confluence of these antislavery subcurrents created even more momentum for engagement, and as new

---

10 Stewart’s resolution quoted in Sewell, Ballots for Freedom, 28; Massachusetts Abolitionist, 14 March 1839; Sewell, Ballots for Freedom, 35; Laurie, Beyond Garrison, 41-42, 46-47.

11 Sewell, Ballots for Freedom, 44-45, 51; Wieck, The Sources of Antislavery Constitutionalism, 205-206; Garrison continued to control the rump of the AA-SS for another twenty years (a third, more conservative group fled as well, creating the American and Foreign Anti-Slavery Society), and his animosity for political abolitionism never waned. In 1855 when the Radical Political Abolition Party was formed, Garrison railed against it in The Liberator, calling its members “madmen” and “insane.” See Stauffer, The Black Hearts of Men, 42.
incidents pushed images of slaves willingly striking for their own freedom before Northern eyes, the two tracks built further upon each other.

Just as the schism in abolitionism was reaching its zenith, the June 1839 mutiny aboard the Amistad proved to many that with or without outside encouragement, enslaved blacks were ready, willing, and able to fight for their freedom. As news of events aboard the Spanish-flagged slaver spread, it enflamed all sides of the abolitionist debate and gave a new sense of urgency to the movement. Believing that the American equivalent of and capstone to the Caribbean mythology they had adopted might be underway, militant radicals placed less focus on their rhetoric and redoubled their efforts and support for fugitives’ escapes. Other abolitionists entered the political and judicial fray, continuing to refine their arguments and furthering their beliefs that engagement was the right and proper course of action. In the deliberations that followed the cause célèbre, abolitionists romanticized the rebels as the latest heroic figures in a revolutionary antislavery mythology and pushed the abolition movement as whole in a new direction.  

Transferred from a Portuguese slaver in Cuba and on a journey to an undisclosed market, the slaves, led by Joseph Cinqué, had managed to free themselves, kill most of the white crew, and take control of the ship. In an attempt to sail themselves back to their native Africa, however, the band of African slaves on board the Amistad ran aground in Long Island Sound where the United States Navy confiscated the ship and let local

authorities arrest the rebels on a litany of charges. As a long court battle ensued, abolitionists turned the saga of Cinqué and his followers into a public affair eventually reaching the United States Supreme Court with John Quincy Adams arguing on behalf of the Africans in front of the justices. In most of their speeches and writings, abolitionists stressed the mutiny as proof for the existence of black strength, leadership, and desire for freedom.\footnote{There are many good works on the facts of the \textit{Amistad} case. A good place to start is Howard Jones, \textit{Mutiny on the Amistad: The Saga of a Slave Revolt and Its Impact on American Abolition, Law, and Diplomacy} (New York: Oxford University Press, 1987).}

To abolitionists, the mutineers challenged both Southern slaveholders’ and many Northern whites’ foundational conceptions of blacks as docile and incapable of resistance without outside influence. Not surprisingly, American antislavery groups co-opted and publicized the affair within a week of the ship’s arrival in New London, Connecticut. It was abolitionists’ first major exposure to slave insurrection in nearly ten years, since Nat Turner’s failed revolt in Virginia, and one of the first which they could experience first-hand; in this context, all abolitionists, not just the black militants, were not long in romanticizing Cinqué as a new Toussaint or a modern Othello.\footnote{Jones, \textit{Mutiny on the Amistad}, 31, 42.} At the same time, however, the murders and mutiny aboard the ship forced pacifist abolitionists such as Lewis Tappan and Gerrit Smith to confront their abhorrence of violence.

The revelation of Cinqué’s methods in his quest for freedom and return to Africa crystallized the burgeoning militancy and movement away from Garrisonian tactics for many abolitionists of the late 1830s. As these antislavery activists openly embraced slaves’ own rebellious initiative, they drew more followers away from Garrison’s cohort.
Even for those as yet unwilling to abandon their alliances, the *Amistad* case proved that many abolitionists were willing to eschew theoretical nonresistance in support of Cinqué and his compatriots; though not condoning the active instigation of insurrection, they argued that revolts occurring “naturally” were acceptable, something unheard of just years earlier. Abolitionist William Jay declared that the deaths which had taken place during the mutiny were nothing more than “justifiable homicide,” because the slaves were fighting for “the recovery of personal liberty.” Others argued that the inherent violence of the slave system legitimized the use of force. These same equivocations over the *Amistad* were subsequently applied in other contexts, such as James McCune Smith’s justifications of violence and massacres in the Haitian Revolution.\(^{15}\)

The growing sentiments resulting from the *Amistad* affair, as well as the arrival of many more fugitive slaves escaping from the South without Northern provocation, sealed the finality of the breakup of the American Anti-Slavery Society. As news circulated, the nonresistant coalition hemorrhaged support, and when these events were combined with the growing political movement in abolitionist ranks, there was nothing Garrison could do to preserve the ideal of nonresistance for many forward-thinking reformers. When the first calls for political engagement had appeared in 1836 to the shock of Garrison, there was no way to foresee the twin storm of engagement and growing militancy that would erupt and energize the would-be politiques in the wake of the maritime incident. Within

---

half a decade of May’s first call for action, the numbers looking to politics swelled and a national antislavery party emerged.

By the end of 1839, independent antislavery candidates began to appear in upstate New York and then in other states across the North. Eventually, more prominent antislavery leaders including Alvan Stewart, Myron Holley, Elizur Wright, and Joshua Leavitt saw the need for a more formal apparatus. On 13 and 14 November 1839, at the instigation of Holley, a meeting of 500 abolitionists in Warsaw, New York nominated Birney for the 1840 Presidential elections as an independent. With this concrete step, the push for political action reached a critical mass, as several of those who had wholly disavowed the idea just months before proclaimed approval for the action, including Gerrit Smith. With the success of the Warsaw meeting, Stewart, Holley, and Smith moved for a larger meeting the next spring in order to broaden their support. On 1 April 1840 in Albany the most prominent men pushing for antislavery political action reaffirmed Birney’s nomination and assented to the creation of a third party—formally designated the Liberty Party in 1841 though delegates had been using that name since late 1839.¹⁶

In order to protect their novel organization from fracturing immediately, party founders developed the “one idea” platform, focusing only on the abolition of slavery rather than any other reform or traditional political issues. This doctrine ensured the party remained palatable in the short term to both sympathizing Whigs and Democrats, like Chase and his antislavery cadre in Ohio, by not offending them with the adoption of

positions on side issues partial to one or the other major party; at the same time, it prevented reformers like the increasingly doctrinaire Smith from taking the party down a path towards other reforms like women’s suffrage or prohibition which could marginalize it more than even antislavery.

The Liberty men asserted they could turn the South’s dominance of federal power—the Slave Power—against them and use the Constitution for the antislavery cause rather than treat it as Garrison’s “contract with Hell.” To that end, they adopted Birney’s and Chase’s theory of positive law and Stewart’s developing constitutional ideas on the binding nature of the Declaration of Independence and the protections granted slaves under 5th Amendment due process. They further argued it was the right and duty of all free and righteous men to thwart the illegality of the government’s pro-slavery supporters at every turn, including aiding and protecting newly-arrived fugitives. Their ranks were also bolstered by former slaves who, having recently fled the brutality of the South, did not heed the merits of nonresistance and moral suasion as did the majority of white abolitionists. Even over the generation of fugitives before them, these new Northerners in the 1840s were more likely to defend their own freedom as well as that of their escaped colleagues with force, forming vigilance committees to watch for kidnappers and eventually the reach of the Fugitive Slave Act.17

---

With abolitionists moving towards engagement and action in response to the *Amistad* case, a second major shipboard mutiny further catalyzed the situation, creating additional momentum for both antislavery politics and militancy. In December 1841 news reached American shores that a month earlier 135 slaves had commandeered the small coastal slaver *Creole* on its way from Virginia to Louisiana and sailed to the emancipated British Bahamas. The revolt was led by Madison Washington, a former slave and Canada-settled abolitionist recaptured trying to steal away his wife in the upper South. Despite the violent actions of Washington and his rebellious followers, British authorities freed and exonerated them for the murders that occurred during the insurrection. The Tyler administration demanded the British government reimburse the value of the lost property, but London simply pointed out that they had abolished slavery in their territories and their sovereignty would not be infringed upon. With its timing, the *Creole* mutiny—arguably the most successful slave insurrection in American history—followed in the path of the *Amistad* by forcing nonresistants to confront slaves as self-driven rebels rather than passive beings accepting their fates.¹⁸

Spurred on by these two vivid examples of black rebelliousness and combined with the growing idealization of the Haitian Revolution, many Northern abolitionists,

especially the men of color among them, abandoned the image of slaves as a sleeping mass. A select few even turned to a renewed militancy with calls for more action within their movement. Some antislavery radicals emphasized the killing of whites onboard the Creole as the logical consequence of continued oppression of blacks in the South. Others emphasized the restraint shown by Washington in allowing several of the white crew to live, in order to show that slaves were not bloodthirsty monsters, but that, like Toussaint, they were capable of compassion and restraint even in the midst of violent rebellion.19

The founders of the Liberty Party, in response to Madison Washington’s mutiny and looking in the past to the founding ideals of the nation rather than the Constitution, in December 1841 declared at their convention

that the slaves of the brig Creole, who rose and took possession of said vessel, thereby regaining their natural rights and liberty, acted in accordance with the principles of the Declaration of Independence…and we trust that their noble example will be imitated by all in similar circumstances.

Furthermore, the party paper, the Liberty Press, avowed, “It is our duty to encourage and aid slaves to rise and take their liberty; and if the master attempts to shoot or kill the slave for taking his liberty, that master must take the consequences of his folly; and if he loses his life, ‘he dies as a fool dieth.’” These statements, the first not only to justify violence but also encourage it, were openly derided and condemned by Lydia Maria Child and the executive committee of Garrison’s rump American Anti-Slavery Society.20


20 National Anti-Slavery Standard, 24 February 1842; Liberty Press, May 1843, quoted in Emancipator, 1 June 1843; Liberator, 4 February 1842; Harrold, The Abolitionists and the South, 59-60. For a good summary of the Liberty Party’s doctrines and their development, see Eric Foner, Free Soil, Free Labor, Free Men: The Ideology of the
Overall, abolitionist rhetoric began to emphasize the universalism of blacks’ struggle for freedom and liberty. Joshua Leavitt declared, “Something besides modern abolitionism has a ‘tendency to excite discontent’ in the bosoms of enslaved men.” He continued, “It is THEIR MANHOOD, GOD-GIVEN, that stirs their pulses more rapidly at the thought of the wrongs the oppressor heaps upon them.” In a speech that would see him ejected from the House of Representatives only to be returned by his constituents anew, Ohio Congressman Joshua R. Giddings brazenly defied the gag rule and offered a series of resolutions based on the Creole incident in March 1842. Following what was by then a common antislavery meme, he argued that without the positive law required to sustain slavery, the rebels were free and beyond the reach of American authorities. He later asserted that it was natural for all men, free and enslaved, to seek freedom: “When one of the slave merchants attempted to reduce [the mutineers] to subjects, they laid him low in death…just as I would have done, and as any other man, who has the heart of a man, would have done.”


In Smith’s hometown of Peterboro, New York, a meeting of 400 abolitionists debated Madison Washington’s actions and resolved,

Whereas the insurgents on board the Creole, to save themselves and their children from the untold horrors of slavery, resorted to bloodshed; and whereas, our fathers did so rather than submit to the comparatively trifling grievance of unjust taxation. Therefore, that it will be time enough for the South to charge guilt upon those insurgents, after she charged ten-thousand fold greater guilt on the heroes of the American Revolution.22

The meeting thus declared that the mutineers were acting legitimately and perhaps more justifiably than the founding fathers; detractors could not impugn Madison Washington for his actions unless they were willing to impugn his namesake. Such calls to patriotism and protestations for the applicability of natural law to the enslaved forced many in the abolition movement that much closer to ending their nonresistant pledges as theoretical justifications began to look more practical and less like theory.

Prominent free blacks like Frederick Douglass, Henry Highland Garnet, and William Wells Brown also struggled to find a middle ground between their professed pacifism and the new realities of slave insurrection. Exposed to the threats of slavery on many levels that whites would never understand, black abolitionists had always presumed the defense of black humanity demanded more action than moral suasion and nonresistance could ever permit. As the continual discussions in the abstract for the permissibility of slave revolts took place, the more radical abolitionists reconceptualized slave revolts in a romantic, literary, and heroic light; under this process, the “real” violence became secondary. In the same way the violence of the Haitian Revolution

22 Liberator, 11 February 1842.
became rejuvenated in the minds of militant abolitionists, the *Amistad* and *Creole* mutinies forced many abolitionists to see the necessity and permissibility of antislavery violence in a more local context rather than as decades-past events half a world away. In Philadelphia, for example, the images of self-reliance and resistance to oppression that the mutinies represented enchanted prominent and relatively conservative free blacks to hang portraits of Cinqué in their home and celebrate Washington’s exploits.²³

The sense of urgency that prompted the creation of the Liberty Party was heightened again in 1842 when the United States Supreme Court released its decision in *Prigg v. Pennsylvania*. The opinion opened the way for bounty hunters to recapture fugitive slaves privately, while at the same time removing Northern state officials from federal pressure to enforce the generally ineffective 1793 Fugitive Slave Law. As their personal freedom and safety came under this new threat, Northern blacks recognized the necessity of resistance in a world of decreasing protections. Although the case and its backlash among antislavery militants signaled an increasingly prominent color line

²³ In a fictionalized retelling of the *Creole* mutiny, “The Heroic Slave,” Douglass used the *Creole* revolt as a vehicle to explore his own justifications of and relationship to violence and his conceptions of liberty and revolutionary ideology. He romantically portrayed Washington as a strong, prototypical black leader, but also as a classical revolutionary hero. Echoing the descriptions of the leader of the Haitian Revolution by both David and Lydia Child, he characterized the instigator of the *Creole* revolt as a man of pure African decent, not a mulatto, to “refute assumptions of inborn black docility.” In the tale, the mutineer became a Byronic hero of “mesmeric power which is the invariable accompaniment of genius.” Douglass’ Madison Washington was morphed into an ideological descendent of James Madison and George Washington, a revolutionary hero whose actions were in pursuit of liberty just as had been those of the American founders. Frederick Douglass, ”The Heroic Slave,” in *The Life and Writings of Frederick Douglass*, Edited by Philip S. Foner (New York: International, 1975), 5:473-505; Sundquist, *To Wake the Nations*, 115-125; Harrold, “Romanticizing Slave Revolt,” 93-98; James Oliver Horton and Lois E. Horton, *In Hope of Liberty: Culture, Community, and Protest among Northern Free Blacks, 1700-1860* (New York: Oxford University Press, 1997), 244-245.
between abolitionists, the Liberty Party and an increasingly vocal section of its members including Gerrit Smith and William Goodell were among the few white Northerners supporting such militancy, active resistance, and sometimes violent self-defense. Their acceptance of violent measures to protect fugitives and, following soon thereafter, to end slavery, coincided with the development of a belief that the sin of slavery must be violently purged in order that a new sin-free era of virtue could emerge.24

By 1843, many Northern free men of color saw the support that the Liberty Party was willing to extend to them and the National Convention of Colored Citizens in Buffalo that year declared “That it is the duty of every lover of liberty to vote the Liberty ticket so long as they are consistent to their principles.” A second motion challenged Garrison’s characterization of a eternally corrupt federal power, resolving, “That we believe that it is possible for human governments to be righteous as it is for human beings to be righteous, and that God-fearing men can make the government of our country well pleasing in His sight, and that slavery can be abolished by its instrumentality.” As progress was thus being made on the political front, the more radical fringe of the militant movement started to take initiative on their own to begin the end of slavery.25

As early as 1841, reports appeared of men, radicalized by the growing militancy within the antislavery movement, crossing into the South or sailing into Southern ports and enticing slaves to escape with them. In 1844 in Baltimore, Maryland, radical Liberty


25 National Convention of Colored Citizens, Minutes of the National Convention of Colored Citizens (Piercy and Reed, 1843), 16.
Party reporter Charles T. Torrey was arrested and imprisoned for manstealing after trying to help the families of Northern fugitives escape. He then attempted an ill-fated escape from own his confinement with the aid of armed associates, and in his more strict detention contracted and died of tuberculosis. In a similar incident in 1848 in Washington, D.C., another Liberty Party correspondent, William L. Chaplin, hired the schooner *Pearl* to transport some seventy-seven slaves into the North. With men tightly packed below deck, the ship set out only to be overtaken by a steamer. The owners, who had “deep abolitionist sympathies,” were arrested and jailed on fines totaling a massive $20,000. The *Pearl* case became a new cause célèbre amongst abolitionists like Henry Highland Garnet who decried Southern savagery at the sentence. Chaplin, though suspected, was never charged and remained in the capital to plot more dashing escapes.  

The one man who epitomized this movement towards action, and specifically violent confrontation, was John Brown. Beginning his antislavery career by running rescue raids into the South to steal blacks from bondage, Brown set himself apart from his predecessors and contemporaries by emphasizing personal bravery, armed raids, and the recruitment of a personal antislavery militia. Like Gerrit Smith, when personal and financial tragedy struck him in the late 1830s, he looked to the creation of a perfect world

---

26 Harrold, *The Abolitionists and the South*, 68-69, 70-71, 74; Schor, *Henry Highland Garnet*, 93; James Brewer Stewart, *Abolitionist Politics and the Coming of the Civil War* (Amherst: University of Massachusetts Press, 2008), 24. In many of these cases, high profile politicians who did not publicly align themselves with the abolition movement provided assistance to the cause. John Quincy Adams, William Seward, and Joshua R. Giddings, among others, offered their legal advice and services for the defendants, helped to raise money for them, or otherwise expressed sympathy for them. Such extensions of the movement beyond the radical fringe and into the political world show just how far the antislavery cause had progressed through the 1840s. See Harrold, *The Abolitionists and the South*, 82.
as a solution to his own problems, and moved quickly from that idea to the perfection of the union through the destruction of slavery. Brown’s adventures against the chattel institution and his “railroad business” were eventually supported, funded, and organized with the help of Smith’s small inner circle of Libertyites in upstate New York, attesting to that branch’s true radicalism within the antislavery movement.27

The militants who did support Brown justified their backing by constructing a worldview where slavery, by its very brutality, removed itself from the bounds of civil society and the social compact, giving them the right to become savages in their tactics against it. In their rejection of proper society’s acceptance of slavery, these men found equality, hope, strength, and courage in the “Great Spirit” of nature and embraced righteous violence in order to regenerate society. By 1847, Brown had even begun suggesting a military-esq raid on the South, a “general rising among the slaves, and a general slaughter of the slave masters,” to get the process of regeneration started. The implicit connection drawn by future Radical Political Abolitionists like Smith and Brown between virtue and violent purgation was the beginning of a dramatic reemergence of revolutionary ideology premised on the imagined historical precedents of Haiti and slave rebellion. Eventually, even Frederick Douglass, a last holdout to Garrison’s movement, fled the Boston firebrand and saw the possibilities in Smith’s and Brown’s ideas.28


28 John Stauffer, “Advent Among the Indians: The Revolutionary Ethos of Gerrit Smith, James McCune Smith, Frederick Douglass, and John Brown,” in Antislavery Violence: Sectional, Racial, and Cultural Conflict in Antebellum America, Edited by John R. McKivigan and Stanley Harrold (Knoxville: University of Tennessee Press, 1999), 237, 239; Brown claims the idea for his plan had come to him “spontaneously” while reading
At the same time, however, the Liberty Party was struggling to find its footing and maintain balance with the one idea platform. Though Birney’s presidential candidacy in 1840 and 1844 had failed to achieve any concrete results, the efforts managed to draw support from many abolitionists who had remained skeptical since the party’s formation, including prominent abolitionists Lewis Tappan and William Jay. More lackluster results in 1846, despite a net increase in votes, as well as continued shunning by the major parties, only led to a growing discouragement with the current party formulation. Birney

the histories of Rome and Haiti. He hoped to raise bands of northerners and raid plantations from forest and mountain hiding places deep within the Allegheny Mountains, the same way maroons in Jamaica and Haiti had sustained themselves as an antislavery haven for years. The future raid-leader argued that “these mountains well and could take a body of men into them and keep them there in spite of all the efforts of Virginia to dislodge” them. Beginning with twenty-five men, well supplied with “arms and ammunition,” his army would grow as they recruited “the most restless and daring” members of local slave populations. When confident in their numbers they would encourage and provide haven for runaways through their “Subterranean Pass Way” in the valleys of the mountains. They would steal provisions and slaves from towns and plantations, as well as terrorize and threaten masters unless they voluntarily freed their bondsmen. On Brown’s early plans, see Frederick Douglass, Life and Times of Frederick Douglass, Written by Himself: His Early Life as a Slave, his Escape from Bondage, and his Complete History to the Present Time, Including his Connection with the Anti-Slavery Movement, With an Introduction by Mr. George L. Ruffin (Hartford: Park Publishing, 1881), 302-306; Frederick Douglass, to whom Brown laid out the plan one night in 1847, was at the time skeptical at best. He called it “very simple” and an idea that “would only defeat the object” of nonresistant abolitionism, though within two years he noted that Brown’s idea “loomed large” in his mind and “had much to commend it.” By that time he had left Garrison’s camp and professed that “no people…could have self-respect, or be respected, who would not fight for their freedom.” Douglass, Life and Times, 302-306; James S. Cook, “Fighting with Breath, Not Blows: Frederick Douglass and Antislavery Violence,” in Antislavery Violence: Sectional, Racial, and Cultural Conflict in Antebellum America, Edited by John R. McKivigan and Stanley Harrold (Knoxville: University of Tennessee Press, 1999), 129-130, 132, 134, 138-139; see also, Herbert Aptheker, Abolitionism: A Revolutionary Movement (Boston: Twayne Publishers, 1989), 125-126; Dillon, Slavery Attacked, 214-215; McKivigan and Harrold, “Introduction,” 18; Henry Mayer, All on Fire: William Lloyd Garrison and the Abolition of Slavery (New York: St. Martin's Press, 1998), 476; Edward Renehan, The Secret Six: The True Tale of the Men Who Conspired with John Brown (New York: Crown Publishers, 1995), 26; Oates, To Purge This Land with Blood, 244-245.
himself said in 1846 that “if we fail to incorporate in to our party-creed, that which interests the majority…we shall only make such advances as will alarm the timid and discourage even the boldest among us.” When it appeared that some Whigs hoped to steal Liberty planks and absorb the party on their terms, many party men agreed it was time to evolve the organization, but there was little consensus in what direction.29

Smith pushed for a fully reformist, radical agenda repugnant to the moderate majority, while Chase led the charge for positioning the party to amalgamate with whichever major national organization would accept the core Liberty tenets of federal divorce from slavery and nonextension. The national leadership, headed by Stewart and Leavitt, however, was unwilling to see the dilution of one idea at that time, rebuffing the advances of both the pragmatic antislavery men from the West and the uncompromising, doctrinaire attitudes of Smith and his collective in Peterboro. When Birney and Michigander Theodore Foster, editor of the Signal of Liberty, proposed a slew of new planks to fill out the platform, they were overwhelmed by the voices calling for the continuation of one idea.30

On the other hand, Smith’s cohort in New York, ready to abandon the idea of amalgamation with and reform of one of the major parties, pushed in 1847 for its own expansion of the platform. At an unsanctioned party convention in Macedon Lock, New York in June, a group led by Smith, Wright, and Goodell declared slavery “illegal, unconstitutional, and anti-republican.” This was the first solo appearance of the

29 Birney quoted in Sewell, Ballots for Freedom, 114; Sewell, Ballots for Freedom, 110-111; 114-115; Niven, Salmon P. Chase, 82.

ideologues who would later form the Radical Political Abolition party, and whose doctrine would be founded upon the idea, as William Goodell phrased it in 1852, that “slavery is so evidently contrary to the paramount law of nature, to justice, to fundamental morality, and the law of God, that it never was, and never can be legalized; and that no legislature nor monarch possesses the power to make it legal.”

The conventionnels also deplored the shifting of position to gain votes, a policy which they believed the majority of the Liberty men were then attempting to pursue. Frederick Douglass, summing up the group’s worldview, argued in 1852, “It has been said that we ought to take the position to gain the greatest number of voters. Numbers should not be looked at so much as right. The man who is right is a majority.” Taking on an uncompromisingly reformist platform, they advocated the dissolution of monopolies, the military, and secret societies, as well as calling for land for the landless and free trade. They concluded their meeting by nominating Smith for president and declaring themselves the Liberty League to complete the secession from their former organization. It was the first of Smith’s independent political parties, but would not be the last by any means.

---


By 1848, Smith, his upstate New Yorkers, and other like-minded radicals had completely washed their hands of the Liberty Party, and their continued radicalization only further alarmed the moderate political men trying to salvage antislavery politics from obscurity. This pragmatic faction of the party finally folded the rump Liberty banner and met with antislavery Democrats in Buffalo, New York, christening themselves the Free Soil Party. Though the movement faltered in the short term, this wing of the former Liberty Party would form the core of the Radical faction of the Republican Party. While more moderate than Smith and his followers, they became the radicals within their new party and would maintain the Liberty Party’s foundational ideology. Unlike the League, though, they were seasoned politicians and understood the necessity of compromise and political maneuver rather than zealous adherence to a platform that drove away nearly all potential supporters. Smith’s radicals, doctrinaire and comprehensive in the beliefs, offended the sensibilities of too many former Liberty men to be effective—the same reasons they had all separated from Garrison. Showing their immediate marginalization, in the 1848 elections the League took in a dismal tally even when compared to the minuscule one of Free Soil.33

Smith and the Leaguers, rather than retreat in the face of the Liberty split and electoral defeat, took a temporary break from politics to regroup and focus more intently on ending slavery through direct means. Instead of withering away in the absence of their larger party network, they were bolstered in their beliefs and support for virtuous action by news from Europe. In the early spring of 1848, revolutionaries from Paris to Prague had imposed progressive governments, emancipated slaves and serfs, and enshrined civil

33 Wiecek, The Guarantee Clause, 162.
and political rights in constitutions. As word of the revolutions reached the United States, it provided fuel to the abolitionist fire; many saw the movements of European peoples to regain their liberties from oppressive monarchies as parallel to their struggle against slavery. One Ohio convention declared,

Never was there a time—never a period, when action on the part of American Colored Freemen, was as loudly called for as the present.…The world is in commotion—subjects are shaking down kingdoms, and asserting their rights as citizens—the right of self-government. Serfs are, with manly bearing, repelling the daring tyranny of their assumptive lordlings; and bondmen—yea, slaves, in the colonies of the Antillas, have risen up in the majesty of manhood, dashed into fragments the fragile remnants of that most foul, man-debasing and heaven-daring scourge and curse of the human family—slavery.

As praise for the forty-eighters and their actions against despotism increased, so too did the militant rhetoric linking their causes to slavery and urging abolitionists as well as slaves to rise to arms. 

Inspired by the springtime of the peoples in Europe, William Wells Brown asserted that a modern Hannibal or Moses would soon arise to lead his people out of bondage, the way European liberals and radicals had arisen from the people to strike down tyranny. Abolitionist Theodore Parker, in a speech to the American Anti-Slavery Society, praised the abolition of slavery and embrace of human brotherhood by the new French Republic. George Luther Stearns, a future member of the “secret six” who would fund John Brown’s 1859 raid, even hosted and funded Hungarian revolutionary leader

---

Lajos Kossuth’s American tour, a trek praised by James McCune Smith and other radical abolitionists.  

As the images of 1848 became commonplace within the radical antislavery movement, some abolitionists latched onto the rhetoric as a vehicle for accepting violent means. Frederick Douglass asserted that in 1848, “a shout went up to heaven from countless thousands, echoing back to earth, ‘Liberty—Equality—Fraternity.’” The recent convert from Garrison did not deny that blood would be shed: “in demolishing the old frame-work of the Bastile of civil tyranny, and erecting on its ruins the beautiful temple of freedom, some lives may indeed be lost.” For Douglass, the end of slavery would greatly outweigh the consequences: “who so craven, when beholding the noble structure—its grand proportions, its magnificent domes, its splendid towers and its elegant turrets, all pointing upward to heaven, as to say, That glorious temple ought never to have been built.” The same way militant abolitionists justified and implicitly condoned the virtuous violence of the Haitian Revolution through praise of its ends, Douglass argued that violence in erecting a new era of liberty and perfected morality was equally permissible. For the future Radical Political Abolitionist, the forty-eighters were only the first wave of a worldwide liberation movement; soon “the grand conflict of the angel

---

Liberty with the monster Slavery” would erupt, and freedom would triumph as quickly as the kings of Europe fell to their subjects in the March Days. Once Northerners stopped criticizing stifled slave rebellions as foolhardy, and united against the power of the peculiar institution, all the “Madison Washingtons and Nathaniel Turners in the South…would assert their rights to liberty.”

**Politics Not as Usual**
Radical Abolitionism and the Abandonment of Politics

As the 1840s came to a close, many antislavery leaders had accepted justifications for direct action against slavery and the more radical among them were ready to accept violence. By 1850, the passage of a new Fugitive Slave Act requiring Northern citizens to participate in recaptures as well as eliminating judicial recourses like personal freedom and anti-kidnapping statues ignited new antislavery fervor throughout the North. Gerrit Smith, Frederick Douglass, William Goodell, and other Liberty Leaguers—retaking the defunct Liberty Party title in 1850—already a revolutionary vanguard and considered extremely radical by most other abolitionists, struck out anew against the Slave Power. They funded and organized a growing number of slave rescues, and rapidly progressed to a general acceptance of revolutionary tactics. Over the course of the 1850s, as the politics of Washington drove antislavery men of all colors to what would grow into the Republican fold, more abolitionist men of color left the nonresistance movement—which was itself becoming more militant—and joined Smith’s cohort in their efforts. A convention of Northern fugitives at Cazenovia, New York endorsed a letter from black

---

36 *North Star*, 4 August 1848; *Liberator*, 9 June 1848; *North Star*, 11 May 1849.
Liberty member Jermain Wesley Loguen promising slaves that if they made the first move, “the great mass of the colored men of the North…will be found by your side…with death-dealing weapons in their hands.”

As a few Northerners followed John Brown’s lead into the South to facilitate and lead slaves’ escapes, it represented a clear shift in morals, beliefs, and tactics. One notable participant of these raids and underground escape network was escaped slave Harriet Tubman, whom Brown would later call “General” Tubman for her efforts to lead men and women out of southern bondage. When caught and imprisoned, these activists wrote memoirs publicizing their virtuous and selfless aid to the poor and downtrodden. They became antislavery folk heroes, a connection Brown clearly understood:

> Nothing so charms the American people as personal bravery. Witness the case of Cinques, of everlasting memory, on board the “Amistad.” The trial for life of one bold and to some extent successful man, for defending his rights in good earnest, would arouse more sympathy throughout the nation than the accumulated sufferings of more than three millions of our submissive colored populations.

The man who took inspiration for his insurrectionary plans from histories of the Haitian Revolution grasped that the same heroic embodiment that embraced Toussaint Louverture, would just as easily embrace those Northern antislavery militants willing to strike a blow to slavery.

---


Brown and Smith did not have to look far for volunteers who shared their radical worldview. Abolitionist reporter James Redpath, after traveling through the South and secretly interviewing slaves, summed up the growing feelings of many like him in the abolition movement: “I am a peace man—and something more. I would fight and kill for the sake of peace….I am a Non-Resistant—and something more. I would slay every man who attempted to resist the liberation of the slave.” Like Brown, Redpath felt “a little wholesome slaughter” was the best way to shock the people of the North to the side of the slaves.  

Frederick Douglass, seeing the benefit of violence in combination with a political aim, declared in 1852 that the “only way to make the Fugitive Slave Law a dead letter is to make half a dozen or more dead kidnappers.”

William Wells Brown also saw the tide turning against slavery, asking rhetorically, “who knows but that a Toussaint, a Christophe, a Rigaud, a Clervaux, and a Dessalines, may someday appear in the Southern States of this Union.” He declared that when that day arrived,

the indignation of the slaves of the south would kindle a fire so hot that it would melt their chains, drop by drop, until not a single link would remain; and the


Redpath, The Roving Editor, 3, 8, 86, 119; McKivigan, “James Redpath, John Brown, and the Advocacy of Slave Insurrection,” 294-296, 313; For a biographical sketch of Redpath, see John R. McKivigan, “Introduction,” in The Roving Editor, XIV-XXVI.

revolution that was commenced in 1776 would then be finished, and the glorious sentiments of the Declaration of Independence...would be realized.

He concluded, “the day is not far distant when the revolution of St. Domingo will be reenacted in South Carolina and Louisiana.” These statements defined the new militant immediatism. These radicals sought not only to free the slaves, but to undo the injustices left behind by their forefathers at the end of the American Revolution; they hoped to see the universal ideal of liberty and equality, proclaimed in the Declaration of Independence and witnessed in Haiti, become reality.⁴¹

While the conversions of pacifist abolitionists to militancy continued unabated throughout the 1850s, ideological impetus remained with Gerrit Smith and his upstate New York American Jacobins. His circle had been there when antislavery political action had begun in 1840, and despite the breakdown of the Liberty Party coalition, his cohort retained the initiative and remained the guardians of political abolitionist orthodoxy. When coupled with their extrapolitical activities supporting men like John Brown, Smith’s political worldview coalesced into something never before seen in American politics—a truly radical ideology that went against the foundational ideas of the state as a whole. In their doctrinaire beliefs, however, the membership of what would become the Radical Political Abolition Party were destined to remain on the political fringe in the face of the mounting Republican antislavery juggernaut. Though marginalized, Radical

---

Abolitionists did maintain contacts with future Radical Republicans and their legal and ideological doctrines would continue to inform the core of Republican Party free labor ideology.  

By the time of the 1855 Radical Political Abolition Party convention, the antislavery radicalism of Smith and his followers had coalesced into a complete, ruthless, and logical socio-political ideology. As the beneficiaries of the long chain of transference from their French precursors, these neo-Jacobins bared the key hallmarks of Robespierre’s ideological doctrine in an Americanized reinterpretation. Beginning with the tenet that the Republican Free Soil platform was too weak a position and thereby threatened the righteousness of the nation, they asserted that the South’s stranglehold on national power had usurped the federal government, making it null and void. In response, they vowed to regenerate the Union with virtue, righteousness, and revolutionary justice in order to purge the country of its national sin.  

This foundation alone was more radical than anything else at the time in the antislavery movement, and is comparable to the social radicalism of Robespierre’s Republic of Virtue during height of Jacobin rule in the French Revolution. On a theoretical level, French Jacobinism and Radical Abolitionism were two slightly different takes on the same extremist discourse. The greatest difference was that Jacobins reigned supreme during the most radical phase of the French Republic, while Radical Political


43 *Radical Abolitionist* Extra (June 2, 1856): 1; Radical Abolitionists’ attacks on Free Soilism can be found in many issues of their paper, *The Radical Abolitionist*, but this citation is a good summary.
Abolitionists remained voices of righteousness outside of government. Though several of the Americans’ ideas—specifically some of their legal theories granting the executive and Congress the power to destroy slavery in the southern states—would eventually be taken up by a majority of Republicans in Congress at the height of the Civil War, in the mid-1850s they remained an extragovernmental force, eventually disbanding their party once again and issuing denunciations against the lack of righteous progress. They struck an extreme position, and then watched as within ten years the Union embraced much of it, including nearly their entire constitutional doctrine, and Radical Republicans like Thaddeus Stevens and Charles Sumner both struggled to implement other parts to their last days.44

Though the Radical Abolition Party was not consciously emulating Jacobin France, the ideologies of the two groups can be seen as analogs. Moreover, while most abolitionists, including Smith’s cohort, denigrated the violence of the French Revolution, they depicted the Haitian Revolution and its patriots in a positive light and justified the very violent actions. Thus, the Saint Domingue rebellion acted as the common ideological point of reference between French and American radicals. It’s racial struggle infused the French concepts of liberté, égalité, and fraternité with a universalism of which the men of Paris had not originally intended, but later professed as their own. The American militants had taken the events of the Caribbean revolution out of context as their own historical legacy and with it the universalist ideology which had formed there.

With this inheritance and an infusion of homegrown elements like religious

44 For more on this feature of revolutionary rhetoric, see François Furet, *Interpreting the French Revolution*, Translated by Elborg Forster (New York: Cambridge University Press, 1981), 70.
millenarianism and an emphasis on militant abolitionism as well as more religiously-tinged language—in the same way that slaves in Haiti claimed their freedom came from the French king—the Radical Abolitionists Americanized Robespierre’s Jacobinism into something that fit them and their fight against slavery, infusing it with elements from across the abolition movement of the last thirty years.\textsuperscript{45}

Much like the Jacobins, Smith and his Radical Abolitionists upheld justice, liberty, equality, and both personal as well as civic virtue as the highest ideals of man; they demanded the preservation of a sacrosanct nation as one and indivisible; they urged their followers to action in order to prove themselves worthy, righteous, and free of sin; they held the position of moral authority, pressuring the government, from within and without, to pursue the course their ideologies commanded; they defined their world in a continual state of war and revolution that required constant vigilance and action in order for the Republic to survive; finally, they turned to revolutionary violence in order to purify the government, the nation, and themselves.

Emerging as it did from evangelical Christianity, the abolition movement as a whole was infused with protestant spiritualism. Radical Abolitionism, however, was a combination of non-denominational, “higher power” spiritualism from the ranks around

\textsuperscript{45} William Fellows, a guard in the Virginia jail where John Brown was held after his failed raid later imparted his recollections of his time with Brown to a reporter. He noted that Brown placed Toussaint Louverture among a panoply of moral and virtuous leaders alongside Socrates, Spartacus, Martin Luther, John Hampden, and George Washington. See \textit{New York Sun}, 13 February 1898; Also, one of Brown’s sons later said his father could recount the tales of the Haitian Revolution and Toussaint from memory, having spent much time reading everything he could find on the topic. He treated these accounts as a sort of “personal guidebook” to rebellion, one which he would follow in his own time, Stauffer, \textit{The Black Hearts of Men}, 255; Quarles, \textit{Allies for Freedom}, 46-47, 64-65, 111; Alfred N. Hunt, \textit{Haiti’s Influence on Antebellum America: Slumbering Volcano in the Caribbean} (Baton Rouge: Louisiana State University Press, 1988), 2, 181.
Smith and militant millenarianism drawn into the fold of its black activists. Smith’s Bible-inspired politics eventually developed into a belief in higher law doctrine that was less Christian-specific and more natural law spiritualist, very similar to Robespierre’s conception of a Supreme Being. At the same time, this structure was combined with militant invocations of God’s coming wrath and vengeance against those who refused to purify themselves of slavery and sin. The Radical Political Abolition Party thus sought to be the herald of the coming storm and vanguard of the revolution, preaching a nominally-Christian higher law spiritualism with the threat of eternal destruction and apocalypse for the unbelievers.46

Like the Jacobins, then, Radical Abolitionists, though more unambiguously Christian, merged the ideas of a spiritual savior and expulsion of the unworthy. They were unyielding in their “sink or swim, survive or perish” morality—a holdover no doubt from their early association with William Lloyd Garrison. They refused outright to compromise with the “pollution and crime” of slavery, declaring,

We yield not one inch for the moment, nor in any conditions, to the control of the demon over any portion of our country, or over a single human being over whom floats our national flag. We are Americans knowing no North and no South, no slaves and no slave States. We are not only Americans, but men, and demand that, irrespective of race or complexion, all men shall be free…. [Furthermore,] our

---

46 The Radical Abolitionists’ undercurrent of religiosity in their ideology does not negate a parallel to the sometimes atheistic earlier French system. The argument is not that the second system was a direct rebirth of the first, but an especially Americanized version which took the core tenets of Robespierre’s ideology (as inherited through Haiti and the militant antislavery movement) and reinterpreted and infused them with homegrown, but ultimately complimentary elements such as millenarianism and high-law doctrine. This distinction is one reason I emphasized Robespierre’s Cult of the Supreme Being in the introduction, in order to show that the founder of the original ideology did impart a specific and necessary place for religion and spiritualism within Jacobinism, even if many of his followers disdained the addition. For more on the religious beliefs of the Radical Abolitionists, see Stauffer, The Black Hearts of Men.
political activities must meet the demands of our convictions. We can consent to nothing less.

They deemed compromise “serpentine,” “slimy,” “demoralizing,” and “deceptive.” Either the people would destroy slavery along with all impurity or the Republic would destroy itself. In July 1856, Radical Abolitionist Frederick Douglass declared, “Liberty must either cut the throat of Slavery, or have its own cut by Slavery.” This Manichean outlook is one of the main reasons that the Western Liberty men split; they understood that it completely rejected the political system.47

The strict black and white worldview on the fight against slaveholders, however, was only one battle in the virtuous recreation of American society. Only after they demolished slavery and devoured racism could the nation be pure, virtuous, and righteous. Radicals Political Abolitionists went beyond rhetoric and demanded that they themselves actively create equality in the minds of men. They asserted

that, as Abolitionists, it is our duty to practice in our lives, what we profess with our lips; and therefore, we will, by our example, prove the vincibility of that prejudice against color, which, in this country, drives the colored man from the workshop, the counting-room, and the polls, making him a hissing and a by-word, a miserable outcast, the off-scouring of the earth.

They rejected paternalism outright and saw Northern blacks and Southern slaves as true brothers who were equal to whites in every way. They could not bear each moment in which they had not acted to excise the sins of slavery or racism from the nation.48

47 Radical Abolitionist 1 (July 1856): 100; Douglass quoted in Stauffer, The Black Hearts of Men, 21.

48 Radical Abolitionist 1 (July 1856): 102; On an 1849 visit with John Brown at his Adirondak home, Richard Henry Dana noted that the future Radical referred to his black
While other antislavery agitators urged Northern secession in order to create a paradise of freedom outside the purview of the proslavery Constitution, a document Garrison termed a “contract with hell,” Radical Abolitionists repudiated disunionism, strongly believing in the wholeness and sacredness of a Union which predated even the Constitution. They argued that Northern secession as argued by Garrison as well as the non-extension policy followed by Free Soilists were only methods of putting slavery out of sight and out of mind instead of atoning for and purging the sin. Like Jacobins, they put unity in Manichean terms: union, North and South, or nothing. They believed that in the right hands—theirs and their compatriots—the Constitution and the Declaration of Independence, which they deemed its lawful predecessor, were more than enough to guarantee equality and freedom for all.

They defined the nation as “holy ground; the ground of the true and of the right.” Anything less than the total destruction of slavery and absolute freedom everywhere within the nation’s borders would be, in their Bible-infused political minds “impious and offensive to a just God.” Slavery had been “sustained by the nation” and as “a national sin…nothing short of a national prohibition and suppression of it [would]…redeem [their] national character.” The party saw the Union as a heaven on earth that was unbreakable and eternal, and they would advocate almost anything in order to usher in guests as “mister,” let them eat at his dinner table, and generally treated them like all other people, with respect and cordiality. See Renehan, *The Secret Six*, 25-26. This position was also voiced by David Walker in David Walker, *Walker’s Appeal, in Four Articles, Together with a Preamble, to the Coloured Citizens of the World, But in Particular, and Very Expressly, to Those of the United States of America, Written in Boston, State of Massachusetts, September 28, 1829*, Edited, Annotated, and with an Introduction by Peter Hinks (University Park: The Pennsylvania State University Press, 2000); Stauffer, *The Black Hearts of Men*, 20; Quarles, *Allies for Freedom*, 13-14.
Christ’s advent and take their nation out from under the iron boot of slavery into a new utopia of peace and prosperity.\(^{49}\)

Moreover, like Robespierre and the French Revolutionary radicals, Radical Political Abolitionists believed that the righteousness and morality of civil government rested with “the people,” an imagined well of virtue and equality. But the people had to act: “While we believe in moral suasion, as persuading to efficient action, we also insist that, without such action, it loses its value.” In other words, if the federal government would not act against slavery, it was their duty, as representatives of the righteous and virtuous people, to take up the cause and purge the land, and themselves, with blood.\(^{50}\)

Their logic was simple. They defined slavery as an “unsurpassed crime,” and slaveholding as “the annihilation of human rights,” arguing that a just government would suppress the former and protect the latter. Therefore, they did “accordingly declare and maintain that there can be no legitimate civil government, rightfully claiming support and allegiance as such…that is not morally and politically bound to prohibit and suppress slaveholding.” Any government that failed to act was “incompetent,” led by “unrighteous intentions,” and “should be known, not as civil government, but only as a conspiracy, a usurpation.” If the slaveholders who controlled the national government, framed fittingly as the “Slave Power” conspiracy originally developed by Liberty men but mostly pushed by Salmon P. Chase for the Free Soil party, used its power to the benefit of slavery, it

\(^{49}\) Stauffer, *The Black Hearts of Men*, 1, 2, 23-24; For the Radical Political Abolitionists’ critiques of other pro- and antislavery parties, see Radical Political Abolitionists, *Proceedings of the convention of Radical Political Abolitionists held at Syracuse, N.Y., June 26th, 27th and 28th, 1855* (New York: Central Abolition Board, 1855), 3-4, 8, 35-44.

became “the duty of honest men who may succeed them…to defeat such dishonest purposes and intentions.”

If the virtuous and righteous could reclaim federal power, Radical Abolitionists maintained that the government was fully empowered to intervene against Southern slavery rather than the mere divorce policy of the Republican Party. To that end, they developed and invoked a complex legal and moralistic argument. First, they accepted unquestioningly Alvan Stewart’s 5th Amendment due process arguments that since no federal court had passed judgment upon each and every slave, none of the millions held in bondage were actually enslaved. They also supported Stewart’s correlative arguments on the guarantee clause and republican government—that no government could be republican that allowed slavery and thus the guarantee allowed federal action against slavery. Second, they believed in the supremacy of natural law over those of man, specifically, that slavery so shocked the conscience, that no legal body on Earth could legalize it even with positive law. Finally, while promoting and taking parts of these ideas and other constitutional arguments developed by Stewart, they turned to a novel conception of the war power as the ultimate solution.

First suggested in 1820 and developed completely in 1836 by John Quincy Adams, the war powers argument was placed center stage since Radical Abolitionists

---

51 Radical Political Abolitionists, *Proceedings*, 5-7, 25-28; On the Slave Power conspiracy, which later became a core part of Republican Party ideology, the fact that the French counterrevolutionary threat was a figment does not matter in comparison to the very real Slave Power conspiracy described by the Radical Abolitionists, because the Jacobins assumed what threatened them was just as real. The key here is the conspiratorial mindset inherent in both ideologies, that they argued there was always a great threat to their survival that must be destroyed at all costs. For the reality of the Slave Power in controlling the federal government, see Richards, *The Slave Power*.
assumed war was inevitable. The lifelong statesman, looking to stir dissension reacted to a Southern claim that the federal government could never, under any circumstances, interfere with slavery. He counterargued on the floor of the House on 25 May 1836 that if the South ever attempted rebellion, the Constitution’s war powers placed the laws of the state on hold and enacted the recognized laws of war. One of these was emancipation in order to accomplish the defeat of the enemy. He declared, “From the instant that [the] slaveholding States become the theater of war, civil, servile, or foreign, from that instant, the war powers of Congress extend to interference with the institution of slavery in every way by which it can be interfered with.” In other words, in time of war or rebellion, constitutional law ends and the laws of war and nations begin. These included the legal right to end slavery in order to disrupt the enemy’s social, military, and political systems as had occurred during both the American and Haitian Revolutions.\(^\text{52}\)

The Radical Abolitionists, however, diverged from Adams. They believed that “slavery is so evidently contrary to the paramount law of nature, to justice, to fundamental morality, and the law of God, that it never was, and never can be legalized; and that no legislature nor monarch possesses the power to make it legal.” And, since slavery exists anyway it is “an outrage on the slaves” who become “enemies to the nation that permits it.” In an open letter to slaves, Frederick Douglass advised them, “You are prisoners of war, in an enemy's country—of a war, too, that is unrivalled for its injustice, cruelty, meanness:—and therefore, by all the rules of war, you have the fullest liberty to

\(^{52}\) Register of Debates, 24\(^{\text{th}}\) Congress, 1\(^{\text{st}}\) Session, 4047; Adams made a similar speech on the floor on 14 and 15 April 1842 emphasizing the historical precedents for emancipation under war powers, see Congressional Globe, 27\(^{\text{th}}\) Congress, 2\(^{\text{nd}}\) Session, 423-429; Whiting, “The War Powers,” 79-82; Richards, Congressman John Quincy Adams, 122-123.
plunder, burn, and kill, as you may have occasion to do to promote your escape.”

Therefore, “until slavery is abolished, [the nation is] continually exposed to a state of war,” in the same way Robespierre maintained that a state of revolution existed until the unvirtuous were converted or eliminated. Since the government refused to act, the Radical Abolitionists saw it as their solemn and holy duty to act in its place and outside of its precepts. In other words, they claimed a legal right to act illegally.\(^5\)

At first, the party urged its members and the rest of society to sway the federal government to their side at the ballot box, but they feared that the Slave Power had already taken such a hold of Washington that the time for peaceful measures had come and gone. As the 1856 presidential nominee for the party, Gerrit Smith proclaimed,

> There was a time when slavery could have been ended by political action. But that time has gone by—and, as I apprehend, forever. There was not virtue enough in the American people to bring slavery to a bloodless termination; and all that remains for them is to bring it to a bloody one.

The pressure from the South had left room for only a few options: enslavement of the North, dissolution of the Union, abolition, or revolution. Radical Abolitionists chose revolution as the only recourse because they believed only revolutionary justice could end slavery in world where politics appeared to have failed completely. Smith and his

---

followers, from that time on, were only playing at politics as legitimate cover for spreading their revolutionary worldview.\textsuperscript{54}

At their nominating convention in May 1856, party member James C. Jackson declared that the true position of the North “is one of revolution...[and] that this revolution never stops until American Slavery is abolished.” He continued, “When Constitutions are violated for the purpose of throwing out of sight the rights of the people, the people will throw Constitutions out of sight, and bring the people into view.”

Smith’s nomination address echoed these sentiments, proclaiming that whenever a government “proves itself to be incurably perverted to the infliction of unendurable wrongs, the whole human brotherhood is to be held finally responsible for its overthrow.”

Smith and his compatriots very well understood that they were declaring a revolution which went well beyond the political sphere of the 1776 revolution. They were taking aim at the hearts and minds of men, a goal the likes of which had not been attempted since the Republic of Virtue crashed down around Robespierre in 1794.\textsuperscript{55}

Bolstered by their new revolutionary mentality, Radicals lost no time acting, arguing that the virtuous and righteous must strike immediately. In the struggle for Kansas Territory’s freedom from slavery, they urged members to send money, guns, and

\textsuperscript{54} Speech of Gerrit Smith, 10 July 1856, Buffalo, NY, in Wendell Phillips Garrison and Francis Jackson Garrison, \textit{William Lloyd Garrison, 1805-1879: The Story of his Life. Told by his Children}, 4 Volumes (New York: The Century Co., 1885-1889; New York: Negro Universities Press, 1969), 3:440; Radical Political Abolitionists, \textit{Proceedings}, 49; Radical Abolitionists argued that slaveholders were actually a hereditary nobility of power, wielding unchecked domination over an inferior underclass, and through the Slave Power, controlling the national government through conspiracy. The South was only waiting for the right moment to extinguish the freedom and liberty of both whites and blacks in the North.

\textsuperscript{55} \textit{Radical Abolitionist} 1 (July 1856): 97; Extra (June 2, 1856): 1.
even themselves to stop the influx of border ruffians swarming in from Missouri to illegally vote to for pro-slavery statehood. In July 1855, many Radical Abolitionists “responded in earnest” with sympathy when John Brown appealed to the group’s meeting for support in the defense of the embattled territory. At a Kansas Aid Convention in Buffalo, NY in July 1856, militant abolitionists resolved that “armed men must be sent to Kansas to conquer the armed men who come against her, and that justification for sending them is to be found in the refusal of the government to do it.” In acting thus, however, they realized they were not only attacking slaveholders, but also the government itself, which was “the great instigator and upholder of the oppression” in the western lands. Above all, in their pursuit for a virtuous utopia, Radical Abolitionists, like the Jacobins before them, looked to “righteous violence” in order to purge society of its sins themselves.56

Kansas marked only the beginning of Radical Political Abolitionists’ abandonment of politics and emphasis of a direct fight against slavery. They refused to accept marginalization in the face of the rising Republican Party, which Gerrit Smith accused of having a bastard philosophy at best but which also continued to slog through the dearth of the American political system—and was ultimately successful in that endeavor. In his extreme ideological orthodoxy, Smith became convinced that the legislature was unwilling to act against slavery, and so he must lead “the people” out of sin. In other words, because Congress dawdled, it was an illegitimate institution and it was left to the righteous representatives of the people to act in their place.

56 Radical Abolitionist 2 (August 1856): 4; See also Radical Abolitionist 1 (April 1856): 69; Oates, To Purge This Land with Blood, 91; Stauffer, The Black Hearts of Men, 2.
To Smith and his followers, antislavery violence was no longer illegal; rather, the federal government was illegal and his militant strikes against slavery were the only lawful actions to be found; he was defining his world with the same legalized illegality which the Jacobins used to justify the Terror. With the support of many notable activists counted amongst their ranks, such as Frederick Douglass, James McCune Smith, Lewis Tappan, William Goodell, and John Brown, the Radicals were able to begin acting upon their ideology of virtuous violence and national renewal to purge the sin of slavery. By the end of the year, the Radical Abolition party disbanded and in its place created the American Abolition Society as an apolitical front from which to denounce slavery and carry out their revolution.57

The first real opportunity to expand their endeavors beyond Brown’s “railroad business,” his small-scale freedom raids into the South, was the Kansas civil war that broke out in 1856. While the support network developed for Brown’s slave rescue raids in Missouri had brought Smith and his troupe hand in hand with “savage” and violent means, they proved only to be prequels and practice for the events in Kansas which would require a much larger and more public network of support and arms to successfully beat back Southerners invading the free territory. At the Radical Abolitionist convention Douglass, Smith, and McCune Smith had all urged violent action to stop slavery in Kansas, and Brown took their support and headed out to fight after making pleas for aid.

The raider would occasionally travel back east on fundraising trips, one of which in 1857 netted $7,000 and 200 rifles for his latest cause.58

In Kansas Brown established himself as a man who would willingly shed the blood of the United States in order to purify it. He and his sons recruited men to fight proslavery incursions. In retaliation for the May 1856 pro-slavery sacking of Lawrence, Brown and his sons brutally murdered five proslavery settlers at Pottawatamie Creek by splitting their heads open with broadswords. While he hoped the “radical retaliatory measure” would create “a restraining fear” amongst the Missourians, it only sparked a new escalation in the violence. When the first sketchy details of “Bleeding Kansas” reached the Northeast, many abolitionists and even some of his backers came to see Brown as more savage than the indians he was trying to imitate; yet, not knowing the full extent of his actions, they continued to support him as the fighting intensified into a full scale guerilla war with numerous skirmishes on either side into the fall of 1856. His deeds did, however, help the North to come to grips with what was happening in Kansas and focus on the problem of slavery.59

As he had hoped, Brown and his Radical Political Abolitionist backers were not the only ones effected by this turmoil; the territorial wars heightened the tensions throughout the antislavery movement, even amongst avowed pacifists. Charles B.

58 Stauffer, “Advent Among the Indians,” 255; Mayer, All on Fire, 475-476.

Stearns, a settler and reporter for the *Liberator* and *National Anti-Slavery Standard*, had moved to Kansas a devout nonresistant. Yet, after having his claim jumped by Missourians, being robbed and beaten, and witnessing ten straight days of open war, he embraced violence. In December 1855, he wrote, “When I came to Kansas, little did I dream of ever becoming a soldier, but stern fate has driven me into the ranks of the Non-Resistant *corps de reserve*, who are to fight at the last extremity.” Stearns came to see the border ruffians as less than human, therefore absolving himself of the sin of killing as many of them as he could find:

> I always believed it was right to kill a tiger, and our invaders are nothing but tigers….These Missourians are not men….After hearing the screams of the wife and mother of the murdered Barber, and witnessing his lifeless form locked in the cold embrace of death, for no other crime than because he was a Free State man, I made up my mind that our invaders were wild beasts, and it was my duty to aid in killing them off. When I live with men made in God’s image, I will never shoot them; but these pro-slavery Missourians are demons from the bottomless pit and may be shot with impunity.

Kansas also revolutionized nonresistant Henry Ward Beecher, who declared, “You might just as well read the Bible to buffaloes.” He preached not passive Christianity, but instead the “moral agency” of Sharp’s rifles, soon to be known as “Beecher’s Bibles.”

The ranks of Radical Political Abolitionism grew stronger as the revolutionary alternative not only to Republicanism, but also to nonresistants who preached pacifism at any cost. Smith and Brown felt their cause was moral and just, and so they were determined to provoke a fight which God could only allow them to win. As their numbers

---

swelled, so too did the presence of American Jacobinism in the antislavery movement. In response to these events, James Redpath declared, “The Second American Revolution has begun. Kansas was its Lexington….The South committed suicide when it compelled free squatters to resort to guerilla warfare.”61

Giving their support to the idea of the coming wave of insurrections over the next year were a growing number of abolitionists. In 1858, nonresistant Theodore Parker warned, “Slavery must be put down politically, or else militarily. If not peacefully ended soon, it must be ended wrathfully by the sword. The negro won’t bear Slavery forever; if he would, the white man won’t.” In August of that same year, former Garrisonian Charles Remond declared that “If we recommend to the slaves of South Carolina to rise in rebellion, it would work greater things than we can imagine.” If such a course is followed, Remond suggested, then hopefully a man will rise up in the image of Toussaint: “If some Black Archimedes does not soon arise with his lever, there will spring up some Black William Wallace with his claymore, for the freedom of the black race.” That same year Lysander Spooner published a pamphlet encouraging the formation of “Leagues of Freedom” to provide military aid to slave rebellions. Like Gabriel Prosser before him, he hoped to separate the economically downtrodden petits blancs of the South from the planter class, before military forces entered the South from several points, gathering nonslaveholding whites as well as men of color to their standard. Also following the Radical Abolitionist lead, a convention of black Ohioans resolved that men of color were “absolved from all allegiance to a government which withdraws its

protection.” William Day, John Mercer Langston, and 1820s firebrand William Watkins jointly stated that it was “the right and duty of resistance by force of arms” by all black men in order to destroy slavery.62

In taking up the calls for a debilitating strike against Southern slavery to start the coming storm, John Brown took his own advice on becoming an antislavery folk hero. His 1859 raid on the federal arsenal at Harper’s Ferry, Virginia marked the last step of radicalization of abolitionism as an extragovernmental movement; his struggle converted the whole antislavery movement to American Jacobinism, and, in a sense, his actions inaugurated the Civil War. Before the events of October 1859, James Redpath argued that the antislavery movement needed only a slight push to embrace war and end “the eternal hypocritical hubbub in Congress and the country.” According to the reporter, this general acceptance of antislavery violence could be best accomplished by recreating Kansas on a larger scale, by showing the North a little “civil and servile war.”63 This is exactly what Brown sought to deliver.

In planning on and off for ten years, on the night of 16 October 1859, Brown and eighteen followers enacted what he considered ”BY FAR the most important undertaking


63 James Redpath, The Roving Editor, III, 3, 8, 86, 119; Mayer, All on Fire, 478; Quarles, Allies for Freedom, 152.
of my whole life.” Understanding that there was a very good chance of failure or even their own deaths, the small band took solace in the knowledge that their attempt might provoke a Southern response so harsh that Northerners took up the call to arms and marched on the South to purify it through fire. Thus confident in their very possible martyrdom, they descended upon Harper’s Ferry to capture the arsenal; after quickly securing the weapons and the buildings, the troupe seized a few prominent locals as hostages. The plan then called for the incitement of slaves in the region to their standard, amassing an army large enough to spark a general insurrection across Virginia. Placing grandiosity before common sense, however, Brown had chosen a location for his raid with few plantation slaves and failed to inform those who were in the area of the plan. When only a miniscule few heeded his call, locals were able to cut off the raiders’ escape and pin them down until the army arrived under the command of Robert E. Lee, who thoroughly routed Brown and his compatriots. The former Kansas fighter was taken alive, tried, and sentenced to hang for treason against Virginia.64

Following the end of Brown’s debacle, a “Great Fear” of more insurrections swept across the South, and militant antislavery activists were forced to rebut condemnations of their rapidly shrinking group, as conservative abolitionists backed away from the controversy. Republicans, other non-immediatists, and Northern Democrats harshly criticized the raid, seeing it as the proof of the folly of abolitionism. Despite the cacophony of condemnation, those who remained faithful to Brown’s ideals were well placed to reconstruct his image as a martyred hero. While Brown sat in his

Virginia jail cell awaiting his sentence, these men created a mythic public image of Brown, transforming the memory of the raider from one of insanity into the terrestrial embodiment of abolitionism and a martyr for the cause. Henry Ward Beecher preached, “Let no man pray that Brown be spared. Let Virginia make him a martyr…a cord and a gibbet would redeem…Brown’s failure with a heroic success.” Brown, completely understanding the rewriting of his history, even aided in the molding of his own myth, asserting, “I am worth infinitely more to die than to live” and simply noted that Beecher’s sermon was “good.” With his willingness to be executed for his cause, his compatriots in the North would do the rest. 65

In his failure, his ideological backers elevated Brown to the level of an antislavery hero. The raid, in many ways doomed from the start as Frederick Douglass had feared when he first heard the plan twelve years earlier, became the symbolic end of peace and the opening of a new era. Wendell Phillips declared, “The lesson of the hour is insurrection….Insurrection of thought always precedes the insurrection of arms.”

65 Beecher quoted in McPherson, This Mighty Scourge, 35-36; Brown quoted in Richard O. Boyer, The Legend of John Brown: A Biography and a History (New York: Knopf, 1973), 18; Fine, “John Brown's Body,” 230; Oates, To Purge This Land with Blood, 322-323. Interestingly, a new interpretation of Saint Domingue appeared after Brown’s capture by Northerners against Brown drew a parallel between the raid and Vincent Ogé’s mulatto rebellion in 1790. This farcical construction built upon the non-laudatory histories of the “horrors of Saint Domingue” which the previously noted militant accounts were trying to dissuade. They denied that slaves were happy or in a better condition after their emancipation, they became bloodthirsty, and the whole fiasco only proved that blacks were an inferior race. They also argue that whites corrupted a few black leaders, like Ogé, because in no other way would the docile slaves revolt against their masters. For a good example of this, see Louis Schade, A Book for the “Impending Crisis!” Appeal to the Common Sense and Patriotism of the People of the United States. “Helperism” Annihilated! The “Irrepressible Conflict” and its Consequences! by Louis Schade, Of Iowa (Washington, D.C.: Little, Morris, & Co., 1860; Samuel J. May Anti-Slavery Collection, Cornell University Library, Ithaca).
Abolitionists congealed around Brown’s memory, and like Toussaint Louverture before, praise of his actions led to a heroic embodiment that further legitimated political violence. Though the Radical Abolitionist cohort would not come to political power, like the Jacobin Club in Paris, they became the ever-watchful eye of the new administration of Abraham Lincoln and the impetus for the radicalization of the Republican Party as the war wore on, calling out those who stood in the way of a regeneration of society and giving freely of their ideas when needed.66

James Redpath became a leader of the response in the Boston *Atlas and Bee*, and Osborne Perry Anderson and Charles Tidd, two raiders who had escaped successfully from Virginia soon joined his effort. Anderson spoke to Canadian crowds about the raid, and Tidd wrote a public letter to the *New York Tribune* in defense of Brown’s actions. Redpath, however, took the most proactive approach in his support of the martyred Brown; he understood that though the raid failed in its short-term goals, it would solidify and Jacobinize the entire antislavery movement: “Let cowards ridicule and denounce him; let snake-like journalists hiss at his holy failure—for, I do not hesitate to say that I love him, admire him, and defend him. GOD BLESS HIM!” His work to rejuvenate John Brown as his forbearers had done for Toussaint eventually became a biography of the

---

man and *Echoes of Harper's Ferry*, a collection of articles and praise on the aftermath of the raid.\(^6^7\)

Other antislavery militants soon joined in the growing sacrilization and heroic embodiment of Brown. Henry C. Wright, a former Garrisonian who had become radicalized in the mid-1850s, declared in an open letter to the governor of Virginia that “the sin of the nation…is to be taken away, not by Christ, but by John Brown….The nation is not to be saved by the blood of Christ…but by the blood of John Brown.” Long-time Garrisonian Lydia Maria Child embraced Brown as a “saint” and a “hero” who had “done a noble deed.” In December 1860 in Boston, Frederick Douglass announced that he advocated ending slavery “the John Brown way.” Franklin Benjamin Sanborn, one of the secret six, also noted that though Brown failed, “his soul went marching on; and millions of his countrymen followed in his footsteps two years later” because of his actions. And, on 5 March 1860, the ninetieth anniversary of the Boston Massacre, abolitionist John S. Rock declared Brown the Crispus Attucks of the Second American Revolution.\(^6^8\)


As time passed, the raid and its fallen leader also received international praise.

Victor Hugo, who along with many other French revolutionary expatriates would present Brown’s widow with a honorific medal, wrote from exile that the chief raider “was an apostle and a hero; the gibbet has only increased his glory and made him a martyr.” He saw the man’s death as “an irrevocable mistake” that would “finally sunder the States.” It was “more shocking than Cain killing Abel,—it [was] Washington killing Spartacus.”

Italian revolutionary Giuseppe Garibaldi placed the militant on a plane equal to the greatness of Jesus Christ, while at the same time, many of Brown’s associates saw in the raider a prematurely extinguished version of the Italian. Haitian president Fabre-Nicolas Geffrard ordered flags flown at half-mast for Brown on 20 January 1860, and across the small Caribbean nation, as many draped their homes in black, cities and towns held commemorative religious services. In Port au Prince, the black republic’s capital, over 3,000 mourners, including the presidential family, crowded into the National Chapel for a high mass for the repose of Brown’s soul. As his image was mythologized, “John Brown’s Body” became the American “Marseillaise.”

* * *

---

In the months and years following Brown’s execution, Gerrit Smith and the ideologues of the American Abolition Society remained the vanguard of American Jacobinism, looking to purify the nation through violence in order to create a perfect Union. Though they continued to be overshadowed by the growing Republican Party, the group that had begun the 1840s by embracing the idea of dualistic political and direct resistance to slavery had within two decades accepted the necessity of revolutionary action. In doing so, these antislavery militants embarked on a course which would define one man as the epitome of their ideology, and at the same time provide a martyr around whom all abolitionists could gather. John Brown’s raid on Harper’s Ferry may have failed, but as his quest to purge the nation of sin through blood ended in his execution, the image of a virtuous crusader against the institution of slavery drove countless abolitionists to take up his cause. As the war got well under way, many of these men joined the ranks of the Union army, a few rising high into the officer corps, and a good percentage of them, following in a direction of which Brown would have been proud, volunteered to recruit for and lead black regiments.\(^{70}\)

In New Orleans in 1862, black Creole intellectual and Union officer Henry Louis Rey urged free blacks to join the army and fight for “the rights of man” in the tradition of Saint Domingan revolutionary noir heroes. Praising Vincent Ogé and Jean-Baptiste Chavannes, who instigated the mulatto revolt in 1790 before being caught, tortured, and broken on the wheel, Rey declared, “CHAVANNE AND OGE did not wait to be aroused and to be made ashamed; they hurried unto death; they became martyrs here on earth and received on high the reward due to generous hearts….Hasten all; our blood only is

demanded.” During the Civil War, black Americans flocked to the Union cause with hopes of social reform in order to complete the ideals of the age of revolution; many outright demanded *liberté, égalité, fraternité*. They merged the ideals of the American, French, and Haitian Revolutions, developing a unique vision of an American Republic of Virtue, cherishing universal equality and freedom above all else. Over the course of the Civil War, these soldiers proved themselves willing to march to their deaths to found that republic.\(^7\)

\(^7\) Rey quoted in Bell, *Revolution, Romanticism, and the Afro-Creole Protest Tradition*, 2-3, 6, 8.
“A SLEEPING GIANT IN THE CONSTITUTION, NEVER UNTIL THIS RECENT WAR AWAKENED”

The Republican Party and Radical Constitutionalism

At the height of the American Civil War in July 1864, the Republican-led Congress sent Abraham Lincoln a bill on their plan to rebuild and readmit the state governments of the Confederacy as Union troops marched across the South. The act, shepherded through the legislature by its namesakes Benjamin Wade of Ohio in the Senate and Marylander Henry Winter Davis in the House, claimed authority for Congress well beyond any conception of federal power in the history of the nation. In response, the President surprised many of his Congressional allies by pocketing the Wade-Davis Bill in favor of his own plans for reconstruction. In justifying his actions, Lincoln did not disclaim the vastly expanded federal authority envisioned by the bill, but largely substituted himself as the executive in the leading role for reconstruction on different constitutional grounds.

The redefinition of legislative and executive powers seen in the latter stages of the war represented a dramatic break with the campaign promises and ideological beliefs of the Republican Party from its early development out of the Liberty Party, throughout the 1850s, and up to and including the decisive election of 1860. While the Republican coalition had grown exponentially from its Liberty roots, it had remained steadfastly

---

dedicated to a constitutional and legal belief in the denationalization of slavery—no
slavery in the federally-administered Territories or District of Columbia, the admission of
no more slave states, and the regulation if not outright halt of the interstate slave trade—
while declaring the institution untouchable in the extant southern states. With advent of
secession, however, Lincoln and his Congressional colleagues were forced into uncharted
legal and constitutional waters. The executive required the authority to wage a war before
Congress met, and as the Confederacy dragged out the fight, the legalistic Republicans,
with the Radical faction leading the charge, required justification to punish and rebuild
the South during and then after the war finally ended. Once set and determined to act in
pursuit of victory over the seceded states and eventually the death of slavery, Republicans
enacted a reconstruction of federal power and constitutional law that rivaled their
attempted reconstruction of the South in both thoroughness and longevity.

After working through several theories and sources of authority to act against
slavery, by 1864 Republicans had settled on two tracts to make their unconstitutional but
necessary actions constitutional, one claimed by Lincoln and the other by Congress.
Lincoln looked to an expansion of his role as Commander-in-Chief and his war powers
under the law of nations, while Congress put forward a justification based upon Article
IV, Section 4 of the Constitution: “The United States shall guarantee to every State in this
Union a Republican Form of Government”—the guarantee clause. Benign but expansive
enough to serve their purposes, these arguments gave the ideologically ill-prepared
Republicans a ready-made legal and constitutional framework to wage and win the Civil
War and begin Reconstruction. These constructions were not, however, creations of
Republicanism, but of that group from which Republicans had tried to disassociate themselves for more than two decades—the Radical Political Abolitionists.

As early as 1837 future Liberty Party founder Alvan Stewart had suggested that slavery in the existing states was vulnerable to constitutional attack, a position immediately rejected by the majority of politically-minded abolitionists. Undeterred by the unpopularity of his theories, Stewart continued to press his case, and by the middle of the next decade he had developed a small following of adherents to his brand of radical constitutionalism including Gerrit Smith and William Goodell. When the Liberty banner split, the men of the Liberty League—Goodell chief among them—preserved and matured Stewart’s theories into a complex and multifaceted belief in a wholly antislavery Constitution.

At the same time as the Radical Abolitionists were taking their ideological development beyond the pale of politics, Ohioan Salmon P. Chase and other pragmatic Liberty men took the majority of the movement in another direction. It was one which would lead to electoral success rather than marginalization, but also leave it unprepared for the coming storm. Turning to Free Soilism and combination to flex their growing position as holders of the political balance, Chase and others like Joshua Giddings and Benjamin Wade of Ohio, Charles Sumner of Massachusetts, and John P. Hale of New Hampshire created a platform and creed that demonized the South and its power founded upon slavery while appealing to the industrious men of the North. Their Free Labor ideology, firmly grounded in the denationalization of slavery, provided them the perfect political balance of abolitionism and moderation for the party to become a national force by the late 1850s.
While the right combination to prevail in the election of 1860, Free Labor’s antislavery position became moot with the secession winter. As soon as the crisis began it forced Lincoln to reach beyond all traditionally held conceptions of constitutional power. When Congress came into session in July, its membership similarly was forced to find new roles, responsibilities, and authorities for the federal government which had never previously existed. It was in this context as the tensions of war increased and intervention in states’ rights—slavery chief among them—became necessary that the executive and the legislature embraced the antislavery constitutional framework laid by the Radical Political Abolitionists over the previous twenty-five years. While conflicting with each other, the two theories independently raised the powers of the government to a nearly limitless level by the end of the war, setting the stage for Reconstruction both during and after the fall of the Confederacy.

The following chapter looks at this sea-change in the Republican worldview and constitutional thinking from 1840 to the later stages of the Civil War. It discusses the development of antislavery constitutionalism in the late 1830s and 1840s and its rejection by the majority of Libertyites. It then traces the creation of Free Labor ideology as a moderate alternative and the subsequent growth of the Free Soil and Republican parties. From there, it investigates the Presidential and Congressional reactions to the war, beginning with Lincoln’s justifications for acting unilaterally and his expanding reading of the laws of war as a means to end slavery, and then looks at Congressional theories for intervention in the South and Republicans’ eventual focus on the guarantee clause. The chapter concludes with the conflict between the two theories as the war ends, Lincoln is
assassinated, and Congress rebuffs Andrew Johnson while taking control of Reconstruction.

**Reinterpreting the Contract with Hell**
*Antislavery Constitutionalism and the Rise of the Republican Party*

In the late 1830s the movement towards engagement with the political system strained the abolitionist coalition led by the outspoken William Lloyd Garrison and the progression away from long-held beliefs increased exponentially. In 1836 in Massachusetts Samuel J. May and Elizur Wright pressed the case for voting, and within only a few years abolitionists moved from interrogation of candidates and vote scattering to the organization of an outright antislavery political party. In this atmosphere, it is not surprising, then, that some would contest the central tenets of nonintervention at the constitutional level as well. Such actions and ideas, however, challenged the most basic beliefs of many in the antislavery movement, including those who would later break completely with the Boston radical.

Cemented into the founding charter of the American Anti-Slavery Society in December 1833, Garrisonians firmly held that “each State, in which Slavery exists, has, by the Constitution of the United States, the exclusive right to legislate in regard to its abolition in said State.” In other words, abolitionists vowed to let alone southern slavery unless they converted a majority of the population to abolitionism by pressing the immoral and sinful nature of slavery through mail and petition campaigns. At the same time, denationalization was seen as a legitimate and legal course of action. The Society declared it would
endeavor, in a constitutional way, to influence Congress to put an end to the domestic Slave trade, and to abolish Slavery in all those portions of our common country which come under its control, especially in the District of Columbia,— and likewise to prevent the extension of it to any State that may be hereafter admitted to the Union.  

Hoping to take the building momentum towards engagement to a new level, New York abolitionist and lawyer Alvan Stewart proposed at the 1838 annual meeting of the American Anti-Slavery Society to amend out the clause admitting that slavery was untouchable inside the southern states. Since at least September 1837 when he first presented his theory of constitutional due process as an attack on slavery to the New York Anti-Slavery Society, he had honed his arguments that the Constitution was at its heart an antislavery document. He believed that when it was taken in hand with its forbearer, the Declaration of Independence, federal courts could use the American charter to free every slave then existing within the boundaries of the nation by simply declaring none had been duly convicted or sentenced as required by the 5th Amendment. When his 1838 amendment fell nine votes short, Stewart did not give in, but turned his attention to the founding and building of the Liberty Party with Joshua Leavitt and other political abolitionists.  

---


During this time and despite the party not agreeing with some of his ideas—they were far from agreeing with Garrison that the Constitution was a “contract with hell,” but saw it as neutral at best on the federal government’s relationship to slavery—the New Yorker continued to develop and press his beliefs in antislavery constitutionalism through freedom suits and legal treatises. In the face of at least eight clauses in the Constitution which referenced or entrenched slavery, Stewart’s work pointed to, first, like Salmon P. Chase, the ambiguity and fact that the framers never used the word ‘slave.’ Second, he took a wider view of the American founding than previously understood, contending the Declaration encompassed the essence of the Union. Its ideals were binding, he argued, and were imbued into the American charter through the preamble, due process, and equal protection clauses. While most Libertyites would agree to some form of these theories, Stewart quickly moved into ground that they perceived as far too controversial and untested.

In the late 1830s and early 1840s he fleshed out a series of arguments that, while suggested first by others, were taken to extremes the originators were unlikely to have imagined. Chief among these was one focused on the guarantee clause pledging to each state a republican form of government. In this short, virtually offhand line of text, Stewart saw a power that could give an antislavery national government the right to disestablish southern slavery everywhere. Stewart did not begin his quest of transforming the Constitution in a vacuum, however, and closely researched for precedents.4

In October 1836, the first major abolitionist critique of the Constitution came from Garrisonian minister Samuel May. He focused on the fact that the framers had very carefully avoided using the words “slave” or “slavery” in their text, using this as a starting point to deconstruct pro-slavery constitutional arguments. He concluded that “the Framers of our Constitution, finding they had not the power to abolish slavery, were determined to do the next best thing—not commit the national government to its support.” In the second part of his work published the following spring, he argued Congress, far from being barred from acting, could interfere with slavery using the commerce clause by regulating if not abolishing the interstate slave trade and preventing slaves from exiting the established slave states. He also noted that Congress was entitled to abolish slavery in the District of Columbia at will as the sole administrative body there. In early 1837 Nathaniel P. Rogers echoed May’s ideas, but suggested further tactics. He pointed to guarantee clause and due process as possible methods of attacking slavery, though he did not elaborate. A few years later, Stewart took these early arguments and infused them with another that challenged majority conceptions of the Union itself.5

The New Yorker took to heart the position of abolitionist clergyman John Parrish who argued in 1806 that “there is no just law to support [slavery]; it is against the essence” of the Declaration of Independence. Moving beyond Parrish, Stewart, and increasing number of future political abolitionists, contended Thomas Jefferson’s

idealized vision was from its creation in 1776 until the Articles of Confederation came into force, the governing document of the former colonies. Both the Articles and the Constitution were created to form “a more perfect” version of a Union that already existed. As William Goodell would later express it, these compacts were “the mere outward form, the minutely detailed provisions” of the principles enshrined in the Declaration. In Stewart’s estimation, natural law and natural rights, expressed as they were in it, were of a legally-binding nature and could, of their own accord, lead to abolition throughout the states. For support, he and his compatriots pointed to William Blackstone’s 1765 declaration that “this law of nature…dictated by God himself, is of course superior in obligation to any other. It is binding over all the globe, in all countries, and at all times: no human laws are of any validity if contrary to this.” In other words, since slavery was contrary to natural law, it must be invalid everywhere.⁶

With his theory building, Stewart then borrowed ideas from reformer Elizur Wright and abolitionist minister Theodore Weld, who emphasized due process to attack slavery. Wright had argued in 1837 that the Fugitive Slave Act was a violation of blacks’ due process rights, and in 1838 Weld claimed that in areas of the federal government’s sole jurisdiction, such as the District of Columbia, the clause applied. Since in the case of slaves in such places self-ownership was taken without compensation or judgment,

---

Southerners had violated both the substantive and procedural rights of those slaves they brought into the district or territories. Neither Wright nor Weld, however, foresaw Stewart’s reading. In a September 1837 speech to the New York State Anti-Slavery Society, he argued that the 5th Amendment empowered Congress to abolish slavery everywhere in the United States because the language of ‘persons’ used in the due process clause matched the carefully-chosen euphemisms for ‘slave’ in other parts of the document. Far from a limited application to the federal district, Stewart proclaimed the Constitution an entirely antislavery document that commanded the complete abolition of slavery. It was after the publication of his speech and on its merits that he pushed the American Anti-Slavery Society to amend their charter.7

Despite his failure to convince a majority of his fellow abolitionists on the unconstitutionality of slavery, Stewart did manage to persuade them on many of his lesser arguments which became embedded as central ideas of what would become Republican catechism—Chase and others made much use of the due process, equal protection, and Declaration arguments. The New York lawyer’s failures also did not stop him from continuing his journey onto the bleeding edge of constitutional theory, though much of the time he was preoccupied with building up the Liberty organization and focusing on common ground upon which all party devotees could agree—what became the “one idea”

platform. It was in this context that he began to push his most ambitious, but least
developed, argument: the guarantee clause. He saw the powers of the clause as defined
broadly since there was no established definition or law behind it. Stewart maintained
that the simple, almost throw-away line held the potential to destroy slavery everywhere
within the borders of the nation and each and every state. And, as with his other
arguments, Stewart built upon his forbearers. ⁸

During the 1820 debates over Missouri’s admission as a state and whether
Congress could place conditions on it, the first suggestions that the guarantee clause
might be used to attack slavery emerged. Representative Timothy Fuller of Massachusetts
first broached the “fundamental principle” of the clause, calling slavery anywhere “a
departure from republican principles.” He pointed to Jefferson’s language to argue a pure
republic would not tolerate slavery and all men would be free and enjoy equal rights.
Without further guidance from the framers on the meaning of “republican form of
government,” Fuller said the Declaration’s definition should stand. He caveated,
however, that the same idea “cannot, without violence, be applied” to the existing slave
states. Senator David L. Morril of New Hampshire similarly argued that slavery was
incompatible with “pure democracy,” contaminates a republic, and leaves only
“aristocracy, monarchy, and, perhaps, despotism itself.” The Northern men, however,

⁸ For the most comprehensive look at the origins and use of the guarantee clause, see Wieck, The Guarantee Clause. For the idea that it was meant as a vague ill-defined power, see Wieck, The Guarantee Clause, 71-72.
were quickly shouted down by Southerners who, realizing the danger the clause posed to their interests, decried any efforts to suggest its use again.9

The clause reared its head again in 1833 in a Senate debate on nullification. In reply to a Northern counterpart, John C. Calhoun of South Carolina charged that “if not rigidly restricted…[the guarantee] is destined to be a pretext to interfere with our political affairs and domestic institutions in a manner infinitely more dangerous than any other power which has ever been exercised on the part of the General government.” Calhoun, seeing the threat the clause posed to the South, tried to stamp out all suggestions of its use. And, while to Southerners’ relief the clause did not appear again in legislative debates, abolitionists like Stewart had begun to investigate its potential within five years.10

In 1839, nascent politique Gerrit Smith wrote to Congressman Henry Clay, the author of the Missouri Compromise, to question the disparity between the guarantee and slavery. He wrote, “You do not attempt to show how the multiplication of slave states can consist with the constitutional duty of the ‘United States to guarantee to every state in the Union a republican form of government.’” Smith wondered how “a government is republican under which one half of the people are lawfully engaged in buying and selling the other half.” Other abolitionists similarly probed for answers to the conundrum. At the height of the gag rule controversy in the House, constituents of John Quincy Adams’s


Massachusetts district even presented him with a petition to abolish slavery because it
denied a republican form of government.\textsuperscript{11}

Even abolitionists who did not agree with Alvan Stewart’s ideas admitted that the
guarantee clause held vast potential. James G. Birney, future Liberty Party presidential
candidate and a harsh critic of Stewart’s challenges on due process grounds, nevertheless
remarked in early 1837 that the clause, “if literally carried out, would extinguish the
entire system of slavery.” Birney, like others, argued that southern states did not have
republican governments under slavery, but challenged Stewart on the actual implications
of such an argument. Most abolitionists followed Birney’s beliefs which ironically
paralleled those of the southern Congressmen before them: the clause was too dangerous
in its potential to even suggest its use.\textsuperscript{12}

Stewart, though, latched onto the potentials of the guarantee clause and carried
them to the logical extremes that Calhoun and other Southerners feared. He developed a
small following in the next few years, and in addition to his own works, William Goodell
and Lysander Spooner both wrote explications on radical constitutionalism using the due
process, equal protection, natural law, and guarantee arguments. Between them, they
fleshed out a multifaceted strategy for the federal government to uproot slavery from the
existing states. Goodell and Spooner’s works became widely published and read in
abolitionist communities, helping to spread the doctrine further. After Stewart’s 1849
death, Goodell would become the primary exponent of the guarantee clause argument,


\textsuperscript{12} \textit{The Philanthropist}, 13 January 1837; Wieck, \textit{The Guarantee Clause}, 157.
citing it in his justifications of private action against slavery under the American Abolition Society in the late 1850s.\textsuperscript{13}

When looking to the clause to attack slavery, the theorists’ first hurdle was the definition of “a republican form of government.” Goodell pointed to James Madison’s \textit{Federalist} 39, where the author of the Constitution noted a republic was, “a government which derives all its powers directly or indirectly from the great body of the people…not from an inconsiderable proportion, or a favored class of it.” The future Radical Abolitionist then cited Montesquieu’s \textit{The Spirit of the Laws} in arguing all members of a republic must be republican or the state will fall into oligarchy or despotism. Goodell later told the emerging Liberty League at Macedon Lock in 1847 that slavery was “illegal and unconstitutional” and that the federal government was “bound to secure its abolition by the guaranty, to every state in this Union, of a republican form of government.” For his part, Spooner noted that under any logical definition, “It is impossible…that a government, under which any considerable number of people…are disenfranchised and enslaved, can be a republic. A slave government is an oligarchy; and one too of the most arbitrary and criminal character.” He concluded that the guarantee clause “is not idle verbiage. It is full of meaning. And that meaning is…fatal to slavery itself.”\textsuperscript{14}


\textsuperscript{14} Alexander Hamilton, James Madison, and John Jay, \textit{The Federalist Papers}, Edited by Clinton Rossiter (New York: Mentor, 1999), Number 39, 209; Goodell, \textit{Views of American Constitutional Law}, 46-57; William Goodell, \textit{Address to the Macedon Convention, by William Goodell; and the Letters of Gerrit Smith} (Albany: S.W. Green, 1847), 3; Spooner, \textit{The Unconstitutionality of Slavery}, 125, 134; Wiecek, \textit{The Sources of
Stewart, in turn, suggested, like Fuller before him, that a republican government must be one which followed the dictums of the Declaration. In 1844, he expressed his position in a case challenging New Jersey’s gradual emancipation acts in light of a new state constitution. He argued, “When we enacted that Article…we knew the old and true meaning of a republican form of government to be one in which the government was made by and for the benefit of the governed.” Under such a system, “each person…was born free and equal, and entitled to life, liberty, and the pursuit of happiness.” Then, moving beyond the pale for most abolitionists and especially Southerners like Calhoun, he concluded, “The force of this provision…if faithfully honored, [would] blot out slavery from every State constitution….It would cut up slavery, root and branch, in the old States.”

As Stewart and his supporters took these theories to extremes, however, they were progressively more unacceptable to the majority of Liberty Party supporters. As the faction led by Chase found increasing success in imposing more moderate views on the antislavery party, Stewart’s ideas were pushed aside as too heretical. And, while Goodell, Stewart, and Gerrit Smith were more than willing to carry the torch for radical antislavery constitutionalism, by leaving the party in 1847 they marginalized themselves and stood

---


raving on the sidelines as the Republican Party rose before them. It would take secession
and a war before even the Radical Republicans would consider raising the validity of
Stewart’s theories in subduing the South. Once broached, however, Republicans
wholeheartedly embraced the legal theories they had shunned nearly out of existence
twenty-five years earlier.16

From the foundation of the Liberty Party in 1840, its leadership used the “one
idea” platform to ensure the body remained more moderate than even founders like
Stewart would have liked; the policy also prevented the dilution of antislavery with other
traditional political or reform issues. The party organ, the Signal of Liberty, expressed
“one idea” as embracing “the preservation of the liberties of the free States, the interests
of the free colored population, of two and a half million slaves, and of the non-
slaveholders of the slave States all of whom are oppressed and harassed by the Slave
Power which we oppose.” With a single-minded focus on ending slavery, though with
copious attacks on the Slave Power and support for Free Labor in the North, Libertyites
ensured that if a major party wanted to absorb their coalition, there would be no other
impediments in the party program. At the same time, the position allowed the

16 Wieck, The Sources of Antislavery Constitutionalism, 258-259; On Gerrit Smith’s
conversion to radical constitutionalism by 1847, see Gerrit Smith to Salmon P. Chase, 1
November 1847, Gerrit Smith Broadside and Pamphlet Collection, Syracuse University
Library.
abolitionists of the party to publish and promote the end of slavery and use the structure for propaganda without getting too entangled in politics.\textsuperscript{17}

Even within the restricted limits of “one idea,” however, there were quickly disagreements. Western party supporters in Ohio like James Birney’s protégé Gamaliel Bailey and, after 1841, Salmon Chase pushed the idea of denationalization which contrasted directly with Stewart’s developing antislavery constitutionalism. Building upon his earlier legal work, Chase defined the policy as “the absolute and unconditional divorce of the Government from slavery.” To these men, the goal of the party should have largely followed the questions Joshua Leavitt had proposed years earlier and were enshrined in the American Anti-Slavery Society charter: containing slavery in the South where it existed, preventing new slave states, banning slavery from the territories and the District of Columbia, as well as cracking down on the interstate slave trade and denying use of the militia to put down slave insurrections. Chase feared that anything beyond this platform would cause potential adherents to turn away by making the party appear too radical and untenable.\textsuperscript{18}

\textsuperscript{17} Signal of Liberty, 11 November 1841; Sewell, Ballots for Freedom, 86-88; Laurie, Beyond Garrison, 24, 38, 61-63; Wieck, The Sources of Antislavery Constitutionalism, 207-209.

\textsuperscript{18} Chase quoted in Eric Foner, Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War (New York: Oxford University Press, 1995), 79-80; Sewell, Ballots for Freedom, 90; Laurie, Beyond Garrison, 62; Foner, Free Soil, Free Labor, Free Men, 78-79, 86-87, 115-117. For a more detailed look at Chase’s interactions with the early Liberty Party, see Niven, Salmon P. Chase, 57-70. The idea of Congressional authority to dismantle the interstate slave trade, while untested, developed as early as 1774 based upon the federal power to ban the importation of foreign slaves. Wieck, The Sources of Antislavery Constitutionalism, 53, 216-217.
The Ohioan, pressing his case, argued party members should stop using the word “abolitionist” so as not to carry its stigma. Chase wrote to future Radical Republican Thaddeus Stevens in 1842 that, “Abolition seeks to abolish slavery everywhere. The means which it employs…are of a moral nature” and thus “cannot be effected by political power.” But, he continued, “while abolition is not properly speaking a political object, antislavery is” because it looks to the elimination of slavery where political power has the ability to reach and act. Chase, an abolitionist and religious man at heart, saw the necessity of working within accepted legal and political means to take slavery apart where possible and leave the rest to die on its own or risk seeing his movement ignored. Whig Congressman Joshua R. Giddings echoed this sentiment when he wrote to Chase in 1848,

I would say nothing about the abolition of slavery. This is misunderstood and frightens many. I would go for the separation of the federal government from all interference with that institution. This in its effect and consequences is abolition, but in a much more acceptable form than the other.

The ultimate goal was still total abolition—and with the same basic caveats and provisions of the American Anti-Slavery Society—but in a legal way using established doctrines rather than the moralism of a Garrison or the untested constitutionalism of a Stewart.\(^{19}\)

While the more pragmatic men succeeded in pushing the Liberty adoption of their denationalization platform, there were concessions. The radicals achieved a declaration in

---

1843 at the national meeting that the Fugitive Slave Law was contrary to natural law and thus “utterly null and void.” But despite some contention, the party solidified and developed the seeds of what would eventually coalesce into Free Labor ideology and form the intellectual underpinnings of antislavery politics through the Civil War. As each of the leaders of the party contributed their part, they focused on not only the moral failure of slave society, but also the economy of slavery as it effected the entire country, the socio-political power of the institution, and the hardworking, independent alternative offered by the North.20

While many of their ideas were drawn from the abolition movement of the 1830s, the Liberty men were determined to redefine and separate themselves from Garrison’s universal reformism and overarching morality. Leavitt, in an 1841 speech that was later widely publicized, opened the development of party thinking by arguing that slavery was the root cause of the northern economic crash of the late 1830s. By 1846 he was arguing that Southerners would never stop their encroachments until Northern workers were held in the same legal and social regard as black slaves. In contrast to the image of “wage slavery” hurled by Southerners at the Northern plight, he argued that wage earners would eventually save enough to move west and become independent property owners and employers in their own right.21

The Liberty founder also spoke out against the growing greed and overt luxuriousness in American society, a view shared by many others and one which


eventually manifested as a general distrust of concentrated wealth. William Goodell, as editor of the *Emancipationist*, criticized the growing immorality and luxuriousness in American society, but also deplored those mired in and unwilling to work their way out of poverty. Thaddeus Stevens would later lay out the ideal position of free men in the nation: a “republic must be feeble” if it does not find a correct balance, marked by “an intelligent and industrious yeomanry, equally removed from luxury and from poverty.” Similarly, Elizur Wright pushed the party towards acceptance of the middling laborers of the North as a new base of the party in contrast to the poor and what were perceived as their wealthy instigators. Tying the strands of their developing ideology together in 1844, the Liberty organ *American Freedman* wrote, “Slavery is, inherently, the parent of idleness and contempt for free labor, of luxury and lavish expenditure, of bad economy, both individual and social.”

Such declarations were increasingly common as political abolitionists crowed that Southerners used and abused slavery to expand their influence and control of the federal government—the Slave Power thesis. While Chase was its major promoter, its seeds had existed since the Missouri debates of 1820 and had found a voice among Liberty men in 1839 who declared, “the Slave Power is now waging a deliberate and determined war against the liberties of the free states.” Within a few months, party papers were synonymously using the terms “slaveocracy” and Slave Power. By 1848, Leavitt saw the Slave Power as so successful a tactic to rally antislavery men to their cause, that he wrote

---

Chase, “The incessant use of the term will do much to open the eyes and arose the
ingenergies of the people….Let it appear that it is the Slave Power which we wish to restrict
and curtail; that it is the Slave Power whose demands we resist, whose growth we will
put down.”

Part and parcel of this idea were the legal arguments Chase, Birney, and others
had developed in the 1830s as the solution. Chase sought to contain the Slave Power by
labeling slavery a purely local institution which the federal government, once the Slave
Power was dislodged from Washington, could restrict to the South. In this way, Chase
positioned the party for the future and wider acceptance, and situated himself in contrast
to Stewart and Goodell as a bulwark of conservatism, harkening back to the founders’
original antislavery intentions as opposed to both Stewart’s abolitionist extremism and
John C. Calhoun’s compact theory of the founding that looked to entrench slavery further
throughout the nation and territories, a position framed as gaining ground and threatening
the North with slavery.

While “one idea” and the focus on the Slave Power kept the peace among factions
and allowed the maturation of a larger ideology for antislavery politics in the short term,
over time it was untenable as outside pressure and militancy pushed some members

---

23 Leavitt quoted in Foner, *Free Soil, Free Labor, Free Men*, 93; Liberty convention
quoted in Foner, *Free Soil, Free Labor, Free Men*, 90; Foner, *Free Soil, Free Labor,
Free Men*, 73, 83, 86-87, 90; Sewell, *Ballots for Freedom*, 102-103. For more on the
reality of the theory, see Leonard L. Richards, *The Slave Power: The Free North and
For a look at Southern control of the federal government before the Civil War, see Don E.
Fehrenbacher, *The Slaveholding Republic: An Account of the United States Government’s
Relations to Slavery*, Completed and Edited by Ward M. McAfee (New York: Oxford

further towards radicalism and the lack of electoral success pressed others to search for new tactics. The men of upstate New York, with Smith and Goodell in the lead, pushed harder for the adoption of a more universally reformist platform. Conversely, Western men like Chase and Bailey saw the potential of drawing antislavery men out of the major parties if the Liberty bar was only slightly lower.\textsuperscript{25}

With the party entente slowly crumbling, national events spurred a dramatic shift. The push to war in Texas in 1846 enraged many Northern Whigs and Democrats. The failure of New York Democratic Congressman David Wilmot’s “Proviso” that any lands acquired from the war be free of slavery only bolstered their feelings, and in the aftermath of the loss, antislavery politicians found a new rallying cry. As the heated situation continued into 1847, the barriers blocking any potential Liberty Party coalition began to wilt, beginning with the abdication of the radicals to form the Liberty League in June 1847. In one swift move, the pragmatic men seized the opportunity to reorganize the national apparatus to their liking with Chase as the driving force to the effort.

The Liberty men looked to antislavery, or “conscience,” Whigs and Proviso Democrats to unite on common ground. Despite calls to shutter the Liberty banner in favor of combining with the Wilmot men, Chase remained steadfast that any new party continue strict adherence to federal divorce from slavery in addition to the Proviso. He assured Lewis Tappan that any new party would maintain that “Congress can neither create nor continue slavery anywhere, & in all places under the exclusive jurisdiction of

Congress slavery is constitutionally impossible.” Without the pressure from the radicals of the party, though, he dropped the equal rights position of the Liberty Party and consigned the term ‘abolitionist’ to the dustbin. In further recognition of the pragmatists’ control, the October 1847 Liberty convention called only for the repeal of the Fugitive Slave Act of 1793, revoking the previous declaration of it as unconstitutional on Stewart-esq grounds.\(^\text{26}\)

When the mainline New York Democratic Party snubbed their antislavery contingent’s position at their state convention, the Wilmot faction walked out. Sensing an opportunity, Chase called for a national convention in late summer 1848 in Buffalo, New York and used his correspondence relationships with conscience Whigs to entice their attendance. His efforts at amalgamation into what was being called the Free Soil movement, though, did not reduce his commitment to federal divorce from slavery. He wrote to Democrat John Van Buren, brother of the former president,

> The Free Territory question…must bring up the whole slavery question inevitably. Our contest is with the Slave Power, and it will break us down unless we break it down. The People will not stop with the exclusion of slavery from territories: they will demand its complete denationalization.\(^\text{27}\)


When the Free Soil convention opened in August, Chase achieved what he had been pursuing for the last half-decade, a coalition of antislavery men from all parties willing to caucus together on firm antislavery ground. The party platform, largely shaped by the Ohioan, reflected the Liberty stance of denationalization, as well as positions on the rest of the major political issues of the day including postage, the tariff, and internal improvements. In exchange for accepting their position on slavery, the former Libertyites agreed to back former President Van Buren for the nomination; conscience Whig Charles Francis Adams, son of John Quincy Adams, balanced out the ticket. As the new party solidified, Joshua Leavitt declared, “The Liberty party is not dead, but translated.”

Despite protests that the party had abandoned the moral high ground for political gain, denationalization, the original platform of both the American Anti-Slavery Society and the Liberty Party, remained firmly ensconced. Massachusetts Free Soil editor Henry Wilson explained that the new party

would have the National Government pass an organic law, that should _forever_ preserve all the territories to freedom; we would have it abolish slavery and the slave trade in the District of Columbia—forbid the interstate slave trade—repeal the [fugitive slave] law of 1793 and all other acts that in any way make the people of the Free States responsible for the existence of slavery—exercise all its constitutional power to discourage, localize, and destroy slavery—and use its patronage and influence to sustain the friends of emancipation in all lawful, constitutional, and just means.

---

Abolitionist Sherman Booth, a sometimes ally of Gerrit Smith noted approvingly of the platform, “This is all the Liberty party, as such, ever demanded.” Owen Lovejoy, whose brother was murdered by an anti-abolitionist mob in 1837, declared of Free Soil, “The principles of Liberty are in this movement, undergird and surround it.” Even so much a stalwart against political engagement as William Lloyd Garrison himself expressed optimism in the new group, saying that though imperfect, it represented the “beginning of the end” of the institution.29

The dropping of equal rights in the transition from Liberty to Free Soil, however, was a fallback from Liberty, but organizers defended the move as a political tactic to draw those willing to see slavery destroyed and uprooted yet unready for equality. This ploy made sense in a world where most whites accepted white supremacy and paternalism out of hand. In place of equal rights, Free Soilers pushed the Slave Power conspiracy, avoiding the race issue and focusing instead on southern domination of Northern white workers. And, while there was an uptick in racist rhetoric by many members of the new party, they continued to defend the basic civil rights of blacks; outside of former Democratic haunts in New York, moreover, Free Soil declarations resembled the equal rights language of the Liberty Party. In Wisconsin, the party made a push for universal suffrage, and in Ohio, they even managed to repeal the state’s harsh

---

Black Laws. In spite of its shortcomings on race, most blacks voiced support. One black citizens’ group in Boston declared, “In this movement, we see the beginning, the end of which will witness abolition of American slavery….Even now it is causing slave holders at their homes to tremble, as the northern breezes bear to their ears the earliest sound of the buffalo’s horn.”

The Free Soil movement was full of hope as it emerged from Buffalo, but its shoddy organization and lack of funds in part led to a poor showing in the 1848 presidential canvas; on other levels, though, the party found a degree of success. Free Soilers managed to send a dozen antislavery men to Congress from its ranks in 1848, and in the following two years, leveraged a position as the swing vote in state legislatures: Ohio put Chase in the United States Senate and Massachusetts did the same for Charles Sumner. These successes also led to a growing acceptance of antislavery politics throughout the North, drawing in many of those who had to that point shunned engagement with the system. The election of Whig Zachary Taylor to the oval office on a platform that avoided the slavery issue altogether further helped drive Whigs like Joshua R. Giddings to the Free Soil fold. Events in 1850, however, simultaneously split the party and reenergized the movement.

---


Hoping to silence the slavery issue forever, Kentucky Whig Henry Clay crafted the Compromise of 1850. In one omnibus bill, Congress admitted California as a free state, opened New Mexico Territory to popular sovereignty—allowing residents to declare their preference for slavery by vote—and enacted a new, draconian Fugitive Slave Law that required Northerners to participate in slave recaptures as well as stripped accused blacks of all legal remedies. The series of laws was cheered by many antislavery Democrats as a final solution to the issue, leading many of them to abandon Free Soil for their former colleagues.\textsuperscript{32}

For the dedicated antislavery men, in contrast, the Compromise and specifically the Fugitive Slave Law was an anathema. Chase remarked of the 1850 bill, “The question of slavery in the territories has been avoided. It has not been settled.” Senator John P. Hale of New Hampshire said of the compromise, “Gentlemen flatter themselves that they have done a great deal of peace for the country.” After the fracturing, the rump membership of Free Soil, now loosely allied as Free or Independent Democrats, largely stuck to the 1848 Buffalo platform. In 1851, however, they added a vigorous denunciation of the new Fugitive Slave Act, a call for diplomatic recognition of Haiti, and a moral condemnation of slavery.\textsuperscript{33}

The Compromise proved so unpopular in the North that according to New York Whig Senator William Henry Seward it “brought on a demoralization over the whole


country.” It also brought a new sense of urgency to the antislavery movement and enticed more radical declarations. Most dramatically, Seward declared that if the “higher law than the Constitution” continued to be ignored and the expansion of slavery not halted, “the Union shall be dissolved and civil war ensue.” Sounding the same alarm, Lincoln’s future Secretary of the Navy, Gideon Welles, decried the Fugitive Slave Law in 1851, but noted that the tables could turn:

The South will themselves be convinced at no distant day, that the result of this amplification of the powers of the general government will be fatal to themselves, for if that government can override the state jurisdictions and seize persons in the free states to carry into slavery, that same government will under the auspices stretch its power into slave states for the purposes of emancipation.  

Two years later Illinois Senator Stephen A. Douglas raised the proposition of extending the Compromise premise of popular sovereignty to all territories, and antislavery men of all colors coalesced into a unified front. With the 1852 collapse of the Whig party and publications like Harriet Beecher Stowe’s *Uncle Tom’s Cabin* drawing new recruits, that front was much larger than ever before. In reaction to Douglas, Chase, Giddings, and Benjamin Wade, with the assistance of Gerrit Smith, published in January 1854 the “Appeal of the Independent Democrats in Congress to the People of the United States” as a new call to arms on the day the final Kansas-Nebraska bill was presented. With additional support from Sumner and Seward, the group declared the measure “part

---

and parcel of an atrocious plot” to undermine the Missouri Compromise and convert all territories “into a dreary region of despotism, inhabited by masters and slaves.” Within a short time, the “Appeal” became the vision statement of the future Republicans, and served to propagandize their movement to an ever-widening audience.35

The anger of the anti-Nebraska movement recharged the remnants of the Free Soil party. Antislavery papers were quick to suggest that with Kansas potentially open to slavery, it would not be long before Southerners looked as far west as Oregon. Whig and future Republican William Pitt Fessenden, newly elected to the Senate from Maine, reacted to the bill by exclaiming, “The thing is a terrible outrage and the more I look at it the more enraged I become. It needs but little to make me an out & out abolitionist.” Former Whig James Duncan of Massachusetts avowed he “had little sympathy for abolitionists” in 1850, “but the repeal of the Missouri Compromise…was too much to bear. I now advocate the freedom of Kansas under all circumstances and at all hazards, and the prohibition of slavery in all territory now free.” In the same vein, the Poughkeepsie Eagle proclaimed the proponents of popular sovereignty “have rejected peace and chosen war; and now on their guilty heads be the consequences.” It then endorsed the full scope of the 1848 Buffalo platform as the solution. Chase and his cohort only had to watch as Kansas-Nebraska seemingly proved the Slave Power an aggressive,

expanding fact; and, unless Northerners took a stand, it appeared it would succumb the 
entire nation.36

When the time came to organize the masses of anti-Nebraska and antislavery men 
into a larger whole, activists saw the need for a new organization. Fessenden 
correspondent Austin Willey wrote to the Maine Senator, “This war with slavery is too 
radical, too difficult, too long, too big for success without a power constructed especially 
for it. Cromwell needed a better army and so we.” Willey’s suggestion was taken to heart 
as his fellow politicos gathered in new state parties. In arming their novel creations, 
however, the rising coalition took the core of the 1848 and 1852 Free Soil platforms: 
denationalization, repeal of the 1850 Fugitive Slave Act, and a moral denunciation of 
slavery itself. Antislavery Democrats and former Whigs also left their alliances in droves, 
realizing that slavery finally trumped all other issues which had bound their former 
parties. In Ripon, Wisconsin on 28 February 1854, one local coalition declared 
themselves the “Republican” party. By May, this new moniker had spread to Washington 
as thirty antislavery Congressmen officially adopted the label.37

Despite its rapid rise and solid backing, the emerging Republican Party almost 
immediately faced stiff competition from the upstart anti-immigrant American, or Know-
Nothing, Party which also rose from the ashes of the Whigs. While the nativists forced

36 Fessenden quoted in Sewell, Ballots for Freedom, 259. Duncan quoted in Sewell, 
Ballots for Freedom, 259; Poughkeepsie Eagle, 4 February 1854; 18 February 1854, 27 
May 1854; Sewell, Ballots for Freedom, 257-258; Foner, Free Soil, Free Labor, Free 
Men, 95.

37 Willey quoted in Sewell, Ballots for Freedom, 261; Sewell, Ballots for Freedom, 261-
265; Foner, Free Soil, Free Labor, Free Men, 126-127. Some state parties, while aligned 
with the Republican structure, continued to use different names until 1858 when the 
convention was finally standardized.
Republicans to compete for votes, in many states they successfully worked together to elect antislavery men to state or national office. Within two years, such coalitions made Chase governor of Ohio, returned Seward to the Senate, and elected Nathaniel Banks as Speaker of the House of Representatives. By 1856, they had managed to swing most nativist support in their direction without compromising their core issues or bowing to what Republicans like George Julian considered an “accursed heresy.” Even with the addition of more conservative and moderate palates on slavery, the dedicated antislavery men of the 1840s ensured denationalization and a moral condemnation of slavery remained the central party positions. And, while there was at times talk of watering down the position, the new men of the party understood that the Radical Republicans, as they were being heralded, would bolt and re-form anew if the platform slipped from their hands. By the mid-1850s, the Republican Party looked as if it could be the first antislavery party to ever present a national challenge.  

Sparked to action for the 1856 elections by the caning of Charles Sumner on the Senate floor and with California adventurer John C. Frémont on the ticket, even radicals like Gerrit Smith, Frederick Douglass, and several of Garrison’s following, including the Boston editor himself, admitted the potentials of the party. Smith went so far as to donate $500 to the campaign despite running in opposition on his own ticket. Nonresistant Samuel J. May declared, “If you will have free soil, a free press, free speech, and be yourselves free men—then go vote for Frémont.” Douglass, moreover, dropped his

---

support for Smith and the Radical Abolitionists temporarily and urged his readers of the
Republicans, “Their election will...give ascendancy to Northern civilization over the
bludgeon and bloodhound civilization of the South, and [put] the mark of national
condemnation on Slavery...and inaugurate a higher and purer standard of Politics and
Government.”

With this hope around him, Frémont campaigned solidly into the fall, but the
firmly entrenched Democrats benefitted from their national reach, while the Republican
Party was limited to the North. Even in defeat, however, the party carried momentum
away from 1856, as they continued to push their antislavery agenda and rail against the
encroachments of the Slave Power. The next year the Dred Scott decision and the
struggle over the new Kansas state constitution only invigorated the party further,
bringing more Northerners into their fold. Extending their attacks, Republicans used
Chief Justice Roger B. Taney’s decision and news of the depredations by pro-slavery
“border ruffians” in Kansas to suggest the ultimate goal of the South was the forced
nationalization of slavery. When combined with images of expansionist Southerners
attempting conquests of Cuba, Baja California, Mexico, and throughout Central America,

---

this placed the party in direct contrast with the Slave Power as the bulwark of
denationalization.\(^{40}\)

As the conflict continued to build and the North presented an increasingly united
antislavery front to the South in national politics, Republican language became sharper.
Senator William Seward, recalling the images of his 1850 “higher law” speech, declared
the struggle between free and slave states “an irrepressible conflict between opposing and
enduring forces” that must eventually result in either an “entirely a slaveholding nation,
or entirely a free-labor nation.” Rising party star Abraham Lincoln similarly argued, “The
United States cannot endure, permanently, half slave and half free….It will become all
one thing, or all the other.” Utilizing such fatalistic tones and continually pressing the
moralistic disapproval of slavery helped ensure the party’s core principles would never be
compromised. By the time of Lincoln’s election two years later, Radicals—Chase,
Seward, Sumner, Julian, Stevens, and others—had clearly won the struggle for control of
party dogma over the new conservatives and become its guardians of orthodoxy.\(^{41}\)

\(^{40}\) *Dred Scott v. Sandford*, 60 U.S. 393 (1857); Sewell, *Ballots for Freedom*, 299-301;
Foner, *Free Soil, Free Labor, Free Men*, 96-978 100-101. For more on the Southern
attempts at expanding slave territory through foreign, but private conquest, known by the
term “filibustering,” see Robert E. May, *Manifest Destiny's Underworld: Filibustering in

\(^{41}\) William Henry Seward, *The Works of William H. Seward*, Edited by George E. Baker,
Volumes (New Brunswick: Rutgers University Press, 1953-1955), Vol. 2, 461; Sewell,
*Ballots for Freedom*, 343; Foner, *Free Soil, Free Labor, Free Men*, 144, 205; James M.
McPherson, *This Mighty Scourge: Perspectives on the Civil War* (New York: Oxford
University Press, 2007), 10; Goodwin, *Team of Rivals*, 191; Trefousse, *The Radical
Lincoln, considered one of the moderates in the party, held firm on
denationalization in the weeks following his election, but in private he showed
willingness to compromise on some tenets save no slavery in the territories. To assuage
the southern fears, the party even offered amendments and other protections to ensure
“inviolate the rights of the states” in regards to slavery. The Radicals, however, helped
see such measures fail; they still largely followed the belief Free Soiler editor E.S.
Hamlin expressed to Chase in 1850: the ultimate “mission is to overthrow slavery in the
states.” They would first “make war upon the institution of slavery itself wherever it
exists” outside of the states. Then, “When we have strength to legislate for its overthrow
in the States, I think we shall find Constitutional powers through which to exert that
strength.” It would take southern secession and war to force Republicans to adopt a new
outlook on states' rights, but once those occurred and Republicans rallied together, the
destruction of slavery in the states became only a matter of time.42

Understanding the fundamental goals of the Northern party and its ideological
inability to compromise its beliefs, southern state governments chose disunion to protect
slavery. In the course of the secession winter, striking images recalled the French
Revolution across the South. In Charleston and New Orleans, Confederates donned
cockades and marched through the streets singing “The Southern Marseillaise;” in a
fitting turn, however, the cockades were blue, the color of the Bourbon monarchy. In
Virginia, former governor Henry Wise, later termed the “Danton of the Secession
Movement” suggested the creation of a committee of public safety, and one Georgia

42 1860 Republican Platform quoted in Wieck, The Sources of Antislavery
Constitutionalism, 209; Hamlin quoted in Sewell, Ballots for Freedom, 190; Wieck, The
Sources of Antislavery Constitutionalism, 226; Sewell, Ballots for Freedom, 361.
resident warned opponents of secession that the righteous will “chop off your heads.” As the tensions rose, Radical Republicans understood that with war, restrictions on acting against slavery in the southern states were relics of the past. When, in turn, they needed justifications for such actions, they turned back to their own origins in the Liberty Party and the torch carried on by the Radical Political Abolitionists. And, as war came, it was the Republicans who would in the end become the real American Jacobins.⁴³

**Radical Constitutionalism**
The Civil War and the Reinterpretation of the American Founding

In the wake of Abraham Lincoln’s 1860 victory, the shock of disunion spread across the South. In December and January the seven states of the lower south formed the Confederate States of America, and the upper south joined them after the firing on Fort Sumter the following April. Overlooking vast, uncharted legal waters and with Congress not entering into session until July, Lincoln sought legitimate means to end the crisis, but was confronted with his party’s own ideology: Republicans held a steadfast belief in the sanctity of the law writ large, but seemingly unconstitutional actions were vital for the defense of the nation. In order to move within these restraints and do what was necessary to protect and preserve the Union within the confines of the Constitution, Lincoln advanced a series of legal arguments which would develop over the course of the war into a creed that just months earlier would have been derided as constitutional blasphemy in both the North as well as the South.

The crisis forced Lincoln into unknown legal territory, as he faced an obvious rebellion, but he was hampered by constitutional strictures requiring action by a legislature not yet seated. He desperately needed to raise troops and dispense funds, but Congress would normally approve such measures. Looking for grounding, his advisors pushed what they termed “adequate constitutionalism” as the source for new presidential powers. This position, developed by abolitionist and legal scholar Timothy Farrar, argued that the Constitution was not only the list of restrictions for which most Americans had taken it for the last eighty years, but instead it also included positive requirements for the government to maintain and safeguard the Union when endangered. In Farrar’s estimation, this duty included not only the traditional war powers and those to put down insurrection, but also the guarantee clause and protecting the general welfare—all eventually used by Lincoln to justify his actions.44

Lincoln, understanding that the South would look to the intervention of foreign governments trying to ensure a supply of cotton, wanted to avoid giving in to the Confederate case for belligerency. To do so would open the way for legal recognition of the seceded states as an independent nation and allow European aide and comfort to flow in, and so he was especially careful not to base the entirety of his authority in the law of war. Despite his efforts, however, it was obvious to most observers that Lincoln was going to have to fight the war as a war, including the eventual call up of a naval blockade of southern ports. And, while he would eventually receive support from the Supreme Court on the legal ambiguities of the situation, in the early days of the conflict he was

---

forced to fight with words. His greatest effort was in vociferously denying the fact or even the possibility of secession, in support of which he pointed to the unbreakable whole of the Union as it was enshrined from the founding.\textsuperscript{45}

Lincoln’s argument came directly from the origins of the Liberty Party and its early legal scholars who saw the Declaration and the 1774 Articles of Association as the central and founding documents of the Union. Like them, he believed that the Constitution was a mere outward manifestation of that Union, aimed only to create “a more perfect” version of it. Therefore, he argued, that since un-ratifying the federal charter would not end the Union, secession was not only illegal, but impossible. He maintained throughout the war, “The States have their \textit{status} IN the Union, and they have no other \textit{legal status}….The Union is older than any of the States; and, in fact, it created them as States.” In his estimation, all that was before him in the Confederacy was an insurrection against central authority. This is the point from which all of his other actions and theories advanced—the states only had an existence in the Union and it was the goal of the federal government to place loyal men back in control of them.\textsuperscript{46}

The firing on the federal garrison at Sumter from the shores of Charleston, South Carolina forced Lincoln to put these untested constitutional powers and theories into

\begin{flushright}
\end{flushright}

\begin{flushright}
\end{flushright}
action. Like an Indiana newspaper, though, he did not want to “subjugate the South,” but saw the need for drastic action. To that end, he unilaterally called up troops to protect the capital, appropriated all necessary funds, and authorized generals to suspend habeas corpus and arrest dissidents who obstructed federal supply lines to the capital. All of these actions fell squarely within Congressional prerogative, but Lincoln was satisfied that under the adequacy theory, such normally unconstitutional actions were tolerated in the midst of a crisis. Slavery and the treatment of slaves within army lines, however, raised new issues and were points on which Lincoln’s beliefs would evolve over the first years of the war.  

While Lincoln was slow to act against slavery, he was pushed and prodded by abolitionists and Republicans in and out of government on using his war powers to end slavery from the first moments of the war. When he learned of Fort Sumter, Senator Charles Sumner remembered the proposals of John Quincy Adams that were taken up by the Radical Political Abolitionists, and concluded the actions of the Carolinians “rang out the death knell of slavery.” In a visit to the White House soon thereafter, he told Lincoln that from that moment forward, “I was with him now, heart and soul” and impressed upon him “that under the war power the right had come to him to emancipate the slaves.” John P. Hale of New Hampshire argued similarly in the Senate that, even though emancipation was not an aim of the war, “There may be something in the suggestion that

47 Indianapolis Daily Journal, 27 April 1861; McPherson, Battle Cry of Freedom, 308; McPherson, This Mighty Scourge, 7-10; McPherson, Battle Cry of Freedom, 493-494. The best and most thorough work on civil rights and dissent during the war, including military arrests and habeas corpus, is Mark E. Neely, The Fate of Liberty: Abraham Lincoln and Civil Liberties (New York: Oxford University Press, 1991). Also of note is his take on party politics in the war years, Mark E. Neely, The Union Divided: Party Conflict in the Civil War North (Cambridge: Harvard University Press, 2002).
was made by the late Mr. Adams, of Massachusetts, on the floor of the House of Representatives many years ago.” Frederick Douglass of the Radical Abolitionists argued to his readers, “The very stomach of this rebellion is the negro in the form of a slave. Arrest that hoe in the hands of the negro, and you smite the rebellion in the very seat of its life.” In other words, since slavery was such a great benefit to the Confederacy, allowing them to send men to battle while leaving behind slaves to tend crops, build fortifications, and manufacture weapons, it needed to be dismantled.\footnote{Sumner quoted in Trefousse, \textit{The Radical Republicans}, 168; Sumner quoted in Charles Sumner, \textit{The Works of Charles Sumner}, 15 Volumes (Boston: Lee and Shephard, 1870-1883), VI, 30-31; \textit{Congressional Globe}, 37th Congress, 1st Session, 260; \textit{Douglass’ Monthly}, July 1861; David H. Donald, \textit{Charles Sumner and the Coming of the Civil War} (New York: Alfred A. Knopf, 1960), 388; Belz, \textit{Reconstructing the Union}, 26; McPherson, \textit{Battle Cry of Freedom}, 354.}

While in Washington these arguments remained on the theoretical level, some Union commanders took it upon themselves to force the issue. In May 1861, a Confederate colonel entered federal lines at Fortress Monroe, Virginia under truce to demand the return of three slaves who had fled to Union base. In response, Radical Republican-cum-general Benjamin Butler disregarded the still-applicable Fugitive Slave Act, declared the slaves ‘contraband of war,’ and put the three to work. By July, some 1,000 slaves—commonly called ‘contrabands’—had entered Fortress Monroe with the tacit, yet legally undefined approval of the administration.\footnote{McPherson, \textit{Battle Cry of Freedom}, 355; James Oakes, \textit{The Radical and the Republican: Frederick Douglass, Abraham Lincoln, and the Triumph of Antislavery Politics} (New York: W.W. Norton & Co., 2007), 144-145; Striner, \textit{Father Abraham}, 139; Goodwin, \textit{Team of Rivals}, 368-369.}

Pushing the issue further, 1856 presidential candidate and newly appointed general, John C. Frémont used emancipation to try to save his fortunes in Missouri. As
his military reputation suffered from defeat throughout 1861 to Confederate regulars as well as partisans, in late summer he made a last ditch effort to turn the tide in his favor. On 30 August, he issued a proclamation instituting martial law and declaring slaves of Confederates “hereby…freemen.” Lincoln, not yet ready to raise the issue of slavery, privately urged the Californian adventurer to follow established doctrine. When Frémont refused, Lincoln countermanded the order and relieved him of command. When in October 1861 Secretary of War Simon Cameron endorsed the freeing and arming of slaves, like Frémont, he was soon without a job.50

When Radicals Republicans protested these actions, the President, understanding the need for slow progress and preparation on the issue of emancipation, reportedly replied,

It would do no good to go ahead any faster than the country would follow….You would upset our applecart altogether if you had your way. We’ll fetch ‘em, just give us a little time. We didn’t go into the war to put down slavery, but to put the flag back, and to act differently at this moment, would, I have no doubt, not only weaken our cause, but smack of bad faith….No, we must wait until every other means have been exhausted. This thunderbolt will keep.

Lincoln, while not completely unsympathetic to Frémont’s actions, did not yet completely believe the freeing of slaves was within his powers, but he was certainly not going to delegate such authority even if it was. He was moving ahead carefully and cautiously as his foremost concern was keeping the border states within the Union, but he

was progressing on the issue. Radical attacks on Lincoln’s slow maneuvering, moreover, helped make him appear more conservative than he was, garnering him greater acceptance among the majority of the party.\footnote{Abraham Lincoln, \textit{The Recollected Words of Abraham Lincoln}, Edited by Don E. Fehrenbacher and Virginia Fehrenbacher (Stanford: Stanford University Press, 1996), 295; Oakes, \textit{The Radical and the Republican}, 167-168, 171.}

In May of the next year, General David Hunter went so far as to declare martial law and full abolition in the South Carolina Sea Islands that were his foothold in the deep South. Lincoln only learned of the orders in the newspaper, and he was quick override and reprimand the general. Showing his progress over the previously year, however, he argued that such acts must be orchestrated above the level of a field commander. While Chase, serving as Secretary of the Treasury, counseled Lincoln to approve Hunter’s actions, the President replied that he reserved the decision to escalate the fight to that level to himself alone, if and when it happened. By July 1862, Lincoln had made that decision, though held off for a significant victory so it did not look like a last ditch effort.\footnote{McPherson, \textit{Battle Cry of Freedom}, 499, 504-510; Trefousse, \textit{The Radical Republicans}, 213-214; Striner, \textit{Father Abraham}, 162-163.}

One of the greatest influences on Lincoln concerning his power to emancipate slaves were arguments from one of the foremost experts in the world on the laws of nations and war, William Whiting. He served as the solicitor for the War Department—its chief legal counsel—from 1862 to 1864 and therefore as one of Lincoln’s closest advisors on his authorities and powers in the war. He was also a member of Gerrit Smith’s and William Goodell’s American Abolition Society, and was heavily influenced
by and contributed to the radical antislavery constitutionalism preached by the organization.

Many Radical Republicans saw Whiting as an “oracle,” and according to Sumner he had been “in the full confidence of the President” even before his appointment, likely pushing Lincoln to adopt a radical constitutionalist position on slavery and his war powers from the outbreak of hostilities. In an example of the influence he supposedly wielded, Democratic Congressman Samuel S. Cox of Ohio referred to him as the “reservoir of all the Republican heresy and legislation” of the war. In 1862, the government lawyer put his ideas into a more concrete form as a lengthy treatise on the war’s implications for emancipation and reconstruction based on historical precedents and constitutional law.\(^{53}\)

Whiting attacked the peculiar institution on grounds familiar to Radical Abolitionists. Beginning with the assumption slavery was “practically irreconcilable with republican institutions” and the “chief obstacle to the restoration of the Union,” he argued, “the republic can only triumph by overthrowing slavery.” He continued that since Southerners had an “abhorrence of republican institutions” and a preference for oligarchy, the only solution was “that this ‘privileged class’ must be abolished.” In pursuit of this goal, though not the intention, it would be “necessary and lawful” to “lay waste, burn, sink, destroy, blockade, wound, capture, and kill…the ordinary results and

---

incidents of war.” To that end, it would also be within the rules of war to liberate, employ, and arm slaves for the “certain, speedy, and effectual overthrow of the enemy.”

For support, the War Department advisor focused on two constitutional provisions, war powers and the guarantee clause. First, from a broad perspective, he saw the stipulations to provide a common defense and promote the general welfare as carte blanche for virtually unlimited war powers. This included, in the absence of any express prohibition, the unilateral abolition of slavery as a war measure by the executive as an appropriation of private property for the war effort, deriving directly from the laws of war and nations. Supporting Lincoln’s careful balance on belligerency, he also contended that under “the law of nations and by modern usage…no formal declaration of war…is made or deemed necessary” to invoke the federal war powers. Rather, “War exists wherever and whenever the army and navy is in active service against a public enemy.” In the current situation, Whiting believed the Constitution granted to the Union all the rights of war against the Confederacy whether or not it was recognized as a foreign power.

Whiting continued that confiscation of real and other property was wholly legitimate, including the taking of slaves and using them for the Union effort. And, if putting slaves “to the aid and service of the United States” was justifiable in reducing an enemy’s ability to wage war, then “the ordinary way of depriving the enemy of slaves is by declaring emancipation.” Emancipation was therefore “a belligerent right” exclusively of the President as Commander-in-Chief and would be “binding forever.” To support this point, Whiting looked to historical examples including the British in the American

54 Whiting, The War Powers, 4, 7, 10.

55 Whiting, The War Powers, 30, 33, 37, 40, 42, 44, 52.
Revolution and War of 1812 promising freedom to slaves who came to their side, but the brunt of his argument rested upon two sources. First, he pointed to the 1836 and 1842 speeches by John Quincy Adams in Congress on the possibility of emancipation via war powers and, second, to the example of French commissioners Léger Félicité Sonthonax and Étienne Polverel in the Haitian Revolution declaring freedom to slaves to win the rebel blacks and Toussaint Louverture to the side of the Republicans. In this way, Whiting brought the dualist trends of radical abolitionism to bear in the Civil War, invoking the precedent of Saint Domingue and Goodell’s and Stewart’s radical constitutionalism.\(^{56}\)

Just before the preliminary Emancipation Proclamation was made public, on 13 September 1862 a Chicago minister asked Lincoln if the President could end slavery unilaterally as Radicals had been demanding. Showing the influence of Whiting’s arguments, he coyly answered, “as commander-in-chief of the army and navy, in time of war, I suppose I have the right to take any measure which may best subdue the enemy” though giving no indication that he had made such a decision two months earlier. After the document was released on 22 September after the battle of Antietam, Lincoln wrote a public letter to those displeased with his actions. He said,

\(^{56}\) Whiting, *The War Powers*, 54,67-68, 70-74, 76-82; Wieck, *The Sources of Antislavery Constitutionalism*, 271; Belz, *Reconstructing the Union*, 133-145. For Adams’s 1836 speech, which Whiting quotes at length, see *Register of Debates*, 24\(^{th}\) Congress, 1\(^{st}\) Session, 4046-4047. For his 1842 follow-up, similarly cited, see *Congressional Globe*, 27\(^{th}\) Congress, 2\(^{nd}\) Session, 423-429. Adams had used the speeches to taunt Southerners under the gag rule, but his actual beliefs on the merits of the argument are unknown. For more on the situation, see Leonard L. Richards, *The Life and Times of Congressman John Quincy Adams* (New York: Oxford University Press, 1986).
You dislike the emancipation proclamation….You say it is unconstitutional—I think differently. I think the constitution invests its commander-in-chief, with the law of war, in time of war….Has there ever been…any question that by law of war, property, both of enemies and friends, may be taken when needed?

He had already defied constitutional mandate by raising an army, procuring funds for a war, and suspending habeas corpus, and taking the next step in using his war powers to destroy slavery as a tactic to fight the insurgency was a logical step.\(^57\)

Nearly a year after the Proclamation went into effect, Lincoln provided a summary of the current fight and an explanation of how the ideology driving the war was the same one that produced the nation eighty-seven years before. At Gettysburg, he suggested the founders’ experiment had erred and the purpose of the war was to correct that error, to bring the promises of the Declaration back to the forefront of the nation. In 1854 he had declared, “Our republican robe is soiled, and trailed in the dust. Let us repurify it. Let us turn and wash it white, in the spirit, if not the blood, of the Revolution.” One decade and three hard years of war later, he was faced with the blood of a new revolution, and it was time to re-instill permanently the Jeffersonian ideals which political abolitionists had taken to heart since the founding of the Liberty Party in 1840. As soon as he moved to begin rebuilding the South, however, Congress asserted its own authorities derived from the war to challenge Lincoln.\(^58\)

* * *


In contrast to Lincoln, the vocal minority of Radical Republicans in Congress pushed for an expansion of the war’s aims from early on. Pennsylvanian Thaddeus Stevens, later described as “the Robespierre, Danton, and Marat of America, all rolled into one,” declared, “Free every slave—slay every traitor—burn every rebel mansion, if these things be necessary to preserve this temple of freedom.” In his estimation, the war demanded to be treated as a “radical revolution” in which the government must “remodel our institutions.” Representative George Julian of Indiana argued,

When I say that this rebellion has its source and life in slavery, I only repeat a simple truism….If we fight at all, we must fight slavery as the grand rebel…. [It] is the grand weapon which the rebels have placed in our hands, and we should use it…. They cannot be neutral. As laborers, if not as soldiers, they will be the allies of the rebels or the Union. Count all the slaves on the side of treason, and we are eighteen millions against twelve millions. Count them on the loyal side and we are twenty-two millions against eight. How shall this black power be wielded?… They should be used in the necessary and appropriate work of weakening the power of their owners.  

While not prepared to go as far as Stevens, Julian, and the Radicals, after it convened in July 1861 Congress passed the Confiscation Act the next month and retroactively approved Lincoln’s actions from before they came into session. In March 1862, Republicans then codified and expanded Butler’s contraband policy by barring the return of fugitive slaves who crossed into Union lines, regardless of their master’s loyalty to the Union. As the war dragged on, they also approved the suspensions of habeas corpus as well as emancipation as a war tactic, which even moderate and conservative Republicans supported. At Lincoln’s behest they then moved on slavery directly and

passed an offer to the border states of monetary compensation for gradual emancipation and in the summer a second Confiscation Act.  

Though Congress made a substantial effort to support Lincoln’s war policies, many within its membership believed that it was a wholly legislative prerogative to determine conditions for post-war reconstruction and readmission of the southern states, even while the war was still raging in other places. Like Lincoln, however, they were constrained by their ideology and it forced them to devise theoretical justifications for constitutional means to dismantle and modify state law. The various theories proposed to do this—territorialization, state suicide, conquered provinces, and, finally, the guarantee of republican government—sought to define the states legally out of their former constitutional status and relationship with the government in order to allow Congressional authority and oversight akin to federal power in the District or the Territories. This would allow the creation of friendly, antislavery interim governments or new state structures that would abolish slavery before full readmission and return of states rights.

One of the first Congressional propositions for Reconstruction came from anti-secessionist stalwart, Tennessee Senator, and future President Andrew Johnson—showing a meeting of the minds in the intent to destroy the southern aristocracy even though he did not subscribe to Radical beliefs on antislavery. He argued in December 1860 as Louisiana was debating secession, that if the resolution was adopted, the Gulf state would “pass back into the condition in which she was before we admitted her to the

---


Union.” This idea was further developed as ‘territorialization’ the following summer. Oregon Senator Edward D. Baker contended that since the seceded state governments had abdicated all authority, Congress could rule over the former states as any other federal jurisdiction. He declared, “We will not let them out of the Union….If they will not govern themselves in Congress, we will govern for them….We will govern them as Territories, and govern them a great deal better than they will govern themselves.” Charles Sumner then contended secession meant “a practical *abdication* by the State of all rights under the Constitution.” Since the former governments were thus in abeyance, “Congress must have jurisdiction over every portion of the United States *where there is no other government*.62

When challenged on the extent of Congressional authority under such a theory, Radicals like John Bingham of Ohio replied that it was virtually unlimited, deriving from the absolute Congressional power over federal territories and the right to impose conditions on the admission of states. He maintained, like Sumner, that their actions constituted “an absolute forfeiture of *all* their powers and rights as States.” Such rights would be suspended until Congressional approval for readmission as a state. In addition, the former state boundaries would not necessarily be recognized and maintained at the end of the war, as federal oversight also extended to redefinition of each territory and its bounds.63


63 *Congressional Globe, 37*th Congress, 2nd Session, 1205.
By the end of 1861, the arguments for territorialization had swayed many Republicans and several Democrats. John Gurley of Ohio introduced a bill that applied the theory of territorialization and set abolition as a necessary condition of readmission. Another bill from Republican James Ashley of Ohio declared secession “terminated…the legal existence of said State governments,” and directed the President to establish temporary governments regardless of past boundaries and institutions until Southerners “obtain admission into the Union as States.” Many moderates and most conservatives, however, continued to argue against any federal control of the states if and when the rebellion was subdued. There was also an uneasiness over the fine line the theory walked. Though advocates asserted secession was illegal in line with Lincoln’s directive, the attempt to place the Confederate states into a punitive position to ensure they could not return without redemption appeared to give some credence to the possibility of separation from the Union. In recognition of this problem, some Republicans tried to further polish their theory.64

In February 1862 Sumner presented his refined argument which he termed “state suicide.” He argued that in the “territory once occupied by certain states,” the former states through secession had abdicated all rights and powers, and it was left to Congress to rule over and rebuild the Confederate lands back into states with republican governments. While very similar to territorialization, Sumner avoided the idea that the states, and their former boundaries, ceased to exist completely. This new construction appealed to many Republicans unwilling to agree to a more radical course, and skirted

64 Bills and Resolutions of the House and Senate, 37th Congress, H.R. 121, Section 11, 9 December 1861; H.R. 356, 12 March 1862; Belz, Reconstructing the Union, 33-34, 57-59, 64-65, 177-178.
the fact that the original southern states had never existed as federal lands. Instead, the southern states fell into a grey area between state and Territory, where after republican government—as defined by Congress—was restored, the states would similarly be restored completely to their former rights and status in the Union. Sumner’s efforts, however, did not manage to sway more support to the Radicals’ side.65

Thaddeus Stevens, in contrast to all those around him, disregarded all attempts to deny the legality of secession. He turned to a theory he termed ‘conquered provinces’ in order to justify “a radical reorganization of Southern institutions, habits, and manners…to revolutionize their principles and feelings.” Under it he would later demand, “The foundation of their institutions, both political, municipal, social, must be broken up and relaid….This can only be done by holding them as a conquered people. As conquered territory, Congress would have full power to legislate for them.” Indiana Radical Julian agreed, declaring, “Let us convert the rebel States into conquered provinces…governing them as such in our discretion.”66

Largely expressed in a bill he presented to the House on 11 January 1864, Stevens’s proposal admitted full belligerent status to what he saw as the wholly severed and now foreign government of the Confederacy. This placed the physical territory conquered in the course of war as that of an alien power, and giving the United States

65 Wiecek, The Guarantee Clause, 176.

free reign to reorganize and redistribute all assets as it saw fit through the laws of war and
nations. In other words, it allowed the government to preserve the Constitution by use of
legal, but extra- or unconstitutional means. There would be no requirements to respect
property law, deeds, or any other forms of former ownership. Within this context,
Congress would consider applications for new states from such regions only after they
accepted their fate and passed laws forever outlawing slavery. If they failed to act, the
legislature could hold the former states in limbo as long as they saw fit. Despite the
succinctness and pragmatism that his theory connoted, his proposal was far too radical for
most Republicans, including most Radicals whose chose to follow Lincoln’s general
directives regarding the Union. It would be the first, but not that last time Republicans
proved unwilling to move as far as Stevens in the bending of the law to accomplish their
ideological goals.  

As these debates over the status of the rebel states were ongoing in Congress, the
prosecution of the war allowed Lincoln to solve many of the issues for Congress before it
could on its own. In late February 1862, Confederate forces evacuated Nashville, leaving
the entire state of Tennessee in control of the Union and forcing the issue of its status.
Lincoln quickly imposed a military government led by Andrew Johnson, recently
confirmed as a brigadier general, in order to block legislative authority over the region as
a Territory. The creation of the new structure in Tennessee, and Lincoln’s apparent
distaste for the theory of territorialization, forced Congressional Republicans to
reevaluate their options. In the end, support for the territory option, which in lieu of

\[67\] Bills and Resolutions, 38th Congress, H.R. 118, 11 January 1864; Belz, Reconstructing
the Union, 193-194; Brodie, Thaddeus Stevens, 152.
Lincoln’s actions took on a much more radical air, collapsed. With other administrations created in Arkansas and North Carolina in the following months, a compromise was subtly worked out for support for the military governments in the short term in exchange for more radical action against slavery.68

When executive support for more radical measures appeared in jeopardy or when the new governments took decidedly conservative steps, however, Republicans in Congress were prepared to step in. In North Carolina, the newly appointed military governor, Edward Stanley, allowed those citizens willing to swear allegiance to the Union to recover their confiscated slaves. He then closed down a school for emancipated slaves in New Bern on the grounds that preexisting state law, which he was supposed to follow, disallowed black education. These actions raised the ire of many Republicans, some of whom began to challenge the constitutional basis for such administrations. Senator Lyman Trumbull of Illinois declared, “The President can no more make a Government of North Carolina than the Senator from Connecticut….It is wholly without constitutional authority.”69

Using Stanley’s actions as an excuse to reestablish their authority, Congressional Republicans sought new proposals for reconstruction of the Confederate states in the summer of 1862. Senator Ira Harris of New York proposed to replace the military regimes with interim civil governments with full legislative authority, an idea supported by Trumbull. Harris argued, “A military government implies that the provinces governed


are conquered provinces...are in some sort prisoners of war, and we hold them as conquered States, as prisoners, and undertake to govern them by arbitrary government of military law.” He explicitly rejected both Stevens’s idea and that of territorialization and instead substituted the guarantee of a republican form of government as the source of Congressional authority. The New Yorker believed the clause

contemplates that all the States are in the Union, that they are to be governed in the Union, and that the General Government are to see that they remain in the Union, and that they are governed by a republican form of government. All that is clearly implied in this provision of the Constitution.

Despite the growing tensions with Lincoln’s appointees, conservative Republicans felt Harris’s bill went too far and refused to support it. At the same time, however, his use of the guarantee clause marked a turn away from earlier theories and it would remain the central tenet of all viable Republican proposals in the future.  

While Stevens continued to press the case for conquered territory, others like Sumner would completely drop their pet theories in favor of the guarantee clause argument. Once it was broached, Republicans realized the unassuming Article IV, section 4 verbiage was exactly the powerful weapon Alvan Stewart had recognized it as twenty-five years earlier. It was, as Sumner would eventually term it, “a sleeping giant in the Constitution, never until this recent war awakened.” Firmly convinced of the new idea, the Massachusetts Senator argued the clause provided Congress the power to evaluate and judge state governments and constitutions on their republican character. If found wanting, Congress could deny federal representation and administer states directly until

---

70 Congressional Globe, 37th Congress, 2nd Session, 3141-3142; Belz, Reconstructing the Union, 88-90, 93-95, 98-99, 102.
they were remade into the Congressional mold and vision of republicanism—a shifting
definition, but by 1863 defined as the abolition of slavery and the guarantee of basic civil
rights for blacks. In the interim, federal legislative authority in the states would be
absolute and exclusive to the point of creating a de facto status virtually identical to
territories.  

Republicans would eventually use the clause to enforce all of their Reconstruction
policies, some of questionable legitimacy, but all of absolute necessity. For Congress, the
guarantee clause was the coequal to Lincoln’s war powers. One of the major reasons for
the shift was a growing perception that many of the other theories gave away too much to
the idea of secession and Southern rhetoric. Following Lincoln’s lead, Congress found in
the clause a right to remake the South completely while denying absolutely the
Confederacy’s raison d’etre, a position also supported by Whiting at the War
Department. It allowed them to have the power of territorialization, without having to
strain to disallow the right to secession. This fit in well with the moderates of the party
who had long been wary of the territory idea, though it was still a bitter pill for many
conservatives and Democrats.  

In February 1863, Harris submitted a modified version of the proposal from the
previous summer, now titled “A Bill to guarantee in certain States a republican form of

71 Congressional Globe, 40th Congress, 1st Session, 614; Charles Sumner, “Our Domestic
Relations; Or, How to Treat the Rebel States,” The Atlantic Monthly 71 (September
1863), 519, 516, 523, 527; Hyman and Wiecek, Equal Justice under Law, 269-270;
Wiecek, The Guarantee Clause, 181, 189; Belz, Reconstructing the Union, 131-132.

72 Whiting, The War Powers, 30, 33, 37, 52, 137-139, 145; Wiecek, The Guarantee
Clause, 2, 182; Belz, Reconstructing the Union, 5, 54, 129; Hyman and Wiecek, Equal
Justice under Law, 267; Trefousse, The Radical Republicans, 267.
government.” Authority in the bill remained enshrined in the guarantee clause, but instead of purely interim governments, the new bill looked to the organization of conventions to rewrite state constitutions for resubmission to Congress. With the growing de facto existence of interim military governments in each reconquered Confederate state, the New York Senator and his colleagues no longer needed any arguments for or legislative structures taken from the territories, but to avoid the issues seen in North Carolina, the plan barred the enforcement of any old laws related to slavery. When Congress agreed to the provisions of the new constitutions, the states would be readmitted for representation with all rights of an extant state. And, though Harris failed to muster the necessary votes for his bill, the concepts and authorities found there lived on.

In the House at the end of the same year, James Ashley presented a modified version of his earlier territorialization bill that took into account the reality of presidential actions and the essence of Harris’s plan. In his revised proposal, the states were presented as insoluble institutions, though through rebellion “the said States, have renounced their allegiance to the Constitution of the United States, and abrogated the Republican form of Government.” Ashley’s revised bill explicitly enshrined emancipation as the definition of the guarantee:

> Slavery is incompatible with a Republican form of government….The existence of slavery in the insurrectionary States has caused and maintained the rebellion therein, and the Emancipation of said slaves and a constitutional guarantee of their perpetual freedom is essential to the permanent restoration of State governments, Republican in form.

---

73 Bills and Resolutions of the House and Senate, 37th Congress, S. 200, As Amended, 30 January 1863; Belz, Reconstructing the Union, 122-125, 139.
Additionally, the Ohio Republican sought to bar former Confederates from all political rights as well as a repudiation of debts incurred from their rebellion. Failure to meet these conditions, as certified by the President, would mean continued Congressional oversight. While Ashley’s bill also failed, like Harris’s plan, its parts and pieces would become integrated into the next Republican proposal.  

Like his colleague from Ohio, Radical Republican Henry Winter Davis saw the guarantee clause as the Congressional key to both the war and Reconstruction, but challenged Lincoln’s authority to act in a post-war setting. The Marylander took into account the 1849 Supreme Court case *Luther v. Borden* that resulted from the 1842 Dorr Rebellion in Rhode Island and was the only real decision to rest upon the guarantee, ruling it a political issue beyond the purview of the Court. Using Chief Justice Taney’s language, Davis argued that any and all restoration of the South was “the exclusive prerogative of Congress” since it was that body which had the sole authority to admit a state or recognize it’s government’s legitimacy. He maintained,

> That clause vests in the Congress of the United States a plenary, supreme, unlimited political jurisdiction, paramount over the courts, subject only to the judgment of the people of the United States, embracing within its scope every legislative measure necessary and proper to make it effectual; and what is necessary and proper the Constitution refers in the first place to our judgment, subject to no revision but that of the people.

Davis’s colleague Nathaniel Smithers similarly contended that the powers connoted by the clause “are undefinable, the authority conferred is equally incapable of limitation, and

---

rests in the sound discretion of Congress applying its own will and employing its own judgment in the enforcement of its own guarantee.” Radical Republicans were clearly defining the clause to be as powerful as territorialization without crossing Lincoln’s belief in the impossibility of secession. But they were challenging his authority and right to create interim state governments or set conditions for readmission.⁷⁵

By early 1864, Davis saw an opportunity to challenge the President directly as Republican unity on reconstruction—and acquiescence to the executive—began to break down after Lincoln’s appointed governor in Louisiana, Nathaniel P. Banks, recognized the old, pro-slavery state constitution as a foundation for his interim administration. In response, the Maryland representative introduced his plan for reconstruction, largely modeled on Ashley’s December 1863 proposal, but at the same time more radical and more conservative. It provided for temporary civil administrations to replace the military governors, and while guaranteeing the end of slavery, it provided freedmen access to federal courts as a new form of redress against recalcitrant masters. At the same time, initial elections would be white only, though all voters for the constitutional conventions would be required to swear the “ironclad” oath required of all Union officers and government members. Later amendments altered the requirements for participation in voting for convention members from Lincoln’s favored ten percent to an absolute majority of pre-war voters, in effect guaranteeing no elections could be held until after

⁷⁵ Congressional Globe, 38th Congress, 1st Session, Appendix, 82-83; 1st Session, 1740; Luther v. Borden, 48 U.S. 1 (1849); Wiecek, The Guarantee Clause, 121-122, 127-129, 174-175, 185; Belz, Reconstructing the Union, 6, 198, 207-208.
the war ended, though it did allow Confederates below the rank of colonel to vote
provided they could swear the oath.  

Davis gained support in the Senate from Benjamin Wade of Ohio and in February
1864 they introduced the Wade-Davis Bill, Congress’s first complete and extensive plan
for Reconstruction to muster the votes to pass. While taking into account some of the
more radical theories of Congressional power over the states, Davis argued that it did not
“exercise a revolutionary authority” but that it was only “an execution of the Constitution
of the United States” and the “duty of guarantying to every State in this Union a
republican form of government.” He went so far as to declare on one occasion, “I utterly
deny that the States may lose their organization, may lose their rights as States…I hold
that once a State of this Union, always a State.” The subtitle for the plan, “A bill to
guarantee to certain States whose governments have been usurped or overthrown, a
republican form of government,” made clear that its basis was not territorialization.
Instead, it saw temporary disablement requiring Congressional oversight to bring the
Confederate states back into good and correct standing. That good standing required that
“no law…whereby any person was…held in involuntary servitude shall be recognized”
and “all persons held to involuntary servitude or labor in the States…are hereby
emancipated…and they…shall be forever free.” Thus, it enshrined the ideas of both

76 Bills and Resolutions, 38th Congress, H.R. 244, 15 February 1864; Belz,
Reconstructing the Union, 199-202, 210; Hyman and Wieck, Equal Justice under Law,
272.
Ashley’s and Harris’s earlier proposals, and its passage in the summer represented the majority acceptance and triumph of radical constitutionalism and the ideas of Stewart.\(^77\)

Congress sent Wade-Davis to the President on 2 July 1864, who surprised many by letting the measure expire. The pocket veto, however, was not a rebuke of all Congressional authority over Reconstruction. Far from that, Lincoln, in his hat as Commander-in-Chief, used Presidential Reconstruction and his “ten percent” plan not necessarily to reconstruct defeated Confederate states, but as a war tactic to entice defections from the remaining rebellious governments. He was unwilling to commit himself to a single plan, directed by Congress, at a time when the war required fluidity and a multitude of options, or as he put it, he was “unprepared, by a formal approval of this Bill, to be inflexibly committed to any single plan of restoration.” In his mind, until the war was settled and over, Reconstruction was not about regenerating society, but speeding the end of the conflict. For the same reason, Lincoln stressed the preliminary Emancipation Proclamation provision that it only applied to those areas still amidst rebellion as of 1 January 1863.\(^78\)

The real conflict between Lincoln and Congress, then, was not that one had authority for the Reconstruction of the South and one did not. Lincoln’s plan was driven

\(^77\) *Bills and Resolutions*, 38\(^{th}\) Congress, H.R. 244, 15 February 1864; *Congressional Globe*, 38\(^{th}\) Congress, 1\(^{st}\) Session, Appendix, 82; 1\(^{st}\) Session, 3449-3450; Belz, *Reconstructing the Union*, 203, 205-207, 219; Hyman and Wieck, *Equal Justice under Law*, 272-273.

by his role as head of the military and the goal of ending the war. He saw the ten percent plan as a means to an end, though still imperfect in many ways, and would later admit of his reconstruction of Louisiana, “My promise is out [but] as bad promises are better broken than kept, I shall treat this as a bad promise, and break it, whenever I shall be convinced that keeping it is adverse to the public interest.” Congress, on the other hand, was exercising an authority that would come into its own after the war was over, when there were no more quick victories to be won and the hard fight for reform and rebuilding had begun. The Wade-Davis Bill was Congress’s plan not for ending the war, but for rebuilding the Union in its aftermath, to ensure that quick victory would not come at the price of no repentance.79

Congressional Republicans, however, did not fully grasp these nuances of Lincoln’s ideas on Reconstruction and sought to challenge his authority frontally. Sumner and Jacob Howard of Michigan challenged the credentials of the Senator-elect from presidentally-reconstructed Arkansas on the grounds that the government which he purported to represent was not republican since it was based on a minority of white voters. This opposition to the readmission of Arkansas showed the evolving nature of what was “republican” during and after the Civil War. What had been originally a tactic to destroy slavery, slowly became a tool for expanded civil and then political rights and equal protection. As long as Lincoln was alive and the war ongoing, Radical Republicans could not find the continual majorities necessary to challenge presidential prerogative.

79 Lincoln, Collected Works, VIII, 403-404; Belz, Reconstructing the Union, 241-242, 284; 301; Striner, Father Abraham, 220.
But, as the war ended at Appomattox, Lincoln was assassinated, and the post-war situation worsened, the majorities would eventually swing their way.\textsuperscript{80}

In the wake of Booth’s folly and Johnson’s dismal first summer of victory, Republicans in Congress saw the need for a more strict regime in the defeated South. In July 1865, Benjamin Butler wrote to Wade, “The most vivid hope I have is that the rebels will behave so outrageously as to awaken the Government and the North once more out of the dream of brotherly union where brotherly love is not.” As Republicans on all sides were aghast at the unwillingness of former Confederates to accept their defeat and its consequences under Johnson’s lenient policies, they were all pushed towards more radical positions just as Butler had hoped. Gideon Welles noted the increasingly “arrogant and dictatorial” attitudes of Southerners towards the victorious Union as if they had not lost the war. In this situation, it was not long before Republicans reasserted their claims of jurisdiction. As Johnson entered onto a path of pure obstructionism because he did not understand the nuances of Lincoln’s wartime arguments, the growing struggle and continued obstinacy in the South only increased Radical power and position.\textsuperscript{81}

In 1866, Sumner’s ideas on the guarantee clause and the necessity of civil rights for blacks gained momentum. Representative William Lawrence of Ohio declared, “A state which denies to half its citizens not only all political but their essential civil rights, recognized and confirmed by the Constitution…has ceased to be republican in form, and the Constitution has made it the duty of Congress to ‘guarantee’ such form of

\begin{footnotes}
\end{footnotes}
government.” Within a few weeks, more moderate Republicans like William Pitt Fessenden found a way around all the pet theories surrounding secession and the status of the states. Focusing on the guarantee clause and the reality of the situation in the South and the rights of the federal government, he wrote in a report of the Joint Committee on Reconstruction:

By withdrawing their representatives in Congress, by renouncing the privilege of representation, by organizing a separate government, and by levying war against the United States, they destroyed their state constitutions in respect to the vital principle which connected their respective states to the Union and secured their federal relations; and nothing of those constitutions was left of which the United States were bound to take notice.  

In 1867 Congress turned to the Military Reconstruction Acts, wholly grounded on the guarantee clause, as the solution to Johnson’s infectiveness and the rise in Southern recalcitrance. Democratic Senator Elijah Hise of Kentucky pointed out where the logic of Republican interpretations of the guarantee led:

You now assume the right and claim the authority, whenever a majority of the Congress of the United States may decide that there is some law or some provision of the constitution of a State, or some line of domestic policy…in opposition to you party views, to say that the form of government of that state is not republican.

Republicans, however, ignored Hise for the time being and forced the Military Acts over Johnson’s veto. After this high-point in post-war intervention, however, Congress slowed its reliance on the guarantee as the justification of authority over the South. Just as the

---

pressure of the war had sped the radicalization of the Republican Party, its end highlighted the absence of necessity for many Republicans. Though some members like Sumner continued to push the guarantee as a source of power, the lack of emergency left many of his calls on deaf ears. Republicans, even former Radicals, in time saw the dangers in using the clause too frequently, conceding Hise’s argument that Congress cannot go around forcing states to their will over every disagreement.83

The guarantee clause and the war powers were in many ways opposites of each other, but both contained an essential commonality. The granted to the holder of each vast authority never before conceived of under the Constitution—absolute federal dominance and the power to meddle in and override states’ rights and laws. Congress claimed the guarantee as its right to reconstruct a defeated Confederacy, while Lincoln held fast that his war powers gave him carte blanche in waging war. In the end, they were both right, but the variability of the war and the need to rebuild before it ended made the situation complex and ensured clashes would occur. Lincoln understood that Congress had a right to assert its authority over the readmission of states, but at the same time, for Lincoln, Presidential Reconstruction was a part and parcel of the war effort itself.

In finding these new powers, both Lincoln and the Radicals were forced to violate the long-held Republican Party dogma of moderate antislavery politics spearheaded by Chase and recall ideas they had rejected as heretical two and half decades earlier. Despite the marginalization of their ideas—and in many cases of themselves—men like Alvan

Stewart, William Goodell, Gerrit Smith, and William Whiting became a major source of Union victory. Without their contributions to and redefinition of constitutional law, Republicans and the North would have had a much more difficult time justifying necessary actions to subdue the South and destroy the spark of rebellion—slavery. Pointing to the success of their case, moreover, they would have their ideals enshrined in the very document they sought to reinterpret.84

As he made clear in the Gettysburg Address, Lincoln’s objective for the nation had changed from one of conservative preservation of the Union to a realignment American society on the original, unqualified ideals proclaimed in the Declaration of Independence. In pursuit of that goal, and to ensure the survival of the very men and women they waged a war to free, Republicans looked to guarantee that if and when they lost their power, their work could not be undone. To that end, they studiously worked towards the passage of each of the three post-war amendments.

The 13th Amendment, first proposed in 1863, was based upon the natural law conception of the Constitution first developed in the 1830s that sought to extend the protection of the laws over southern slaves. It additionally granted Congress the power of any necessary action for enforcement, as its authors originally conceived of it broadly and granting full civil rights and protections to freedmen. When that power was questioned and freedmen under white siege, Radicals returned with the 14th Amendment in order to set their understanding of the 13th in concrete terms, including the repudiation of Confederate debt and stripping of high ranking officers and officials of political rights—provisions taken directly from the failed Wade-Davis Bill. With the 14th, moreover,

84 Hyman and Wiecek, Equal Justice under Law, 401.
Congress placed into the Constitution the very ideas with which Stewart had begun his fight: due process and equal protection.\textsuperscript{85} When the 15\textsuperscript{th} Amendment was passed in 1870, the radical antislavery Constitution that Stewart had imagined in 1838 was finally a reality.

CHAPTER 4

“A LITTLE SALT SHOULD BE SOWN”¹

Total War and Terror in the French Revolution and the American Civil War

Pennsylvania Congressman and Radical Republican Thaddeus Stevens routinely lashed out at the lack of zealousness in the federal government, but the inauguration of the rebellious Confederate States of America provided his words new focus and purpose. In one such exchange over property confiscation on 2 August 1861, he declared,

War is a grievous thing at best, and civil war more than any other….If their whole country must be laid waste, and made a desert, in order to save this Union from destruction, so let it be. I would rather, sir, reduce them to a condition where their whole country is to be repeopled by a band of freemen than to see them perpetrate the destruction of this people through our agency….It is not a question with me of policy, but a question of principle….That is my doctrine, and that will be the doctrine of the whole free people of the North before two years roll around, if this war continues.²

While at the time his words were derided as rhetorical excess, within three years—he was one year off—the Civil War would evolve much as Stevens predicted, in ways that few others foresaw in that early, confused summer.


² Congressional Globe, 37th Congress, 1st Session, 415.
By mid-1864, the results of the radicalization of the war were stark and apparent; the character of the war had fully transformed. As a clear indication of the new direction into which the war was heading, the Union commander, Lieutenant General Ulysses S. Grant, mired in the middle of a long, hard struggle to encircle Confederate General Robert E. Lee’s Army of Northern Virginia, dispatched some 45,000 troops to the nearby Shenandoah Valley. Knowing the enemy had used it before for attacks and that it was a major center of supply, Grant ordered, with a certain jacobinical flair, that the army raze the Valley to the point that “crows flying over it for the balance of the season will have to carry their provender with them.” The army “should make all of the Valley...a desert as high as possible,” so much so that it will “remain a barren waste.”

This campaign to destroy the Valley represented but one example of the revolutionary struggle the war had become, one in which armies increasingly recognized the civilian population as combatants and the accepted forms of warfare approached totality.

It was within this new context that Stevens was joined by his fellow Congressman—a meeting of minds in the goal to destroy southern aristocracy as the source of Southern power and recalcitrance rather than for the freedom of blacks that motivated the Radicals. Former Union General and future President James A. Garfield declared, “If you would not inaugurate an exterminating warfare…the leaders of this rebellion must be executed or banished from the republic….This is a struggle for existence,—a terrible fight of flint with flint, bayonet with bayonet, blood with blood.” Michigan Senator Zachary Chandler exclaimed that rebels had only “the constitutional right to be hanged and the divine right to be damned.” In the House, John Hickman of

Pennsylvania cried out, “If we shall eventually be forced to bring them into subjection…it will be necessary…to have the track of the chariot wheels of war so deep on the southern soil that a century may not obliterate it.” And, Ohioan Benjamin Wade reportedly chimed, “The scenes witnessed in the French Revolution were nothing in comparison to what we should see here.”

Outside the halls of government, soldiers sang the same refrain. One infantryman, writing home after storming the works at Resaca, Georgia said that after his unit broke through, “twenty-three of the rebs surrendered but the boys…killed all of them. When there is no officer with us, we take no prisoners….We want revenge….We want to kill them all off and cleanse the country.” Another soldier noted, “The time has come to march through this nest of vipers with fire and sword.” The colonel of the 54th Ohio similarly declared, “We [must] teach these ingrants that we can punish with a rod of iron, that we can not only meet and vanquish them on the field but that we have the nerve and the will to sweep them & all they hold dear clear off from the face of the earth.” And, Captain Robert Shaw, before he was picked to lead the 54th Massachusetts, “longed[ed] for the day when we shall attack the Rebels with an overwhelming force and annihilate them. May I live long enough to see them running before us hacked to little pieces.”

---


Far from the relative calmness with which American politics was usually conducted, the violence and destruction of the Civil War in general and in 1864 and 1865 in particular stand out as a glaring, systemic breakdown. The radicalism that reigned during that period was a specter from another time and place. It eventually drove generals and leading politicians in directions running counter to the most basic foundational beliefs that had guided the previous eighty years. In Georgia and the Carolinas, William Tecumseh Sherman led a sixty-thousand man army on a trek to consume and destroy all within his reach. In the Shenandoah, Philip H. Sheridan systematically burned some ninety-two miles of the Valley. Finally, in both of these regions, as well as others, guerrilla warfare by Confederate partisans led to the wholesale breakdown in distinctions between civilians and combatants. In scope, destructiveness, and ideological fanaticism, one of the only events analogous to the final stages of the U.S. Civil War was exactly that one which Wade thought incomparable—the darker side of the Terror during the French Revolution.6

6 Few historians have compared the military campaigns of the French Revolution and the American Civil War. In two articles, Raymond Jonas argues that the war in the Vendée was on a completely different level than that of the Civil War in general and even the more destructive phase such as Sherman’s March to the Sea. See Raymond Jonas, “La colonne Sherman, la guerre de Sécession, et l’image de la Vendée dans l’imaginaire americain,” in Guerre et repression: La Vendée et le monde, Edited by Jean-Clément Martin (Nantes: Ouest Editions, 1993), 139-147; and “Le Prix de la paix: un regard vendéen sur la guerre de Sécession,” in Annales de Bretagne des Pays de l’Ouest 104 (1997): 89-98. While Jonas makes a good argument, he does not address the more violent phases of the American Civil War, limiting himself to Sherman’s March to the Sea through Georgia and not broaching the subject of his subsequent move into the Carolinas.
An ocean and two generations away, but with socio-political and ideological traits in common with their American brethren, in 1792 French Jacobins opened a new phase of their revolution. With the foundation of the First Republic the remnants of the monarchy were swept away, but the war against the rest of Europe threatened its existence. As events spiraled out of their control, Parisian Jacobins were faced with insurrection against their authority on several fronts. In Lyons, federalists overthrew the Jacobin-led government and in the Vendée peasants revolted against the draft beginning both open, conventional warfare as well as guerrilla combat. Parisian efforts to regain ground rose to a new level of viciousness even for the Terror. The subjugation of Lyons by three vengeance-minded Jacobins, Louis-Marie Turreau’s destruction of the rural Vendée, as well as the ongoing struggle against partisans in the Vendée and its leading city, Nantes, saw not only the largest death toll in the revolution but accounted for the lion’s share of the Terror’s toll as well.

Basic similarities aside, however, there is a general perception that the violence of the French Revolution—and especially the horror show witnessed in the western regions making up the Vendée where a civil war occurred within the revolution—was at a level over and above that seen throughout the nineteenth century. Contemporaries and many historians have portrayed the Jacobins as bloodthirsty terrorists hellbent on destroying every last person standing in opposition to them. And, while the American Civil War had a few instances of widespread destruction, so the conventional wisdom goes, their battles were on the whole fought within ‘the rules of war.’

When those ‘exceptions’ are studied

---

7 See Mark E. Neely, “Was the Civil War a Total War?” Civil War History 50 (December 2004): 434-458.
more closely and in comparison to events like the French Revolution, though, a new paradigm emerges. Driven by parallel, Manichean ideologies, both became something unforeseen. Within their contexts, the French and American events each signified a dramatic break with the past and the emergence of aggression and ferocity on a scale never before seen within their borders. The political and philosophical realities in which they found themselves—in conflict with an unrelenting, diametrically opposed other—compelled politicians and generals towards annunciating policies of total warfare as the only solution.

While the French example may appear at first glance to be the more bloody, more destructive, and leading to a greater loss of life, this is not necessarily the case. In many instances the reports, edicts, and accounts of the destruction and violence in the Vendée and Lyons were exaggerations that typified the rhetorical flourish of the Revolution. The same can be said of American military and Radical Republican declarations, orders, and passion-filled first-hand remembrances. Even with this caveat taken into account, though, the images of violence and total war seen in the French Revolution are remarkably similar to those emanating from the Carolinas and the Shenandoah Valley. It is this dramatic flair, much of the time bereft of a base in reality, which best renders the vindictive side of Jacobin ideology—their language represents their beliefs and desires, even if those are well beyond the possibility of implementation. They are in this way similar to their impossibly broad idealizations of a renewed, virtuous world.

In order to portray this perspective of total war, this chapter explores three sets of cases, Lyons and South Carolina, the Vendée and the Shenandoah, and unrestricted guerrilla warfare. Each set of events targeted a civilian population, largely after opposing
forces were defeated or in their general absence, and meted out a punishment several steps beyond what the rules of war might have allowed. In Lyons and the Carolinas, the state vengefully subjected what they saw as the heart of a rebellious population to a localized, yet thorough destruction. In the Vendée and the Shenandoah Valley, the respective militaries undertook a widespread, systematic burning and obliteration of private and public property in attempts to eliminate the ability of rebellious peoples and armies to subsist. Finally, in the Vendée and both the Valley and March to the Sea, commanders unleashed their harshest methods, including summary executions of civilians, in response to the depredations of those they termed, respectively, brigands and bushwhackers.

In all of these events, commanders understood their actions to be preventative in nature. They saw them as expediencies to ending the conflicts by acting harshly in the short term to stem a lengthening fight. Beyond that, though, they were meant as punishment for supporting rebellion in the first place, and geared specifically to annihilate morale by serving as examples of what awaited any population that refused submission. To that end, reports and published accounts depicted them in the most brutal and damning light. And, while Turreau’s and Grant’s actions are often decried as barbaric and genocidal, prefiguring the worst of twentieth century warfare, comparing them side by side places them both in a new perspective. Gone are the visions of uniqueness and claimed singularity in the events; the harshest demonstrations of ruthlessness and single-minded ideological zeal take on a cruel ubiquity. This spotlight into the French and American Jacobin mindset, moreover, reveals that rhetorical excess was the norm and while total, the warfare was far from unrestrained. The final hope is that the French
Revolution is no longer seen as the singular example of ideological bloodletting before the last century and the American Civil War is placed into the greater context of ideological revolution.

**Radical Republicans and a Republic of Radicals**

*Jacobin Rule in France and the Radicalization of the Civil War*

When the first French Republic was inaugurated in late September 1792, the insurrectionist city government of Paris had been directing the doomed Legislative Assembly for over a month. In that time they had forced the Assembly to institute policies which foreshadowed the Terror, such as surveillance committees, searches, and arrests of suspects. When the new assembly, the National Convention, convened on 21 September the most radical faction of the Jacobins were firmly in control. The opposition depleted and in many cases frightened into silence, Jacobin ideology heavily determined the path of France for the next two years. Anyone questioning the increasingly radical program was immediately suspect, and between early 1793 and mid-1794 they systematically implemented the measures collectively known as “the Terror” to eliminate internal threats and dissidents. The new government used its authority to do what the previous two revolutionary assemblies had been unwilling or unable to do: change society in order to inaugurate a new era of virtue and equality—by force if necessary.

The first actions of the Republic were to officially abolish monarchy and create a new calendar, symbolically making 1792 and the foundation of the Republic Year I. The second, following closely thereafter, was the trial and conviction of the former king, charged simply as Louis Capet. With his execution on 21 January 1793, the revolution was sealed; there was no reversal which would not brand the governing regicides
criminals. And, while a victory at Valmy by the volunteer French republican army against the united monarchs of Central Europe staved off their end in the fall, the death of Louis XVI brought Britain, Spain, the Pope, and numerous additional German and Italian princes into the coalition against the French.

The fears of a larger war against most of Europe engendered new fears for the survival of the Revolution, and rightly so as the anti-French forces began peeling back the revolutionaries’ extraterritorial gains one by one until they stood again at the borders of France. In this moment of reversal, towns and regions across France saw an opportunity in Parisian and Jacobin weakness to wrest back some measure of local control from the jaws of the revolution. In Lyons and Marseilles, members of the Gironde who hoped to negotiate a more federalized system of government for the new state, took control through insurrection. In the Vendée, peasants upset at the new levée en masse to support the necessarily larger army threw off Parisian power through rebellion. In both cases, the Jacobins in the capital were caught off guard and found their system of Revolutionary Government unable to cope with the simultaneous internal and external challenges.

In response to these growing threats, in April 1793 the Convention took drastic measures. It created and dispatched représentants en mission with plenipotentiary powers to the armies and rebellious regions. It set up the Revolutionary Tribunal to prosecute the Terror. And, it inaugurated two new committees to administer the government, the

---

lesser Committee of General Security and the de facto executive of the government, the
Comité de salut public—the Committee of Public Safety. Both were populated with men
from the assembly, reconfirmed each month, but the Public Safety men had near limitless
power.

A July 1793 reshuffling saw the elevation of Maximilien Robespierre to the
membership of the great committee. This moment marked the beginning of a Jacobin
resurgence, with supporters of the lawyer from Arras virtually controlling Paris, the
Convention, and now the national executive. With his colleagues Louis Marie de Saint-
Just and Georges Couthon in tow, Robespierre became the keystone of control between
the three centers of power. He would use this position to implement his vision of virtue
on the one hand and the Terror on the other; a major element of this would be the fight to
subdue the rebellious towns and regions in France.

In some ways the functioning of the Terror predated this new Republic of Virtue.
Between 2 and 5 September 1792, organized mobs ransacked the prisons of Paris, killing
nearly 1,500 people in senseless violence. The following two years of Jacobin rule,
however, institutionalized that lawlessness and saw thousands marched to the guillotine
with thousands more arrested and languishing in prison as suspects awaiting their turn at
the Revolutionary Tribunal. By the time of the death of Robespierre in July 1794, the
Terror proper had consumed 2,600 people in Paris and 14,000 more across France.⁹ In
addition to those singled out for sham trials and quick deaths, in the Department of the
Vendée and the city of Lyons those who rebelled and those who supported that rebellion

⁹ For statistics on the Terror, see Donald Greer, The Incidence of the Terror During the
French Revolution: A Statistical Interpretation (Cambridge: Harvard University Press,
1935).
were systematically rooted out, saw their homes, towns, and fields burned, and were lucky if they themselves were not executed on the spot if they had been branded guerrillas. Not only were these calculated military tactics, but acts of direct reprisal for rebellion. It is this dual war against rebellion and ideological struggle against the unvirtuous which gave the French Revolution its bloody reputation, but also that which makes it an excellent case for comparison to the American Civil War.

Like the French inaugurating their first Republic in 1792, the 1860 presidential election provided Northern antislavery militants and reformists the opportunity to transform their world in line with the socio-political ideology they had developed and engendered since the 1820s. The broad coalition the Republican Party had formed in the 1850s provided enough support to sweep the elections in the North and put Abraham Lincoln into office. South Carolina quickly responded with secession, eventually followed by ten more states in order to protect slavery avoid what they saw as a guaranteed social revolution. While Radical Republicans understood the South was an enemy ideologically opposed to the party’s goals, the rhetoric of most Republicans shifted to unity. Lincoln was steadfast that the army sought only to preserve the Union, lest he lose the support of the border states. He declared in his first annual message to Congress in December 1861,

In considering the policy to be adopted for suppressing the insurrection, I have been anxious and careful that the inevitable conflict for this purpose shall not degenerate into a violent and remorseless revolutionary struggle. We should not be in haste to determine that radical and extreme measures…are indispensable.
These words were a stark contrast to the war men like Thaddeus Stevens and his colleagues envisioned.¹⁰

As the conflict dragged on, moderates became more brazen and accepted that the status quo ante bellum was in the past and could never be reclaimed. Northern rhetoric, driven by the Radicals, became more ideological and increasingly centered on slavery and Southern society. In this context, Lincoln himself saw the necessity of expanding the scope of the war as a tactic to win it. He expanded arrests and detentions of dissenters and appointed military commissions to try the suspects. Eventually, he accepted that slavery could and must be destroyed through his war powers. The Emancipation Proclamation, given after the Union victory at Antietam, was the result. Announced 22 September 1862 and imposed 1 January 1863 under Lincoln’s power as Commander-in-Chief, the Proclamation revolutionized the war, turning it into a completely ideological one. No longer was the fighting to reign in the southern states, it was for a greater cause: to reform a corrupt, aristocratic culture, and free a people in bondage.

When some questioned his determination and steering of the war, Lincoln spoke loudly through his second inaugural address that he would follow this new policy “until all the wealth piled by the bond-man’s two hundred and fifty years of unrequited toil shall be sunk, and every drop of blood drawn with the lash, shall be paid by another drawn with the sword.” To those who said he was going too far in destroying the entire

southern world, he replied, “Broken eggs cannot be mended” and the faster the South gave up, “the smaller…the amount of that which will be beyond mending.” Within a short time, even conservative Republicans saw the usefulness of emancipation in the war effort to destroy southern power and backed the measure. The quintessential pragmatist and politician, Lincoln balanced the threats of the Radicals with the moderates and conservatives, and when the opportunity arose, he pushed forward an increasingly Radical-founded program.11

By 1864, this evolution of Lincoln and the median line of the Republican Party had produced a determination equal to that which Stevens pronounced in 1861. The President, in consultation with Grant, his new commanding general who had cut his teeth in the rough and mobile western theater, resolved to make life so miserable for the people of the Confederacy that they would willfully abandon their caustic ideas and accept the political and ideological will of Washington. Before the battle of Shiloh in 1862, Grant had believed that a solid victory over the Confederacy in any theater would bring southerners back into the fold and end the crisis. After the pyrrhic victory in Tennessee, he was forced to reevaluate his strategy. He “gave up all idea of saving the Union except by complete conquest” and decided that in order to win he must “consume everything that could be used to support or supply armies.” From that time forward, he sought out all forage and stores as contraband of war, including that which was purely for civilian use; when compelled to move forward, he destroyed what could not be carried away for use


In this new quest to consume the South into submission, Grant’s longtime lieutenants Sherman and Sheridan readily joined him. When the late summer and early fall of 1864 provided two opportunities, these Federal triumvirs were ready and willing to strike the hearts of Southerners. While Grant kept Lee pinned down at Petersburg, Virginia, Sherman slashed through Georgia and the Carolinas and Sheridan thrashed the Shenandoah Valley. With the advent of these campaigns, the Radical Republicans in Congress finally had men in place willing to break down and crush the Confederacy so that they could then step in to rebuild it in their own image. The generals may not have been fighting for the same reasons as the Radicals, but their willingness to destroy the South served the purposes of the men in Congress who required a subjugated Confederacy before they could act on reform.

With 60,000 soldiers marching across the deep South and 45,000 Federals sweeping up the valleys of western Virginia, the two Union commanders squeezed the Confederacy to death. Sherman’s men attacked and decimated an entire swath of South Carolina including its capital, Columbia, in a fit of rage aimed squarely at the birthplace of secession. In the Shenandoah, Sheridan’s troopers inflicted a more thorough and systematic devastation. They burned and wrecked the valley so that those who remained were barely able to sustain themselves, much less a Confederate army. In both places,
partisan warfare raised the intensity of the fighting to a new level as Union soldiers blurred the line between civilians and combatants in their reprisals. These campaigns in the fall of 1864 and spring of 1865 were complements to each other, exemplifying the shift towards total war to bring the Confederacy to its knees.

**Localized Vengeance**

The Destruction of Lyons and Sherman’s March to the Sea

The path to Lyons’s fated destruction began in earnest in October 1792, when on the 28th Joseph Chalier, the leader of the local Jacobin club, took charge of the municipal government with the aid of the working poor and inflated charges against the legitimately-elected, moderate mayor. Within months, however, the Lyonnais Jacobin coalition began to deteriorate as food prices continued to rise—rumored the result of counterrevolutionary machinations, news of the growing revolt in the Vendée, the imposition of the same levee en masse which had led to the Vendée rebellion, fear that the war in Europe would spread to the nearby border region, and the increased use of the Terror against dissidents in town. By March 1793, the popular revolutionaries and their poor followers had abandoned Chalier and his failure to deliver on his promises.

---

13 There are few detailed descriptions of the events in Lyons in 1792-1793 in English, and most general histories offer only a brief overview. For a good summary of Lyons as well as federalism in other cities, see Ozouf, “Federalism,” 54-64; The now-classic study of the Revolution and Terror in the region is Lucas, *The Structure of the Terror*, though Lyons is only on the periphery. A good summary of the devastation wrought upon the city can be found in Simon Schama, *Citizens: A Chronicle of the French Revolution* (New York: Vintage Books, 1989). In French, the classic study is Edouard Herriot, *Lyon n’est plus*, 4 Volumes (Paris, 1937-1940).

In May 1793, the growing crisis came to a head when the local représentants en mission ordered the creation of an armée révolutionnaire in Lyons made up of the poor and ordered it to disarm the largely middle class National Guard. Within weeks the turmoil this move generated caused the government of Chalier to fall in the wake of uncontrolled food riots and bourgeois resistance. The moderates who took control were still revolutionaries and devoted republicans, but believed Chalier’s government failed to protect property, people, the rights and liberties of citizens, or uphold the rule of law. At the same time, though, they were also the more wealthy citizens of the area and generally disliked both the moralizing of the local Jacobins and the centralizing predations of Paris, both legally and through the Jacobin Clubs. Due to this later belief, they became known as the federalists for wanting a power-sharing system between the regional and national governments.

While they were initially concerned with their local issues, the federalists in Lyons quickly progressed to a regional and then national stance, putting them at odds with Paris. They began corresponding with other moderate-controlled municipalities, before suggesting and creating the Commission Populaire, a rival assembly to the Jacobin-dominated one in the capital. They even went so far as to arrest the Convention’s members, though in line with their rule of law mindset, they informed the Convention of these actions. The final tipping point, however, was the execution of Chalier on 16 July in contradiction to two edicts from Paris. The execution turned the local, municipal revolt
into an anti-Jacobin rebellion, and within weeks of Chalier’s death the federalists had formally broken with the capital.\textsuperscript{15}

Faced with rebellions breaking out across France, Parisian Jacobins remained unwilling to accept any rebuke of their authority. In their mind, the Lyonnais had overthrown a legal government, despite the fact that the new one had much more popular support than the failing Jacobin coalition which itself had usurped the legally elected mayor. Fearing the spread of such a movement to unilaterally overthrow Jacobinism, on 12 and 14 July 1793 Paris declared Lyons to be in open revolt, dissolved the government, and ordered the Army of the Alps to march on the city. The Lyonnais position was not helped by the dissolution of much of their regional support due to a surge in government support in response to the plebiscite on the Constitution and the \textit{représentants en mission} persuading other departmental governments to back the central authorities. Lyons became increasingly isolated as a pocket of resistance in southeastern France.

Though the city National Guard held out for some time, and even expanded their control to a few outlying towns to secure arms and supplies in August, their defeat was certain. On 9 October 1793, the Republican army marched triumphant into the city. Under the direction of \textit{représentant en mission} Claude Javogues the central government began their punishment of the city, including a general proclamation ordering the confiscation of all property and goods within the city. When suggestions of mercy towards the town were made, Robespierre in Paris declared the fallen Jacobins, “must be avenged and these monsters unmasked and exterminated.” Lyons became the focal point

of a concerted Jacobin effort to make an example of what awaited others who considered standing in the way of the Jacobin Revolution.\footnote{Robespierre quoted in Schama, \textit{Citizens}, 779; Lucas, \textit{The Structure of the Terror}, 39-41, 204.}

In the aftermath of the defeat, Georges Couthon, appointed as another \textit{représentant en mission}, executed the leaders of the federalists, and then turned his rage to their bourgeois status which he perceived as the foundation for their federalism. On 12 October, he announced his plan to wipe the memory of Lyons and its revolt from the Republic, beginning with a rechristening as \textit{Commune Affranchie}—Emancipated City. He decreed the houses of the rich or rebellious demolished and suggested depopulation and resettlement by the virtuous. Beginning on 26 October, he employed some fifteen thousand out of work townspeople in tearing down 1,600 houses in the city, partially clearing a path for a new direct road to Paris, as well as destroying the city’s medieval fortifications.\footnote{Schama, \textit{Citizens}, 780; François Furet, \textit{Revolutionary France 1770-1880}, Translated by Antonia Nevill (Malden: Blackwell, 1995), 139.}

Though some Montagnards in Paris questioned the attack on property, Couthon’s policy continued until his replacements, Joseph Fouché and Jean-Marie Collot d’Herbois, arrived and lashed out with the Republic’s vengeance against the rest of the people of Lyons. Through the Temporary Commission of Republican Surveillance, the two proconsuls created a system of fear and repression fed by denunciations which sent the guillotine into overdrive. When it failed to keep pace with the verdicts, other methods were sought. On 4 December 1793 sixty men were chained together and killed by artillery fire; 211 were killed similarly the next day, including two policemen standing
too close to the prisoners. Those found merely injured were finished with sabers. One witness reported to the Convention that the unvirtuous “would expiate their crimes with fire and shot.” Unable to cope with the gruesomeness of the scene, on 6 December, soldiers were allowed to return using to simple firing squads and the guillotine.\textsuperscript{18}

When the dust had settled, the repression had claimed almost two thousand Lyonnais, including most of the remaining nobles, merchants, tradesmen, and the affluent. In the middle of town, the Jacobins erected a column bearing the inscription, “\textit{Lyon fit la guerre à la liberté / Lyon n’est plus}”—“Lyons made war on liberty, Lyons is no more.” While the devastation of the city was thorough and complete, it was localized to the city alone; the army and proconsuls largely spared surrounding areas. The example set in Lyons, the center of the federalist movement, had its desired effect and quashed such dissent against the centralization of Paris in other towns for the remainder of the Republic of Virtue.\textsuperscript{19}

As early as October 1862, Major General William Sherman had expressed a desire to expand the scope of the Civil War.\textsuperscript{20} He wrote Grant that while “we cannot

\textsuperscript{18} Witness quoted in Schama, \textit{Citizens}, 783.

\textsuperscript{19} Higonnet, \textit{Goodness Beyond Virtue}, 269; Schama, \textit{Citizens}, 779-784.

\textsuperscript{20} Sherman’s March to the Sea from Atlanta to Savannah, Georgia and then northward through the Carolinas is one of the most studied campaigns of the war. A few good takes on the events are Burke Davis, \textit{Sherman's March} (New York: Random House, 1980) and Joseph T. Glatthaar, \textit{The March to the Sea and Beyond: Sherman's Troops in the Savannah and Carolinas Campaigns} (New York: New York University Press, 1985). For a comparative perspective there is “La colonne Sherman,” a comparison of the Vendée and Sherman’s campaign by Raymond Jonas. He argues that the March only targeted property of military necessity, but focuses only on the period in Georgia, not the more
change the hearts” of Southerners, “we can make war so terrible” that if continued unabated, it will reduce the South “to a state of absolute ruin” with “all the terrors by which we can surround such acts of vandalism.” In response to those who might question the tactics necessary for this kind of fight, Sherman succinctly replied, “If the people raise a howl against my barbarity and cruelty, I will answer that war is war….If they want peace, they and their relatives must stop the war.” His mind set, all that remained was the right opportunity.21

When Grant moved east to head the Army of the Potomac, Sherman took control of the Union forces in the West. After a hard slog to capture Atlanta, Georgia in the summer of 1864, Sherman realized that the size of his force and his tenuous supply lines provided an opportunity to inflict a great blow to the heart of the Confederacy. He proposed the bold step of breaking his lines and marching his 62,000 troops to the Union foothold on the Georgia coast. Army Chief of Staff Henry W. Halleck approved of the expansive, slower trek through the Carolinas where destruction was more widespread. James McPherson also follows this general argument, noting that after Shiloh, Sherman became determined to use maneuver warfare to avoid prolonged fights and that this led to quick movements and attacks on anything of military value rather than systematic destruction of civilian property. McPherson, though, does note that South Carolina was an exception. See McPherson, This Mighty Scourge, 116-119. Mark Neely takes this argument a little further and denies altogether that Sherman was engaging in total warfare. For him, all evidence is to the contrary and Sherman was wholly focused on military necessity and showing the South its own vulnerability; any extracurricular destruction was under the control of his subordinates. Neely, “Was the Civil War a Total War?” Also worth reading are Sherman’s Memoirs as well as some of his numerous biographies, of which Lee B. Kennett, Sherman: A Soldier's Life (New York: HarperCollins, 2001) and Lloyd Lewis, Sherman: Fighting Prophet (New York: Harcourt, Brace, and Company, 1932; Reprint: Lincoln: University of Nebraska Press, 1993) are quite good.

plan and suggested that he “destroy every mill and factory within reach.” Sherman agreed, and on 9 October, he informed Grant that while “smashing things generally,” he would seek the “utter destruction” of Georgia’s “roads, houses, and people.” He concluded, “I can make the march, and make Georgia howl.”

On the evening of their departure on 15 November 1864, Sherman’s troops set fire to the largely depopulated city of Atlanta so its industrial sections could be of no military use. On the outskirts of town, the massive Union army prepared to open its sixty-mile wide front in its dash to Savannah. Moving without supply lines, it supported itself with “bummers” who were sent to “forage liberally” in towns and farms on the periphery while anything of military value—railroads, factories, and mills—was systematically destroyed by the main columns. When local resistance to the columns occurred, Sherman allowed commanders wide latitude to “enforce a devastation more or less relentless according to the measure of such hostility.” When Southerners attempted to burn provisions to prevent foraging, Sherman gave orders to burn the offenders’ houses.

Though there was little organized opposition to Sherman’s forces, local partisans and a few units of Confederate cavalry intermittently harassed them, but the low-scale guerrilla war could not stand up to the massive force; the Federal army reached Savannah on 10 December before a successful, week-long siege of the city. While the most

---

22 Official Records, Series 1, Vol. XXXIX, Part 2, 494, 503; Part 3, 162; Sherman, Memoirs, 603, 627; Davis, Sherman’s March, 23; McPherson, Battle Cry of Freedom, 808-809.

dramatic and innovative phase of the campaign, the march to the Georgia coast was on the whole orderly and focused on military necessity, with few excesses. And, while thorough in their destruction, the Union troops did not linger in any one place long enough to desolate them completely, having to cover in twenty-five days some 300 miles untouched to that point by the war.  

Once rested and resupplied, Sherman turned his attention to a second March. While Grant had initially urged the entire force to transit to Virginia by ship to reinforce the cordon on Lee, Sherman pushed instead to march into South Carolina “and devastate that state.” Realizing the potential of his newfound tactic, he set his sights on the birthplace of the Confederacy, writing, “The whole army is crazy to be turned loose in Carolina; and with the experience of the past thirty days, I judge that a month’s sojourn in South Carolina would make her less bellicose.” Learning of the plan and understanding the potential to crush Southern morale, Halleck cabled Sherman, “Should you capture Charleston, I hope that by some accident the place may be destroyed, and, if a little salt should be sown upon its site, it may prevent the growth future of crops of nullification and secession.” Sherman replied that the coastal city was outside of his plans and that he did not think “salt would be necessary.” He noted, however, that the army possessed such an “insatiable desire to wreak vengeance” upon the state that “I almost tremble at her fate.” Far from the pace which marked his stroll to Savannah, this new adventure would be a slow, deliberate, and perfected version of what the good people of Georgia had seen.

Much like the Jacobin destruction of Lyons, South Carolina would suffer as a vivid example to the rest of the Confederacy what continued rebellion would bring.\textsuperscript{25}

Underway in late January 1865, the entire Union camp understood the rules against pillaging, property destruction, and general mayhem were suspended. Crossing the bridge over the Savannah River into the palmetto state, a member of the 14\textsuperscript{th} Corps at the head of the column turned and shouted, “Boys, this is old South Carolina, lets give her hell.” Not to be outdone, men of the 15\textsuperscript{th} Corps proclaimed, “Here is where treason began, and, by God, here is where it shall end!” As the campaign began in earnest, an Ohio sergeant wrote, “Every house, barn, fence and cotton gin gets an application of the torch.” Another Ohioan declared, “No man ever looked forward to any event with more joy than did our boys to have a chance to meet the sons of the mother of traitors, ‘South Carolina.’” A soldier from Iowa wrote, “South Carolina cried out the first for war….She sowed the Wind. She will soon reap the Whirlwind.” Finally, one local woman recalled soldiers saying simply, “South Carolina must be destroyed.”\textsuperscript{26}

As they moved through the swamplands inland of the Carolina coast, the Union forces corduroyed roads at a breakneck pace and built bridges faster than the retreating Confederates could burn them. When confronted with the unstoppable forward movement of Sherman’s columns, Confederate General Joseph E. Johnston proclaimed,


“I made up my mind that there had been no such army in existence since the days of Julius Caesar.” As they entered towns, with Roman resolve they left little standing. An officer noted, “In Georgia few houses were burned, here few escaped.” In Barnwell, Union troops spared little, and one witness reported the soldiers “behaved more like enraged tigers than human beings, running all over the town, kicking down fences, breaking in doors and smashing glasses, also stealing and tearing up clothing.” Following the ravaging of the town, Sherman’s cavalry commander, General Hugh Judson Kilpatrick put it to the torch, reporting to his superior, “We have changed the name of Barnwell to Burnwell,” eerily reminiscent of Jacobin rechristening in the advent of victory.27

On 17 February 1865, Union troops moved into Columbia, and Sherman tacitly professed that the state capital would be saved from burning. In spite of the assurances, however, even Sherman’s staff understood what was likely in store for the city. Major Thomas Fitzgibbon told a citizen, “This is a doomed city. The whole army knows it. I doubt a house will be left standing.” By evening, half of Sherman’s forces were in or near the city, and the small fires set by the retreating Confederate troops that had marked the day were spread and encouraged until the city was overwhelmed. The troops ordered to fight the fires could not keep up with other soldiers setting them, and amidst the flames, infantrymen pillaged and uplifted anything of value, especially the stores of liquor found in a local distillery. Major General John A. Logan reported, “the citizens had received our

soldiers with bucketfuls of liquor...and for a while all control was lost over the
disorganized mass.” Other soldiers and officers, however, remarked that even without the
alcohol, Columbia would have burned anyway because it was seen as the birthplace of
the Confederacy.28

As the fires raged throughout the night and the next morning, the scenes of the
inferno created a dramatic backdrop. One local wrote,

Imagine night turning into noonday, only with a blazing, scorching glare that was horrid—a copper-colored sky across which swept columns of black rolling
smoke glittering with sparks and flying embers....Everywhere the palpitating
blaze walling the streets as far as the eye could reach—filling the air with its
terrible roar....Every instant came the crashing of timbers and the thunder of
falling buildings. A quivering molten ocean seemed to fill the air and sky. The
Library building opposite us seemed framed by the gushing flames and smoke,
while through the windows gleamed the liquid fire.

Even with renewed efforts to douse the flames, it was not until a change in the wind in
the late afternoon on 18 February that soldiers finally brought the firestorm under control.

Viewing the decimation of the city in the daylight, an infantryman wrote home that “her
black ruins will stand as a warning of more terrible things to come” should the war
continue. Sherman’s quartermaster, Colonel Michael C. Garber later remembered, “The
fire was terrible, the scenes too horrible to describe....My estimate is that forty blocks

28 Major Fitzgibbon quoted in Davis, Sherman's March, 165; Major General Logan
quoted in Michael C. Garber, “Reminiscences of the Burning of Columbia, South
Carolina.” The Magazine of History XXII (January-June 1916), 187; Davis, Sherman's
March, 162, 165-167, 272; Glatthaar, The March to the Sea, 142-145; McPherson, Battle
Cry of Freedom, 829.
were burned.” His estimate was close: the army razed some 366 acres, including most houses, storefronts, and other buildings.29

Though disturbed by the reports of the extent of his men’s plundering, Sherman later noted, “I would have pardoned them for anything short of treason.” The havoc wreaked upon Columbia reinforced his belief that “the more awful you can make war, the sooner it will be over….War is hell, at the best.” And, while the level of destruction likely surprised even Sherman, he eventually argued the ruination of the city “hastened what we all fought for, the end of the war.”30

On 20 February, Sherman’s columns left the ruins of Columbia behind them and continued their march across the cradle of the rebellion. Back in the countryside, the bummers returned to foraging liberally and the rest of the army set about to destroy whatever they found. As their intentionally slow campaign dragged on, not only was the slackening train of supplies reaching Lee in Virginia apparent, but as news of the Union depredations reached Confederate soldiers in the trenches, it led to desertions as they left to tend their ruined farms and homes. By the time the columns reached North Carolina, one Union lieutenant wrote, “South Carolina may have been the cause of this whole thing, but she has had an awful punishment.” Another Federal declared of their sojourn in the state, “our army did not feel bound by the ordinary restraints of human warfare.” Finally, a major from Ohio noted, “The country behind us is left a howling wilderness, an

29 Emma LeConte quoted in Davis, Sherman’s March, 172; Infantryman quoted in McPherson, What They Fought For, 41; Colonel Garber quoted in Garber, “Reminiscences,” 182; Davis, Sherman’s March, 169, 180.

30 Sherman quoted in Davis, Sherman’s March, 179, 188-189.
utter desolation” with at least eighteen towns or cities nearly burned out of existence as if the army was practicing a sort of cruel purification ritual.\textsuperscript{31}

As they marched out of the state, commanders reissued orders for restraint to reign in the more egregious acts tolerated in the home of secession. North Carolina, home of a large Unionist minority and the last state to secede, faced the same fate as Georgia, with one Ohio soldier remarking, “Our troops are not plundering near as much as they did in South Carolina, there being many loyal people in this state.” An officer noted after two days in the tarheel state, “Not a single column of fire or smoke which a few days ago marked the positions of heads of column, can be seen on the horizon. Not a house was burned, and the army gave to the people more than it took from them.” South Carolina faced a unique fate in the Civil War as Lyons had in the French Revolution. Soldiers’ perception of the state’s anti-federal tradition reaching back decades marked it for special consideration as the view of Lyons as the home of French federalism set it apart. In both cases, their marring resulted from the confluence of an evolution of total war mentality, vengeance, and the desire to set an example for the remaining rebellious regions.\textsuperscript{32}

While Sherman’s March to the Sea was a major blow to the confederacy, it was but one part of a larger effort by Grant to unleash total war on the Confederate States of


\textsuperscript{32} Ohioan quoted in Glatthaar, \textit{The March to the Sea}, 146; Officer quoted in McPherson, \textit{Battle Cry of Freedom}, 826; For an in-depth look at the history of South Carolina’s dislike for federal authority, see Manisha Sinha, \textit{The Counterrevolution of Slavery: Politics and Ideology in Antebellum South Carolina} (Chapel Hill: University of North Carolina Press, 2000).
America. Though the destruction was great, the brunt was localized to the borders of South Carolina generally and Columbia and a few other towns specifically. The events there paled in comparison to the totality that Philip Sheridan’s Army of the Shenandoah would wreak over the same period of time in the fertile western reaches of Virginia.

Though he had half the number of troops, Sheridan’s men trampled and desolated an 80 mile swath systematically in the same amount of time Sherman’s men covered 900 miles of mountains, swamps, and plains. Taken together, however, they destroyed the South’s ability to support an army, and pressured the last major force standing, the Army of Northern Virginia.

**Systematic Terror**
The Vendée and the Shenandoah Valley

Far beyond the localized destruction in Lyons, the intensity of violence erupting in the civil war in the Vendée eclipsed anything else in the French Revolution. ³³ Within

---

the same small region in western France, a rebel army rose and fell, a guerrilla war emerged, and a massive, battle-hardened army was dispatched to “pacify” the territory. In the midst of this conflagration, the excesses of the Terror occasionally present in other parts of France flourished to a never before seen level, and the sheer brutality of the repression was enough to shock even many Jacobins in Paris. In this context, the systematic destruction of the Vendée and its people is one of the most glaring examples of total war before the twentieth century.

The turmoil in the Vendée began with both the burden of victory in the war with Austria and worsened with the subsequent reversals. As French armies moved beyond their own borders before shrinking back in defeat, their manpower had become strained and conscription was the only option. In February 1793, the Convention approved a levée en masse which led to revolts all over France, but the most organized and problematic area was the Department of the Vendée on the southern side of the River Loire.

The Vendée Militaire, as the region became known, was rooted in traditions and jealous of its autonomy, like most of the rural provinces, but not morally opposed to the

---

Revolution in 1789. In a place where education was nominal and the day to day activities of the largely peasant population had changed little over the last century, the political world of Paris was simply not of concern. They were willing to support actions directly benefiting their daily lives, such as the end of feudal dues and the tithe, but unwilling to have their livelihood placed in jeopardy by fighting a foreign war. This was compounded within a few years by the organizational turmoil of the Revolution: the people of the provinces felt local authority had been lost in the new structures and began to mythologize the old days, selectively remembering how peaceful and quiet it had been.

Vendeans continued to protest the revolutionary government over administrative redistricting and the Civil Constitution of the Clergy, both issues which directly interfered with their autonomy and unusually strong faith. The appearance of conscription officers to enforce the levée, however, ignited a spark among an already restive population. In an area largely made up of farmers, exemption from such laws had ranked high among their original protests against the Ancien Régime since unattended fields could not produce. Vendeans believed the new government, by ignoring such issues, crossed the line and entrenched growing rebellious attitudes even further. In addition, the military officers evoked memories of tax farmers and the hated Intendants of the kings, who had functioned much like the revolutionary représentants en mission; their presence pushed the Vendeans over the edge, with one peasant reporting, “We’ve been led like sheep, we’re going to become like lions.” Clandestine meetings between dissenting local authorities and inhabitants grew, sometimes overflowing into riots. What began as simple
revolts, within a few months became large-scale military engagements between the army of the Republic and a peasant army under the banner of the Church and King.\footnote{Peasant quoted in Secher, \textit{Le génocide franco-française}, 46; Secher, \textit{Le génocide franco-française}, 34-35, 66-67, 73; Furet, “Vendée,” 165.}

The initial outbreaks of revolt were small and contained. On 6 and 7 March 1793 implementation orders for the \textit{levée} arrived as well as orders for the National Guard to close churches and chapels served by recalcitrant priests. In response, peasants and weavers in the village of Cholet killed the commander of the local Guard, also a prominent manufacturer. Several days later the town of Machecoul was invaded by the peasant rebels who brutally killed several hundred more pro-government townspeople, including the tax assessor, and burned the municipal buildings, the tax books, and the flags of the Guards. The same week Saint-Florent-le-Vieil on the Loire was overrun and captured by the now better organized peasant bands. Republican troops in the region totaled about 1,600 ill-equipped and poorly trained soldiers and as affluent Vendeans fled to Orleans and Blois, their reports of the growing unrest began reaching authorities.

As news of the revolts spread, so did the revolts themselves. Villagers fortified their hamlets along the Loire River with men and cannon, and fired upon the Republican forces on the opposite banks. After interviewing a rebel leader, a Republican officer ominously reported, “They are determined to fight to the death; nothing will be able to defeat them but fire and sword.” Eventually, enough peasants massed to warrant larger action, and on 19 March they ambushed a Republican garrison of 3,000 men. The same day, the Convention, pushed by fears of an ‘aristocratic plot,’ issued a decree “providing for execution within twenty-four hours of any person caught [in the Vendée] with
weapons or wearing the white cockade.” Much like the later tactics of the Union army, the Republican forces proposed “burning the woods into which the brigands…retreat when pursued [and] demolition of all the mills set up in occupied territory that we traverse without being able to hold.”35

The army of peasants, under the loose banner of the “Catholic and Royal Army,” easily outmatched and outnumbered the remaining Republican units. The rural army, numbering at times between 25,000 and 40,000 ‘regulars,’ was mostly led by retired nobles who had served in the royal army, which confirmed in the minds of the Jacobins the presence of an aristocratic counterrevolutionary plot against the Revolution. They were far from a rag-tag band of partisans, however, and showed themselves capable of victory in battle formations against professional soldiers. In the spring and summer of 1793, the rebels were unmatched and continued to expand their territory until Republicans successfully repelled their 24 June assault on Nantes, though they were unable to reclaim any lost ground.

Following the siege, the Republican response was one of containment and preparation. Authorities dissolved local governmental councils, began manufacturing and collecting weapons and ammunition, established tribunals, and approved the immediate execution of the condemned. Without sufficient troops to quell the area, available units focused on keeping the rebellion from spreading beyond the Vendée. The rebel defeat at Nantes had also allowed the army to regroup and reorganize: the military staff was replaced with career officers and the Republican forces were supplemented with both

new recruits and nearly 20,000 veterans. As new supplies and equipment flooded in, loyal citizens flocked to recruitment posts to fill the ranks.36

The National Convention in Paris was determined to destroy the rebels and protect the gains of the Revolution, especially as other regions of France like Lyons were amidst insurrection. When their debate began in July 1793, Committee of Public Safety member and Jacobin Bertrand Barère placed the Vendée at the center of the Revolution’s success. He argued,

The inexplicable Vendée…threatens to become a dangerous volcano….The Vendée is the hope of external enemies and the rallying point for internal enemies….That is the target that must be struck to strike them with the same blow. Destroy the Vendée! Valenciennes and Condé will no longer be under the control of the Austrians; the English will no longer trouble Dunkirk; the Rhine will be freed from the Prussians; Spain will be taken apart…Destroy the Vendée! And Lyons will no longer exist, Toulon will revolt against the Spanish and the English, and the spirit of Marseille will rise again to the heights of the Republican revolution….The Vendée…is where we must strike….We must bring desolation to their very endurance.”37

Following Barère’s lead, Jacobins in the Convention moved to mobilize the forces of the Revolution against the rebels. Their solution was to be swift, sure, and total.

On 1 August 1793, the Committee of Public Safety introduced a bill of fifteen articles in the Convention, quickly passed, decreeing the “destruction” of the Vendée. The bill ordered battle-hardened troops to the Vendée fresh from the siege in Mainz. Article 6 directed the Minister of War to begin sending “combustible materials of all kinds” in order “to burn the woods, thickets, and gardens” in the insurgent region. Article


7 ordered the army to “cut down the forests, raze the houses of rebels, destroy crops and harvests, and seize livestock.” Article 14 declared that all property belonging to the rebels confiscated by the Republic and redistributed as compensation to patriots. It concluded, “women, children, and the aged are to be evacuated to the interior,” and commanders would be held responsible for excesses. As the new, energized forces began to chase down the rebel army, they applied these tactics at every turn.\(^\text{38}\)

When military action resumed in force in September 1793, a tried and experienced Republican army attacked with ferocity. Two *représentants en mission* in the region wrote to the Convention, “fire and sword are the only weapon we use” in fighting the rebels. Radiating out from the city of Nantes, by 17 October Republican forces had captured the rebel stronghold of Cholet, and the Vendean army and people pulled out of their home territory. They crossed the Loire and headed north to assault the city of Granville on the coast in a desperate attempt to elicit English support. As with Nantes, though, they were unable to assault a major town and turned back to face the oncoming Republican army.\(^\text{39}\)

On 16 December, the insurgent army was crushed at Le Mans, where ten thousand were left dead, and those who struggled on were cut down in pursuit before Christmas. After the battle, Division General François Séverin Marceau wrote, “Our soldiers butchered them horribly in town and pursued them so relentlessly on the road


that they soon overtook not a few stragglers but the entire rear guard…. Soon the whole road was covered with the dead…. they showed the fighters no mercy.” Assessing their toll, he concluded, “I evaluate their losses for the day as at least seven thousand men of their best troops…. Ours amounted to no more than twenty dead.” This brutality, however, marked only the beginning of the destruction of the Vendée. What followed the defeat of the rebel army was, if at all possible, more brutal. By late December, Republican soldiers had repressed the rebellion, and Paris demanded the enforcement of the punitive August decree south of the Loire. To that end, the army under General Louis-Marie Turreau planned a systematic decimation of the countryside.40

While the Republican army was organizing itself for the coming repression, Vendean peasants rose again in rebellion in January 1794. In spite of proclamations promising amnesty, they refused to surrender because the previous fall government troops massacred those who laid down arms. In response, Republicans debated how to destroy the rebels once and for all. General Charles-Philippe Ronsin suggested mass deportations to Madagascar and others suggested using poisons and toxins to kill en masse. In the end, however, they settled on Turreau’s plan for implementing the 1 August edict. The 20,000 battle hardened soldiers would be joined by some 83,000 more troops. This hundred thousand-strong Armée de l’Ouest would feature a core of 30,000-40,000 soldiers divided into the twelve colonnes infernales and cris-cross the entire region burning and destroying all in their paths. The représentants en mission further

supplemented these actions by traversing the region behind the infernal columns, confiscating property for eventual sale.  

Realizing the extreme harshness that would be required for this campaign against all citizens in the Vendée regardless of the cautions against harming women and children in the August edict, Turreau sought direct and explicit orders. Writing to the Committee in mid-January 1794 to secure himself against future recriminations, he asked for “express authorization or a decree to burn all the towns, villages, and hamlets of the Vendée that are not on the side of the Revolution and that constantly supply new support for fanaticism and the monarchy.” When he did not receive a reply Turreau wrote again:

This great measure must be prescribed by you… I am merely the passive agent of the legislature’s will; you must decide in advance the fate of women and children I will meet in the revolting country. If they must all be put to the sword, I cannot carry out such a measure without a decree covering my responsibility.

Turreau well understood the breech in the traditional rules of war that the 1 August decree connoted, and he wanted to be certain that the Convention understood what they were asking.  

Finally, Committee member Lazare Carnot replied, “Exterminate the brigands to the last, that is your duty.” The same day Paris also communicated its approval to a

---

41 Turreau, Mémoires, 159; Secher, Le génocide franco-française, 114-117, 130, 144; Schama, Citizens, 789-790; For more on Turreau and his motivations in the campaign, see Patrice Leclercq, “Turreau en Vendée: tactique et violence,” in Guerre et repression: La Vendée et le monde, Edited by Jean-Clément Martin (Nantes: Ouest Editions, 1993), 78-79.

représentant en mission in the region: “Kill the brigands instead of burning the farms…totally crush the horrible Vendée…[and] the entirety of that race of brigands.”

Under the heading “Liberty, Equality, Fraternity, or Death,” Turreau publicly proclaimed his orders:

All the brigands found with weapons, or convicted of having taken up arms…put to the bayonet. The same thing will be done to women and children….Nor will persons who are merely suspect be spared. All the villages, towns, woods, and everything that can be burned will be consigned to the flames.

Regardless of the holocaust his words implied, however, Turreau understood that while his campaign would be brutal, these published orders were more for effect and warning than implementation—certain lines would not be crossed. In practice, he would remove women, children, and the aged from the area and focus his attacks on partisans and rebels, though anyone remaining was subject to the harshest punishments.43

Turreau’s eventual orders to his forces, moreover, were much more limited than his proclamation: all remaining rebel army prisoners regardless of age or sex would be subject to summary execution; villages and all that was within their limits would be burned to the ground; “beasts, grain, and objects of subsistence” would be removed or destroyed; all works and fortifications would be demolished, repairs to destroyed property would be halted, and any other resources found would be eliminated. He further ordered his men to entrench their positions on the borders of the region and disarm all

towns and villages. His plan set, Turreau organized his massive force and began the “pacification” of the Vendée in late January 1794. For the next four months until 15 May, his colonnes infernales trampled the Vendée with flame and sword, creating a “devastated circle where an epidemic of cruelty, a death of subsistence, and the iron vengeance of republicans” in the region.\(^\text{44}\)

During the four long months of the pacification, Turreau’s lieutenants reported daily of their efforts. General Caffin wrote, “For the good of the Republic, Les Echaubrognes is no more; there is not a single house left. Nothing escaped from the national vengeance.” General Grignon declared, “I am still continuing to have provisions removed, to burn and kill all who bore arms against us.” General Cordelier reported, “My orders have been promptly executed and, at this moment, forty farms are illuminating the countryside.” On 6 May 1794 when his troops ended their march through the Vendée, Turreau wrote to the Committee, “The Republic has been entirely purged of the villains,” and while his and his officer’s reports suggest as much, the reality was a far less thorough devastation.\(^\text{45}\)

Regardless of the rhetoric during the campaign suggesting the entire western side of France was a wasteland of flame and blood, the pacification largely followed Turreau’s plan. One observer put the totality of the destruction in perspective, writing of the army,

\(^{44}\) Savary, Guerres des Vendéens, 1:429-430, 3:40-43, 56; Turreau, Mémoires, 152-155, 175; Schama, Citizens, 791; Caffin quoted in Secher, Le génocide franco-française, 150.

They have burned all the villages and cottages, massacred some of the remaining peasants, burned wheat and grasses in the barns and on the threshing fields; killed or devoured a countless number of ewes, sheep, and cattle; carried off or destroyed all the horses and mules; consumed in flames all the wool, linen, and flax, and all the furniture.

A lack of accurate accounting hinders any comprehensive totals of the destruction, but as many as 117,000 Vendeans disappeared between the 1792 and 1802 census, though it is unlikely all perished in the 1793 war and 1794 pacification. While many fell during the war proper and others were, in fact, massacred during the post-war rise in partisan warfare, birth rates during the period fell and many people removed by force or circumstance never returned. In addition, only around 10,000 houses, twenty percent of the pre-revolutionary total, were burned despite 100,000 soldiers marauding for four months in an area roughly the size of Massachusetts.46

While the destruction of the Vendée was far from total, the strategy of the campaign can only be described by that word. Though incapable of actually destroying everything, Turreau’s pacification was a systematic and concerted effort to subject an entire region to what Lyons had suffered, in the process blurring the distinction between civilian and combatant. While he hoped that his actions would prevent any further insurrections in France, others feared his tactics would only re-incite the people to rebellion. In time and in the tradition of revolutionary blame, however, he was attacked for not being brutal enough.

* * *

Like the Vendée, the Shenandoah Valley on the northwesternmost edge of Virginia after West Virginia seceded was a distinctive region in the Confederacy. At the time of the Civil War, the Valley was one of the most fertile areas of the South, one that a Union soldier described as still “a perfect paradise on earth” when he saw it in Spring 1864. It was responsible for most of the wheat and grain going to Robert E. Lee’s Army of Northern Virginia, and the majority of its people were committed to the rebellion. In addition, from early in the war the Valley’s use as an attack corridor was noted by both sides. Beginning in 1862, Lee used Stonewall Jackson in the valley to feign attacks on the North to relieve pressure on his own army. Lee himself had used the valley

---

47 The 1864 Shenandoah Valley campaign has generally been overlooked by Civil War historians, largely due to it being overshadowed in name by Stonewall Jackson’s 1862 campaign there and the contemporary campaign by Sherman in Georgia and Carolinas. Despite this, there are a few works of note. The best recent history of Sheridan’s campaign as a whole, in great detail, is Jeffry D. Wert, *From Winchester to Cedar Creek: The Shenandoah Campaign of 1864* (Carlisle: South Mountain Press, 1987). Two contemporary works which provide a good accounting of the campaign are George Pond, *The Shenandoah Valley in 1864* (New York: Charles Scribner’s Sons, 1883) and the relevant sections of the Union commander’s memoirs, Philip H. Sheridan, *The Personal Memoirs of P.H. Sheridan: General United States Army* (New York: C.L. Webster, 1888, Reprint, Cambridge: Da Capo Press, 1992). Also noteworthy is the work of Valley resident John Heatwole. While very detailed and a fascinating read, it is anything but unbiased if not unabashedly anti-Sheridan and neoconfederate; John L. Heatwole, *The Burning: Sheridan’s Devastation of the Shenandoah Valley* (Charlottesville: Rockbridge Publishing, 1998). For a counterargument to such work, that the ‘systematic’ burning and destruction of the Valley was anything but, see Mark E. Neely, *The Civil War and the Limits of Destruction* (Cambridge: Harvard University Press, 2007), 109-139. Two edited volumes are also worth a read, both by Gary W. Gallagher: Gary W. Gallagher, Ed., *The Shenandoah Valley Campaign of 1864* (Chapel Hill: The University of North Carolina Press, 2006); and Gary W. Gallagher, Ed., *Struggle for the Shenandoah: Essays on the 1864 Valley Campaign* (Kent: The Kent State University Press, 1991). Finally, for the larger context of why the Valley was an important region to the South, see Edward L. Ayers, *In the Presence of Mine Enemies: War in the Heart of America, 1859-1863* (New York: W.W. Norton and Co., 2003).

in 1862 and 1863 for moving many of his troops into and out of the North for the battles of Antietam and Gettysburg. The Union army had simply never been able to spare enough troops to overwhelm their adversaries more accustomed to the terrain in the Shenandoah. This situation changed in 1864 when Grant and Lee were entrenched at Petersburg and the Union had surplus units for other endeavors.

Grant’s attempt to reign in the usefulness of the Shenandoah began poorly in late Spring 1864 as an attempt to distract Lee, but a change in tactics and command brought a fresh spark. Rather than drive the Confederate army out once again, Grant ordered the “utter destruction” of the Valley’s resources. General David Hunter, who had lost his command when he freed slaves in South Carolina in 1862 to the ire of Lincoln, was given an army of 18,000 men to “eat out Virginia clear and clean as far as they go.” The devastation of the region was to be so thorough that “crows flying over it for the balance of this season will have to carry their provender with them.” Grant demanded that Hunter’s army “make all the Valley…a desert as high as possible…and the people notified to move out.” The experienced subordinate understood and was prepared to follow Grant’s total war strategy.49

After some initial gains in May 1864, Hunter decided to march on Lynchburg and destroy the railroad there. On 10 June, however, retreating Confederate cavalry burned a bridge and forced his army to stop at Lexington. When locals fired upon the Federals from buildings on the Virginia Military Institute campus, Hunter ordered the retaliatory burning of the school. When he then found former Virginia governor John Letcher’s

pamphlet “inciting the population of the country to rise and wage a guerrilla warfare on
my troops,” he ordered the Southerner’s estate burned for violating his 24 May orders
against promoting “unlawful and uncivilized warfare.” Similarly, when a local was
accused of “feeding and harboring guerrillas,” Hunter’s men burned all of her
possessions and marched her six miles by foot to a detention camp.50

One southern paper declared Hunter’s depredations in the Valley “the most
wanton and barbaric acts of the war.” Such exaggerated reports of Union actions pushed
Confederate President Jefferson Davis to send reinforcements to the Valley rather than
for the defense of Atlanta, paving the way for Sherman’s capture and occupation of the
city a few months later. In July 1864, Jubal Early and a corps of 13,000 men arrived to
face Hunter and quickly pushed him into West Virginia, before trying to relieve pressure
on Lee. As Jackson before him, Early used the Valley as a corridor for invasion, from
where he threatened Washington and burned the city of Chambersburg, Pennsylvania
after the citizens refused to cowl to his extortive demands.51

Early’s excursion into the North received Grant’s attention, but did not force the
hoped-for withdrawal from the trenches. Grant reinforced Washington, but Early slipped
back into Virginia without capture. Incensed by the escape and pushed by Lincoln, Grant
created the Army of the Shenandoah to replace Hunter’s forces and assigned career

50 Official Records, Series 1, Vol. XXXVII, Part 1, 97; Order quoted in William G.
Thomas, “Nothing Ought to Astonish Us: Confederate Civilians in the 1864 Shenandoah
Valley Campaign,” in The Shenandoah Valley Campaign of 1864, Edited by Gary W.
Gallagher (Chapel Hill: The University of North Carolina Press, 2006), 228; Pond, The
Shenandoah Valley in 1864, 29-30; Lepa, The Shenandoah Valley, 62-63; Thomas,
“Nothing Ought to Astonish Us,” 228, 231.

51 Staunton Republican Vindicator, 22 July 1864; Pond, The Shenandoah Valley in 1864,
45, 100-104; McPherson, Battle Cry of Freedom, 757.
horseman Major General Philip H. Sheridan with the command. Grant ordered his
longtime subordinate to fight his way “south of the enemy and follow him to his death,” a
direct and aggressive approach which Lincoln thought “exactly right.”52

On 6 August 1864, five days and seventy-one years after the Convention issued
its punitive orders on the Vendée, Sheridan took his new command and received Grant’s
expectations for the coming campaign: “It is desirable that nothing should be left to invite
the enemy to return. Take all provisions, forage, and stock wanted for the use of your
command; such as cannot be consumed, destroy.” He continued with a word of caution,
“It is not desirable that the buildings should be destroyed…but the people should be
informed that so long as an army can subsist among them recurrences of these raids must
be expected, and we are determined to stop them at all hazards.” To accomplish these
goals, Sheridan was provided nearly 8,000 cavalry and 35,000 infantry, the highest
infantry-to-cavalry ratio of the entire war and providing him great mobility and
flexibility.53

The Army of the Shenandoah was ready for a fight, understanding the necessity of
the campaign. They saw that even four years into the war, the Valley was in the words of
one soldier “the richest country we have ever campaigned in,” providing plentiful forage.
Another wrote of the Southerners facing them, “I wish we could Ketch them Some place

52  Official Records, Series 1, Vol. XXXVII, Part 2, 558, 582; McFeely, Grant, 180; Lepa,
The Shenandoah Valley, 130; McPherson, Battle Cry of Freedom, 758.

53  Official Records, Series 1, Vol. XLIII, Part 1, 697-698; Wert, From Winchester to
Cedar Creek, 29; Gary W. Gallagher, “Two Generals and a Valley: Philip H. Sheridan
and Jubal A. Early in the Shenandoah,” in The Shenandoah Valley Campaign of 1864,
Edited by Gary W. Gallagher (Chapel Hill: The University of North Carolina Press,
and Kill; every Son of the Bitch they are nothing but Regular Raiders and Thieves.” On 26 August, while Sheridan was waiting for the opportunity to strike, Grant re-emphasized his desires: “Do all the damage to railroads and crops you can. Carry off stock of all descriptions, and negroes, so as to prevent further planting.” He continued in harsher language, “If the war is to last another year, we want the Shenandoah Valley to remain a barren waste.” Sheridan put his men to work burning crops, grain, and barns and driving off all livestock around Winchester. This would mark only the beginning of such action.\(^5^4\)

Following a series of defensive moves designed to make Early think he was reluctant to fight, Sheridan received news on 16 September that Lee was withdrawing units from Early’s command to reinforce at Petersburg. Within hours, Sheridan’s army began to lighten itself, preparing for a fast-moving campaign. Units abandoned all but the essentials, leaving regimental wagons, baggage, and those unable to fight in their camps. They would move forward with only a minimal train to ensure speed and take whatever they needed through foraging.\(^5^5\)

Sheridan’s forces met Early just outside of Winchester, and within a short time, Early fled south in defeat. At Fisher’s Hill the next day, Early’s army, barely reorganized from the previous defeat, was overrun again and retreated all the way to Charlottesville. This left the Shenandoah Valley empty save for Sheridan’s forces. At the turn of events, a


Pennsylvania sergeant remarked, “The Rebels are scarce in the Shenandoah Valley just now.” It was in this period where there was no large opposition in front of him and after sweeping down the Valley some eighty miles from the Potomac to Harrisonburg that Sheridan reorganized to carry out Grant’s 14 July 1864 order to “eat out Virginia” and make the Valley a “barren waste.”

After establishing his command at Harrisonburg, Sheridan decided, like Sherman, that “it was time to bring the war home to a people engaged in raising crops to feed the country’s enemies.” While “death is popularly considered the maximum punishment in war,” he mused, “reduction to poverty bring prayers for peace more surely and more quickly than does the destruction of human life.” Sheridan proposed to remain at Harrisonburg a few days longer, and then “go on and clean out the Valley.” He would send his troopers eight to ten miles south to Staunton where they would lay waste to everything in front of them before beginning a mass retrograde withdrawal down the valley with torches. Sheridan, fearing a counterattack despite his victories, believed that “the best policy will be to let the burning of crops of the Valley be the end of this campaign,” which would deliver “a terrible blow” to the ability of the Valley to support an army. He concluded, “When this is completed the Valley, from Winchester up to Staunton, ninety-two miles, will have but little in it for man or beast.”

---

56 Henry Kaiser quoted in Wert, From Winchester to Cedar Creek, 134; Official Records, Series 1, XXXVII, Part 2, 300-301, Vol. XLIII, Part 1, 822, 917; Wert, From Winchester to Cedar Creek, 140. For detailed descriptions of the Battles of 3rd Winchester and Fisher’s Hill, see Wert, From Winchester to Cedar Creek, 47-134; McPherson, Battle Cry of Freedom, 777-778.

57 Sheridan, Memoirs, 266-267; Official Records, Series 1, XLIII, Part 1, 31, Part 2, 209-210, 249; Pond, The Shenandoah Valley in 1864, 194-195; Wert, From Winchester to
Between 26 September and 6 October 1864, Sheridan’s troopers operated south of his command post with orders to “destroy all the mills, forage, and provisions, and to retreat, leaving behind us a country incapable of supporting an army.” The destruction was not total, but comprehensive: houses were burned with strong cause; all barns and farming implements found were torched; all mills, foundries, or any other productive works were decimated; all livestock was driven off with the infantry column or killed; all fields burned; and all grain confiscated or destroyed. If provisions were found in excess, soldiers were allowed to carry away what they could and the rest would be burned. Even Unionist property was targeted; the only exception was for widows.\(^{58}\)

For the most part, the troops and their officers refrained from looting, but there were those who took advantage of the situation by demanding payment for sparing something from the fire, only to have it burned by another unit an hour later. At other times, soldiers entered areas, piling everything of value into one area, taking what they wanted to keep, and burning the rest. A Federal from Rhode Island remarked that during the ten days spent south of Harrisonburg “the fire demon reigned supreme.” Another Union soldier noted, “The whole country is wrapped in flames” and “the heavens are aglow.” Similarly, after seeing the devastation firsthand a few days later, a Confederate soldier wrote home, “The enemy have desolated this country burnt nearly all the ground & barns. It is horrible. I have never seen anything equal to it. I do not known what will

---

become of the people. They must suffer. We can’t subsist in this Valley this winter.”

Coming to this same realization and fearing the starvation of the people, Sheridan posted notice he would grant safe passage through his lines to the rear, eventually sending some 400 wagons of refugees north.⁵⁹

Once the Union cavalry had made their way back to Harrisonburg, Sheridan reported to Grant, “I have devastated the Valley from Staunton down to Mount Crawford and will continue. The destruction of mills, grain, forage, foundries, &c., is very great.” He noted that, “The people here are getting sick of the war; heretofore they have had no reason to complain because they have been living in great abundance.” His words were echoed by his men. A private wrote of the Confederates, “They have tasted the bitter fruit of secession, and have had enough of it. They find that it does not satisfy, that it was a poor remedy for their imaginary grievances.” An army chaplain from New York wrote, “War is terrible in its effects, but the Rebels should have anticipated this before they ventured to test its seathing scourages.” While Sheridan felt his actions were producing the intended effect, he had no intention of stopping.⁶⁰

On 6 October, Sheridan began his withdrawal en masse. He divided his 43,000 men into four columns of cavalry with torches, creating a broad rear guard from the river’s banks to the mountain chains on either side, and a fifth column of infantry,

---


supplies, and refugees in the middle. As they marched northward, they overwhelmed the whole of the Shenandoah. A New Yorker from the infantry reported,

The cavalry swept across the whole breadth of the valley of the Shenandoah….The order to transform the valley into a barren waste and leave nothing which would tempt the enemy to return was carried out with unsparing severity. Before the army was a fertile region filled with stores of an abundant harvest just gathered; behind was a devastated region.

With the objective to strip bare all ground behind them, the American colonnes infernales were determined to “wipe out the stain the Valley” from all usefulness to the Confederacy.  

In their grim task the cavalry proved quite efficient, creating a dramatic and terrible scene. A Michigan cavalryman noted, “Clouds of smoke marked the passage of the Federal army.” To a Pennsylvania footsoldier, “the blackened face of the country…bore frightful testimony to fire and sword.” An Ohio trooper noted, “A heavy cloud of smoke hung over the whole valley like a pall.” Members of Sheridan’s own staff were even struck by the devastation they were causing. Major Benjamin W. Crowninshield reported, “Nobody who was one of that army will ever forget the scenes of our retreat. By day the smoke obscured the sun; by night a lurid sky reflected the glare of burning barns and stacks of grain and hay for twice twenty-four hours.” General Wesley Merritt later wrote that “the cavalry was…burning, destroying, or taking away everything of value, or likely to become of value, to the enemy. It was a severe

measure…but it was necessary as a measure of war.” Other soldiers had similar reactions. A Connecticut infantryman wrote of the scene, “It was a woeful sight for civilized eyes; but as a warlike measure it was very effective.”

Confederates also took note of Sheridan’s actions. One Southern soldier angrily wrote, “On every side, from mountain to mountain the flames from all the barns, mills, grain and hay stacks, and in very many instances dwellings too, were blazing skyward, leaving a smoky trail of desolation to mark the footsteps of the devil’s inspector-general.” Another simply remarked that the Valley was “almost literally reduced to ashes” by the Union progression. Remembering the scenes after the war, a Richmond newspaperman roared, “The horror and crime of this devastation was remarkable even in Yankee warfare. They impoverished a whole population; they reduced women and children to beggary and starvation; they left the black monuments of Yankee atrocity” everywhere.

The burning ended on 9 October 1864 when Sheridan’s forces reached Strasburg, Virginia. They had left an area ninety-two miles long and twenty-five miles wide as close to a desert as was possible. Estimates were that each day his reincarnated infernal

---


63 Confederate soldier from the Laurel Brigade quoted in Wert, From Winchester to Cedar Creek, 158, and William J. Miller, “Never Has There Been a More Complete Victory: The Cavalry Engagement at Tom’s Brook, October 9, 1864.” in The Shenandoah Valley Campaign of 1864, Edited by Gary W. Gallagher (Chapel Hill: The University of North Carolina Press, 2006), 139; Confederate soldier quoted in Wert, From Winchester to Cedar Creek, 158; Edward Albert Pollard, Southern History of the War (Richmond: The Fairfax Press, 1866), 405; Heatwole, The Burning, 224. For Northern press reactions, both Republican and Democratic, see Fleche, “Uncivilized War,” 206-214.
columns destroyed enough wheat to subsist the Confederate army for a year in addition to roughly 2,000 barns and several hundred houses burned, 4,000 to 5,000 heads of livestock confiscated, and just as many killed. Union cavalry commander General W. H. Powell reported that the area left behind on his route was “left in such a condition as to barely leave subsistence for the inhabitants.”

Despite these bleak predictions and numerous claims of causing millions of dollars in damages, much like the Vendée, the resources of the Valley were far from decimated. When compared to pre-war numbers, the tallies provided by the Army of the Shenandoah, even when the four years of war are considered, reach only around seven to eight percent of some crops. As in western France in 1794, the burning was widespread and dramatic, but not total. Moreover, while distinctions between military and civilian property was blurred more than in other campaigns during the Civil War, the line between solider and noncombatant only failed when the specter of partisan warfare emerged. While casualties from the battles before, during, and after the burning reached some 10,000 Confederates regulars, the toll from guerrilla ambushes and reprisals represented only a small addition. When the line was crossed, however, Union forces could act with a ferocity reminiscent of their French forbearers.

64 Official Records, Series 1, Vol. XLIII, Part 1, 30-31, 443, 510; Heatwole, The Burning, 51; Wert, From Winchester to Cedar Creek, 159.

65 Wert, From Winchester to Cedar Creek, 159; Neely, The Limits of Destruction, 111.
Of Brigands and Bushwhackers
Guerrilla Warfare in the Vendée and the American Civil War

The war in the Vendée was a two-sided event. While the Republican Army was charged with and succeeded in defeating the peasant and noble “Catholic and Royal” army, the fight devolved into a brutish insurgent war well before the battle at Le Mans on 16 December 1793. In their typical revolutionary zeal and rhetorical flair, French commanders routinely referred to the Vendean rebels as “brigands,” in an attempt to dehumanize them. Their representation, however, did have a basis in truth, as the Vendeans proved on numerous occasions willing to massacre surrendering Republican troops, pro-Paris townspeople, and anyone associated with the government at any level.

It was in this environment that French troops broke away from the commonly held rules of war and instead chose to give no quarter to captured or fallen rebels. In the words of one general, “It is a war of brigands, and we must all be brigands. At this moment we must forget military rules, we must fall in a mass on these scoundrels and pursue them without mercy.”66 In such a world and mindset, it is not difficult to imagine the atrocities committed by both sides.

As early as April 1793 when the Republican presence in the Vendée was at its lowest, not taking prisoners, especially in light of rebel actions, was easy to justify. One unit, reduced from 1,200 to 500 soldiers after garrisoning reconquered towns, stopped taking prisoners, choosing instead to use the bayonet and ad hoc military tribunals. Adjutant General Jean Michel Beysser saw the usefulness of such tactics, and further

allowed his troops to pillage seized property and burn houses. When rebels fired upon his men from church windows, he ordered return fire by cannon in retaliation. And, in one “terrible example,” his troops beheaded a rebel captured for murder with an axe against a cannon barrel, which Beysser noted “inspired salutary terror and contributed a good deal to peace.” This idea is key, since Beysser intended many of these acts as graphic examples to horrify the rebels into submission, whether or not they merely provoked a new round of retribution in a spiral of violence.67

Despite the brutality against civilians and the constant back and forth of reprisals, Beysser’s tactics were standardized and approved under new legislation and new leadership under the assumption that if they had not fled or were not an active part of the rebellion, the remaining people of the Vendée tacitly supported or encouraged it. It must be noted, however, that after their initial defeats, such retaliatory actions were restricted to the outskirts of the Vendée until the larger army arrived to retake the department as a whole. When that army did arrive, and especially after it had defeated the rebel army on the field, the willingness to engage in ruthlessness could hardly be expected to stop.

In one such attack on 28 December 1793, after Republican forces had cut down the main faction of the Vendean army at Le Mans, General François Joseph Westermann, later labeled the “butcher of the Vendée,” attacked Ancenis. When confronted with a defeated enemy, he “dreadfully butchered the brigands” and “massacred them all.” In the aftermath of his ‘victory’ he reported to the Committee of Public Safety in the language of a true revolutionary:

There is no more Vendée, Republican citizens. It died beneath our free sword, with its women and children. I have just buried it in the swamps and woods….Following the order you gave me, I crushed the children beneath the horses’ hooves, massacred the women who, at the least, will bear no more brigands. I have not a single prisoner to reproach myself with. I exterminated them all.

When the people of the Vendée attempted to rise again the next month, Westermann proposed lacing a wagonload of brandy with arsenic and allowing it to be captured. He was not alone in his ideas, as représentant en mission Jean-Baptiste Carrier suggested tainting the wells of the region with the same toxin and others advised using chemicals to “destroy, put to sleep, [and] asphyxiate” the rebels.68

With the end of the war proper and the beginning of the “destruction” of the Vendée in January 1794, the reprisals against “brigands” took on a new centrality to the pacification campaign. Without an army to oppose them, the revolutionary forces struck out at anyone who might be, have been, or might become a rebel. In Nantes, Carrier established a Revolutionary Tribunal to prosecute suspects captured in the rebellion and its aftermath. In the rural areas, Turreau’s colonnes infernales swept through villages and hamlets shredding any people in their way with fire and sword.

Carrier ordered the roundup of rebel stragglers as well as any Vendeans in possession of weapons based on the Convention’s 19 March 1793 decree. Republicans who had fled in the summer also flooded back to their homes, leading the military to hideouts and pointing out those rebels who tried to reintegrate into society. The first

roundups in early December were so large and “holy mother guillotine” so slow that Carrier authorized summary execution by bayonet without trial. When that did not clear the backlog, Carrier resorted to mass executions in order to empty the prisons. In one terrible innovation, rebels and suspects were bound and drowned in the Loire. One citizen reported to a friend in the Convention,

My friend, I inform you with pleasure that the brigands are thoroughly destroyed.…Because shooting them takes too long and would use up powder and bullets, we’ve decided to put a certain number in large ships, to take them to the middle of the river…and to sink the ship. This operation is carried out daily.

Carrier alternatively termed the method “vertical deportation in the national bathtub” and “patriotic baptism,” and on 10 December coolly remarked, “What a revolutionary torrent the Loire is!” Carrier’s enthusiasm for his work, however, failed to produce results, providing Vendeans fodder for vengeance and eventually leading to his own trial and execution.69

In the countryside, renamed Vendée Vengé—Vendée Avenged—Turreau took command of the Armée de l’Ouest in January 1794, and at the time he agreed that the Vendean revolt must be repressed for the security of the Revolution. He did not, however, agree with the tactics and zeal of Westermann and took a more pragmatic tact. He wrote to the Committee of Public Safety with a proposal of amnesty for laying down

69 Citizen quoted in Secher, Le génocide franco-française, 112; Carrier quoted in Secher, Le génocide franco-française, 113; Carrier quoted in Higonnet, Goodness beyond Virtue, 52; Furet, “Vendée,” 166; Secher, Le génocide franco-française, 111-113; Schama, Citizens, 789; Mayer, The Furies, 324. While the numbers drowned in the Loire are fuzzy at best, they range on the low end from 465 (Mayer) to the high end of 4,800 (Secher); Carrier himself claimed 2,800 victims of the practice, see Secher, Le génocide franco-française, 113. The truth is probably somewhere in between.
arms in order to entice desertions from the Vendean ranks; the only reply was a reiteration of the August decree. With explicit orders to carry out the destruction in the extreme and faced with the intensifying guerrilla war, he followed much the same path as the men who came before, but on a grander scale with his columns of fire.  

In this most destructive and ruthless phase of the civil war in the Vendée, the reports from Turreau’s subordinates speak for themselves. One wrote, “As I am writing, I am having fourteen women who were denounced to me shot.” Another, “It is going well, we are killing more than a hundred a day….I know that there are patriots in this country. No matter, we have to sacrifice all.” His men unleashed, the general began to believe in his own tactics.

Turreau later justified this viciousness with which he imbued his *colonnes infernales*, arguing that in a war led by illegal “parasites bringing forth anarchy” to destroy the legitimate government, actions must be met with equal force under the “law of reprisals.” He believed the “most ingenious barbarians” had “under the name of the Catholic religion and Louis XVII…tortured, mutilated, torn to pieces…burned…and hanged [Republicans] from trees by their feet” as well as executed prisoners of war and loyal citizens. In retaliation, Turreau ordered his men to hunt down the rebels to the last, and his soldiers “persecuted without respite and exterminated without quarter.”

---


Turreau eventually declared that in the middle of this “most horrible civil war,” he could not stop fighting until he had “exterminated the last brigand.” In his mind, “the Vendée must become a national cemetery” or France would be faced with an unending conflict in its heartland. In a world where “violent measures were ordered, and ordered again, by the National Convention, its committees, and its deputies on mission in the West,” he saw the total and utter destruction of the Vendée and its people as the only solution that could ever result in peace. His chosen tool, the infernal columns, did manage to quell the guerrilla war in the short term, but when the government in Paris fell just three months after his campaign ended, tensions in the region flared again.73

As the problems in the Vendée continued well into Napoleon’s reign, General Lazare Hoche noted that the Vendée was merely “a contained volcano, but it is still smoldering and new lava can erupt.” He suggested that the government use a carrot and stick approach: concede religious toleration and more local authority in order to prevent a renewed uprising, in exchange for taxes and conscripts. In the end, Hoche had returned to Turreau’s original suggestion.74

While partisan warfare in the Vendée is difficult to separate out from the rest of the conflict, it largely accounted for the brutality of the Republican response. With the two conflicts running parallel and in tandem, they fed off of one another, creating a cycle of escalation and reprisals which grew beyond all measure. This spiral of violence helps account for Carrier’s ferocity in Nantes as well as the deaths on the battlefields and in the

73 Savary, Guerres des Vendéens, 2:496; Turreau, Mémoires, 149-150, n1; Turreau quoted in Secher, Le génocide franco-française, 117; Schama, Citizens, 788.

74 Hoche quoted in Secher, Le génocide franco-française, 155.
towns under the infernal columns. In the “inexplicable” Vendée, the confluence of
“brigand” warfare with an army campaign changed the nature of the civil war in
horrifying ways. In the American Civil War, while the line was never quite as blurred, the
specter of “bushwhackers” hiding and sniping around every corner drove the Union
Army to new degrees of retaliation against noncombatants in their search for partisans.
On some occasions they brought forth scenes which would not have been out of place in
Turreau’s pacification.

The rag-tag nature of the rebellion in the Vendée—an army without a defined
government, solid command structure, or any real guiding principles beyond stopping
Parisian predation—only aided in increasing the confusion between combatants and
civilians. Republican forces had no way of distinguishing members of the defeated rebel
army from villagers, and thus, the line between the two was for the most part erased in
the attempt to root out insurrection. In the American South, however, the Confederacy
and its armed forces had distinct boundaries, and despite their rebellious foundation, tried
to act and comport themselves as state entities would. In this situation, partisans became
the catalyst for increasingly harsh and retaliatory measures meted out to civilians; when
army fought army, the traditional rules of war applied, but when guerrillas preyed upon
Union troops, the army responded by attacking the people hiding and supporting those
men. When the North turned to tactics of destroying Southerners’ means of survival, it
further provoked partisans to act, creating a cycle of escalation as the Union took an
increasingly more harsh stance in the war.
The most volatile region for this type of warfare was Missouri, a border state which never seceded, but whose population was split in loyalty. This composition placed the state in a special category of its own civil war inside the larger struggle because the bulk of the partisan warfare was civilian against civilian, as opposed to when Union armies invaded the South proper and the depredations were Southern partisans against Federal troops. The rangers of William Clarke Quantrill and “Bloody Bill” Anderson wreaked havoc against the people who had kept the state out of the Confederacy. In many ways, their campaign was a continuation of the “Bleeding Kansas” wars of the mid-1850s, though when the Union garrison troops arrived, it crystallized the already ruthless campaign. In response, on 30 August 1861, Union General John C. Frémont declared “anyone found with weapons would be tried and shot if found guilty” in addition to losing their property and slaves. Frémont’s orders would set the tone of Union response to guerrilla warfare for the rest of the war, though they were criticized as oppressive and dictatorial at the time.\(^75\)

Grant was one of the first to escalate the fight against “bushwhackers” outside of Missouri. On 11 January 1862 following the discovery of the bodies of four Union soldiers, he ordered that if the assassins were citizens, not regularly organized in the rebel Army, the whole country should be cleaned out, for six miles around, and word given that all

\(^{75}\) Official Records, Series 1, Vol. III, 466-467; McPherson, Battle Cry of Freedom, 351-353; McPherson, This Mighty Scourge, 88-89. The seminal work on the guerrilla war in Missouri is Michael Fellman, Inside War: The Guerrilla Conflict in Missouri during the American Civil War (New York: Oxford University Press, 1989). For other aspects of Civil War guerrilla struggles, see Daniel E. Sutherland, Ed., Guerrillas, Unionists, and Violence on the Confederate Home Front (Fayetteville: University of Arkansas Press, 1999).
citizens making their appearance within those limits are liable to be shot….This applies to all classes and conditions, Age and Sex.

He continued that all civilians in the area should be collected at the Union camp, placed under guard, and held on pain of death until relieved. His subordinate replied, “I shall find out who shot the pickets and when I do I shall shoot the guilty parties on very short notice.” At the time, however, Grant cautioned that a military commission was preferable to summary execution.76

Six months later while Grant operated on the Mississippi River, Halleck cabled that to prevent partisan attacks he should, “take up all active sympathizers, and either hold them as prisoners or put them beyond our lines. Handle that class without gloves…it is time that they should begin to feel the presence of war.” While Grant and Halleck were rhetorically ready to strike at partisans, though, it was Union General John McNeil at Palmyra, Missouri who took one of the first serious stands against the problem of guerrillas. When a local Unionist disappeared in September 1862, McNeil ordered ten Confederate partisans previously captured to be held as hostages for the man’s safe return. When the deadline passed, he ordered the executions of the guerrillas. As tensions mounted, soldiers expressed their willingness to expand the scope of the war. One Indiana sergeant wrote, “I am like the fellow that got his house burned by the

guerrillas…He was in for emancipation subjugation extermination and hell and damnation. We are in war and anything to beat the South.”

William Sherman progressed towards a punitive guerrilla policy with the others. Early in the war he had demanded his troops treat Southerners in a respectful manner, admonishing and harshly punishing any soldiers who so much as took foodstuffs in towns. Eventually, however, he heeded Grant’s advice on the rough handling of civilians in the Mississippi campaigns, and his beliefs on pressuring civilians and rooting out partisans grew with his awareness of the tactical advantage of living off the land.

Highlighting the evolution of his thinking on partisans, in early 1864 Sherman wrote to his brother, Ohio Republican Senator John Sherman in cool and rational terms,

So long as non-combatants remain in their houses and keep to their accustomed peaceful business, their opinions and prejudices can in no way influence the war, and therefore should not be noticed; but if anyone comes out into the public streets and creates disorder, he or she should be punished, restrained, or banished….If the people, or any of them, keep up a correspondence with parties in hostility, they are spies, and can be punished according to the law with death or minor punishment. These are well-established principles of war, and the people of the South…have appealed to war, and must abide by its rules.

While restrained in the rhetoric that helped make him famous, Sherman’s words imply even those writing to loved ones in the Confederate Army are fair game to be declared spies. In less uncertain terms in same month he wrote,

Next year their lands will be taken, for in war we can take them, and rightfully, too, and in another year they may beg in vain for their lives…Many, many peoples with less pertinacity have been wiped out of national existence.…To

those who submit to the rightful law and authority all gentleness and forbearance; but to the petulant and persistent secessionists, why, death is mercy, and the quicker he or she is disposed of the better.

The message is clear, continued resistance would only breed disaster and destruction for the South, its people, and its resources. He was prepared to expand the war to virtually any civilians in the South, man or woman, and if they continued, he suggested a wholesale depopulation of the South and colonization by the loyal.78

When his army began their March in late 1864, Sherman put these principles to work. He made clear he would rather not have to deal with holding and trying partisans, delegating the powers of summary judgment to his generals, and later noted that his men had learned a habit of “losing prisoners in the swamp.” When Southerners were caught in the act of bushwhacking, Union retaliation was quick and brutal. In one case following the death of a trooper, the shooter was gunned down in return before the entire neighborhood was set alight. In another incident, when his men found crude landmines in their path, Sherman responded by having prisoners clear them ahead of the troops. When they protested, he declared to the captured Confederates, “Your people put ‘em there to assassinate our men. Is that humanity?...I don’t care a damn if you’re blown up. I’ll not have my own men killed like this.” In response to continued harassment—at least 173 of his soldiers suffered gruesome deaths at the hands of partisans during his campaign—

Sherman eventually authorized his commanders to execute a prisoner for each of his soldiers killed by partisans.\textsuperscript{79}

While Sherman’s men were constantly harassed in their march, the opposition was never very organized. In contrast, in the Shenandoah Valley the Virginia Rangers of Colonel John Mosby hassled and marauded Union troops without relent. No matter how thoroughly they defeated Southern armies in the Valley, Federals could never hold the ground because too many troops were required to police supply lines and detachments against bushwhackers, leading General Wesley Merritt to term the Valley “a paradise of bushwhackers and guerrillas.” In response, Philip Sheridan, like his colleague in the Carolinas, was prepared to deal harshly with partisans. It was their attacks which greatly expanded the war into the realm of noncombatants more than anything else.\textsuperscript{80}

The attacks began almost as soon as Sheridan arrived; on 9 August 1864 the Rangers attempted to kidnap Sheridan himself from his headquarters camp, and daily they attacked wagon trains and isolated units. Sheridan reported, “Since I came into the Valley…every train, every small party, and every straggler has been bushwhacked.” As a solution, Grant suggested that since “the families of most of Mosby’s men are known” they can be arrested and taken as hostages “for the good conduct” of his men. But for the bushwhackers themselves, if “any of Mosby’s men are caught hang them without trial.”


He further wrote that if “all men under fifty years of age capable of bearing arms” are taken prisoner, then “you will get many of Mosby’s men.” Noting the direction the war of attrition was heading, Grant continued, “All male citizens under fifty can fairly be held as prisoners of war, and not as citizen prisoners. If they are not already soldiers, they will be made so the moment the rebel army gets hold of them.”

As the crisis escalated, Sheridan took more direct action. On 17 August, he wrote to Grant, “We hung one and shot six of his men yesterday.” Two days later the horseman issued a general order that “All able-bodied male citizens under the age of fifty who may be suspected of aiding, assisting, or belonging to guerrilla bands now infesting the country will be immediately arrested…as prisoners of war, to be confined in Fort McHenry, MD.” His men were also beginning to see the changes in accepted forms of warfare. One officer wrote, “The people are honest farmers during the day, but at night they arm themselves and mounting their homes are guerrillas and fire upon our pickets and destroy our wagon trains if they can overpower the guards.” An Ohio captain declared, “It is to be a war of extermination….It is life or death.” And, a sergeant wrote, “Those that are left of us are determined to visit a terrible vengeance upon their murder. We are to take no prisoners after this.”

---


While unable to commit the number of men needed to root Mosby out of his homeland, estimated at ten troopers for each raider, Sheridan resolved to make “a scapegoat out of him for the destruction of private rights. Now there is going to be an intense hatred of him in that portion of the Valley which is nearly a desert.”

He continued that his plans for the Valley would “Let them know there is a God in Israel…the people are beginning to see that he does not injure me a great deal, but causes a loss to them of all that they have spent their lives accumulating.”

He exclaimed, “I know of no way to exterminate [guerrillas] except to burn out the whole country and let people go North or South.” And so the systematic burning of the Shenandoah Valley began.

But, as the bushwhacking continued, Union commanders began to respond with greater force. On 3 October 1864 one Sheridan’s staff officers was shot in the head in an attack, which the lone survivor reported as a guerrilla ambush. In retaliation, Sheridan decided “to teach a lesson to these abettors of the foul deed.” He “ordered all the houses within an area of five miles to be burned” in what was described by one victim as “a holocaust of fire.” Though Sheridan later spared the nearby town of Dayton, the area became known to Valley residents as the “Burnt District.” One Union officer noted of the area, “As our boys expressed it, ‘we burned out the hornets.’” When looking upon this area that night, a Federal brigade commander wrote, “The whole North and East, far and near, [was] lighted up by burning barns and houses.” He continued, “If it would help end


bushwhacking…I would cheerfully assist making this whole Valley a desert from Staunton northward.” As guerrilla attacks continued, he would get his chance.  

Sheridan eventually issued an edict stating that “in retaliation” for the murder of Federal troops, the commanders will “hang or shoot until dead two (2) Confederate soldiers” held as prisoners of war, as well as “destroy all property belonging to these parties, now engaged as ‘bushwhackers’ wherever found.” When a Union soldier’s body was found with his throat cut “ear to ear” on 4 October, two prisoners were “shot to death in retaliation” on orders of the General Powell. Later, Powell also ordered a previously-captured member of Mosby’s Rangers executed for the murder of another soldier and the houses and all other property of the two guerrillas actually responsible burned and destroyed.  

On 5 October, Union troopers clashed with a unit of Mosby’s men outside of Front Royal and in the skirmish, one Federal appeared to have been shot in the head after he surrendered. The remaining troopers raced down and captured six of the guerrillas, leading them back to Front Royal where the rumors of the action had caused a frenzy. With the consent of Division commander General Alfred Torbert, Merritt ordered the prisoners immediately executed. Four were shot soon thereafter, and the remaining two were hung after they refused to answer questions during interrogation. In another

---

86 Official Records, Series 1, XLIII, Part 1, 30; Sheridan quoted in Wert, From Winchester to Cedar Creek, 145; Sheridan, Memoirs, 308; Burnt District resident quoted in Wert, From Winchester to Cedar Creek, 145; Officer quoted in McPherson, Battle Cry of Freedom, 779; Colonel Charles Lowell quoted in Heatwole, The Burning, 106; Heatwole, The Burning, 104-106.

87 Official Records, Series 1, Vol. XLIII, Part 1, 508-509; Wert, From Winchester to Cedar Creek, 154; Heatwole, The Burning, 120.
incident, General George Custer’s troopers detained a man in the woods with a rifle. Despite prostrations from neighbors as to the man’s lack of ill intentions, Custer ordered the man’s execution.  

As the partisan barrage continued into the winter after the end of the formal campaign, Union resolve against the civilians who supported the bushwhackers remained steadfast. When Valley citizens pleaded for aid and supplies for the winter on humanitarian grounds, Halleck rebuffed them from Washington:

No authority can be given for the subsistence of rebel families outside of our lines, nor even within….The disloyal people of the Shenandoah….have been and are now at full liberty to join friends in the rebel service….The disloyal within our lines should be sent South to feed upon the enemy….While the men of Virginia are either serving in the rebel ranks, or as bushwhackers are waylaying or murdering our soldiers, our Government must decline to support their wives and children.

He did note, however, in true Free Labor fashion, that “loyal refugees should be temporarily assisted and sent North, where they can earn a livelihood.”

In an attempt to end finally the problem of partisans in the Valley after the burning was completed, Sheridan dispatched his entire cavalry under Merritt into the far reaches of the region. Between 28 November and 3 December, Merritt sought to “consume and destroy all forage and subsistence, burn all barns and mills and their contents, and drive off all stock” in all areas left untouched by or unreachable during the larger campaign. Sheridan also suggested that anyone in civilian clothes caught with a

88 Wert, From Winchester to Cedar Creek, 152-153; Heatwole, The Burning, 17-19.

weapon be summarily executed: “If you have arrested spies, hang them; if you are in doubt, hang them anyway. The sooner such characters are killed off the better it will be for the community.” Despite these expanded and exclusive efforts, however, Mosby outlasted Lee’s surrender before hanging up his saber.90

The treatment meted out to bushwhackers by the Federals is singular in the brutality of directed, official policy, but less sanctioned forms of harsh retribution also occurred. As in the Vendée where a ‘take no prisoners’ attitude prevailed as Republican generals and politicians dehumanized the Vendeans, at times Union forces dehumanized Confederates; Sherman even referred to them as of a different race. At other times, Federal soldiers took it upon themselves to lighten the load of transporting and guarding legitimate Confederate prisoners of war or never returned to camp with captured guerrillas. The nature of the war against the bushwhackers led to spirals of violence and retaliations from both sides as the lines between civilian and soldier were distorted.

Despite their aggression towards guerrillas though, Union troops were not the ones to indiscriminately kill survivors and captives once the battle was over. Southern armies instituted an official policy of not taking black soldiers prisoner, most vividly seen at the Fort Pillow massacre on 12 April 1864 when Confederate troops killed all remaining soldiers from African-American units. Understandably enraged, black units followed through with their own personal retaliations against captured whites. One northern black, writing in response to Fort Pillow, declared Union troops must fight “until they have made a rebel bite the dust for every hair of those…of our brethren

90 Official Records, Series 1, Vol. XLIII, Part 2, 679, 682; Wert, From Winchester to Cedar Creek, 155; Jones, Ranger Mosby, 223; Heatwole, The Burning, 18; Lepa, The Shenandoah Valley, 216; McFeely, Grant, 190-191.
massacred at Fort Pillow….Give no quarter; take no prisoners; make it dangerous to take the life of a black soldier by these barbarians.” Even Lincoln backed this policy to a degree, issuing an order to the effect,

if the enemy shall sell or enslave anyone because of his color, the offense shall be punished by retaliation upon the enemy’s prisoners in our possession….For every soldier of the United States killed in violation of the laws of war, a rebel soldier shall be executed; and for every one enslaved by the enemy or sold into slavery, a rebel soldier shall be placed at hard labor.

The true brutality witnessed in the American Civil War, in the end, can be squarely laid at the feet of Southerners and the Confederacy, as the culture and society they were fighting to maintain was one wholly founded on ruthlessness and dehumanization while the Federals were waging a war in order to humanize an entire race of people.\textsuperscript{91}

In the American Civil War, Philip Sheridan’s systematic destruction of the Shenandoah Valley and William Sherman’s march through South Carolina starved the Confederacy and took the war to their untouched, interior homelands. When these two campaigns are coupled with Ulysses S. Grant’s menacing fight to exact the greatest losses possible on the manpower of the Southern armies while preventing them from reinforcing against Sherman and Sheridan, the Union acceptance of total war is frighteningly apparent. The South lost the ability to wage war, in both food and men, which was exactly Lincoln’s intention when he agreed to the campaigns. Grant, Sherman, and Sheridan understood the true nature of revolutionary warfare, that the struggle was

between two ideologically-entrenched peoples rather than between two armies that left their blood and destruction on the battlefield. By mid-1864 they had decided to wage a terrible war on the Confederacy and the three celebrated Union generals each did their part to make war, and life, hell for the southerners.\textsuperscript{92}

There are counterarguments that the Civil War did not reach the level of violence and destruction seen in World War II or other modern revolutions and thus does not rise to the modern conception of “total war.” Southern civilians were not targeted or exterminated systematically; only select areas were singled out for total destruction, and soldiers on both sides generally respected the lives of civilians they crossed. Despite these reservations, in each category, there are numerous examples of both Union and Confederate armies breaking the strictures of “civilized” warfare and targeting civilians and non-military assets explicitly. The question then becomes one of degree, and defining the tipping point. As can be seen, if the Union’s fight is excluded, so must much of the

\textsuperscript{92} Official Records, Series 1, Vol. XVII, Part 2, 261; McPherson, Second American Revolution, 38-39; John Bennett Walters, “General William T. Sherman and Total War,” Journal of Southern History 14 (1948): 463, 470; McFeely, Grant, 165, 168, 173, 177, 188; McPherson, Battle Cry of Freedom, 743; McFeely presents Grant, understanding the modern struggle he was fighting, as a butcher throwing men into the meatgrinder in a conscious, relentless war of attrition. For the counter-argument, see Edward H. Bonekemper, A Victor, Not a Butcher: Ulysses S. Grant’s Overlooked Military Genius (Washington: Regnery Publishing, 2004). Bonekemper makes a good point that Grant, while losing thousands, in most cases lost fewer men than the reckless Lee both overall and in individual battles. But, it is a difficult proposition to sustain in light of the fact that Grant’s strategy and practice of total war does suggest a deliberate move towards attrition warfare in practice if not intent. Bonekemper, A Victor, Not a Butcher, 269. Brooks Simpson and Jean Edward Smith both take the middle road and argue that while Grant did not want to see wave after wave of Federal troops fall, his aggressive and relentless warfighting style led to just such casualties. This led to Grant’s embrasure of siege warfare as a slightly less-bloody, but necessary path. Simpson, Ulysses S. Grant, 272, 330-332, 391, 457-464; Jean Edward Smith,, Grant (New York: Simon and Schuster, 2001), 14-18, 364-365, 520. See also McPherson, This Mighty Scourge, 110-113.
French Jacobins. Even in the mass wars of the twentieth century, distinctions between combatants and civilians never completely broke down. As in all modern warfare since the French Revolution, there were examples in the extremes, but just as many, if not more counterexamples of that wall standing strong.  

When compared side by side with the ideology-driven violence and fanatical rhetoric of the French Revolution, which most modern observers rate in the ranks of total war, the American Civil War does not appear as any less extremist, any less fierce, or any less jacobinical in its leaders’ pursuit of victory. While the argument can be made for both cases that the official rhetoric was mere hyperbole on the part of generals and politicians and the reality was much less fervent, bloody, and charred, the language is a key to participants’ state of mind. Both the Jacobins and the Radical Republicans called upon the specters of revolutionary justice and played upon the fears of their people with a large dose of paranoia. In both cases, the military, career and political, followed the course directed by the central governments with ruthless efficiency. When their early attempts to subdue their enemies failed, their strategy and tactics became increasingly more violent and repressive. While they began wars to break the backs of small

93 The best short argument for the Civil War not reaching the level of total war is Neely, “Was the Civil War a Total War?” Neely notes the limits of Civil War violence when compared to that of World War II, but by his own admission and definitions, not even World War II rose in destructiveness to his definition of total war; Neely, “Was the Civil War a Total War?,” 441. See also Neely, The Civil War and the Limits of Destruction in which the author argues that the only when differences of race came into play on the battlefields did true viciousness erupt in the Civil War. Neely, The Civil War and the Limits of Destruction, 36-37. See also Mark Grimsley, The Hard Hand of War: Union Military Policy Towards Southern Civilians, 1861-1865 (New York: Cambridge University Press, 1995); and McPherson, This Mighty Scourge, 124-129.
movements, within years, if not months, the intensity and ferocity spiraled higher until
the goal was the total destruction of the rebellious regions and peoples.

There can be no determination of which example, the French Revolution or the
American Civil War, was in the end the more brutal in its blind pursuit of victory for its
ideology. The war in the Vendée was a civil war inside a revolution fighting a larger
external war for survival. By the outbreak of violence in the French countryside, the
Jacobins had long before turned to revolutionary forms of violence and justice, and in its
context, the levels of violence were not unexpected. Whether or not valid, Jacobins feared
for their own survival and were fighting their perceived enemies in their own heartland.
On the other hand, after a meager start, the Union Army leadership made a conscious,
calculated decision to inflict the maximum toll possible on a rebellious region and
destroy its peoples’ very ability to subsist. The political leadership in the North convinced
themselves that if left undefeated the South would not only rise again, but rise to enslave
the North. To that end, Radical Republicans determined that the military had to destroy
the Confederacy, its manpower, and its infrastructure so thoroughly that it would have to
be rebuilt from its ashes.

Historians have accused the French in the Vendée of prefiguring the mass
genocides and warfare of the twentieth century, and while the final toll makes the former
argument difficult to sustain, the total war nature of the Vendée does suggest modern
war. At the same time, the American Civil War has its own links to the great violence
witnessed in the twentieth century. Lee entered the war with Napoleonic conceptions of
warfare, marching column after column of men into walls of minie balls. But, Grant’s
development of attrition and mass-scale trench warfare seen during the year-long siege of
Petersburg, as well as his earlier movements against Vicksburg, however, eerily suggest the ghastly images of World War I. At the same time, the movements of Sherman through Georgia and the Carolinas suggests the maneuver and armored warfare of World War II and Sheridan’s 10,000-strong cavalry flying down the Shenandoah Valley represents a sort of horse-drawn blitzkrieg. Finally, in both cases, the Vendée and the Civil War, the long-running partisan war conjures images of modern insurgency movements.94

In terms of death and the final toll, there is little comparison. In the Vendée there was an army of some 50,000 rebels who were cut down in retreat as well as those caught by the following colonnes infernales, reaching a total of as many as 117,000 victims. In the whole of the Terror, perhaps another 50,000 can be added. The Civil War, on the other hand, was over and above more deadly. Bursting forth from a society for which political violence in any form was anathema, the Union Army progressed in a very short amount of time, with the help of a European-bred radical ideology, to extreme forms of warfare and brutality. With some 2.1 million northerners under arms, the war eventually led to the deaths of some 620,000 soldiers from both sides, as well as an estimated 50,000 civilians. The mortality rate Federal troops inflicted upon the South were higher than any nation in World War I and nearly all of World War II.95


95 Secher, Le génocide franco-française, 208; Neely, The Civil War and the Limits of Destruction, 210-213; James M. McPherson, Crossroads of Freedom: Antietam (New
In the end, Jacobins in both France and the United States unleashed internal total war on a massive scale, attempted to burn and destroy entire regions, fought a ruthless guerrilla war, and saw the countless deaths of their own citizens. Placed in this context, the two events are exceedingly similar. In a fight to impose their ideals and beliefs on a diametrically opposed society, and locked into a mindset convinced that in failure their own annihilation awaited, it is not surprising how far the war went. With their enemies defeated, all that remained for the French and American radicals was to rebuild their societies into the Republics of Virtue they had constructed in their minds. In that struggle, they would face an entirely different type of enemy, one which could not be defeated on the battlefield.

York: Oxford University Press, 2002), 177, n56; Faust, This Republic of Suffering, XII, 3-4, 255.
CHAPTER 5

THE GHOST OF THE GRACCHI

Confiscation, Redistribution, and the Threat of Agrarianism

During a debate on a 160 acre homestead proposal before Congress in 1852, Whig representative Richard Bowie of Maryland proclaimed,

From the hour this bill becomes law...other minds and other men, more generous and benevolent than these—dearer friends of the people—will rise up and offer a larger boon for the public favor and public gratitude. I regret to say, Mr. Chairman, that the only precedent to be found for this legislation, is to be found in the decay of the Roman Republic, and there we find it staring us in the face in its most formidable and revolting features. Yes, this bill is in principle a repetition of that agrarian law which was reenacted by Gaius Gracchus.

Bowie traced the successive laws that the Gracchi family pushed through in their power as Tribunes of the People and how they led to the eventual downfall of Rome. With such disastrous calamities awaiting those who had before attempted to provide land for the landless, he concluded, “Let us not fail to be instructed by history.” In response, Joseph Chandler of Pennsylvania replied, “Sir, let me say that this cry of ‘agrarian laws’ are inapposite. By agrarian laws, people are led to understand a legislative attempt forcibly to equalize the possession of lands. Sir, no such attempt is made in this bill....Gaius Gracchus only undertook to divide the public lands.”

---

1 A version of this chapter was presented at the 2008 Organization of American Historians annual meeting in New York City. I would like to thank David Prior and Alison Effords for organizing the panel, Barbara Krauthamer for her introduction, and David Quigley for his excellent and helpful comments.

2 Congressional Globe, 32nd Congress, 1st Session, Appendix, 480.
Nearly two thousand years after Tiberius and Gaius Gracchus met their deaths, the ideas they proposed continued to haunt the political halls of the Western world. They had sought to implement a social welfare system for the destitute, a system which would ensure that the lowest common denominator in society would live with a modicum of dignity. Since that time, elites have played upon the ghost of the Gracchi, that is, widespread land reform and redistribution, as the most radical form of power realignment, one which threatened the very nature and fabric of society. Compounding these fears, every modern revolution has had to contend with cries for the implementation of Gracchian proposals for distribution of land to the destitute.

Both French and American Jacobins had to address these concerns during their land reform debates. Their opponents accused them time and again that what they were attempting was so radical that it marked a revolutionary break with the very revolutions themselves. These two cases, however, illustrate the opposite: in contrast to the violent reformation Jacobin radicalism wrought through its total war mentality, its ideological conceptualization of land reform displayed moderation. If terror and total war were radical revolution gone awry, land reform was the domain of bourgeois liberalism and legal restraint. Nowhere else were the moderating forces of either European or North American Jacobins so apparent.

Contemporaries and historians have accused both the Jacobin Club in France and the Radical faction of the Republican Party in the United States of attacking the rich, pandering to the poor, and demanding the outright equalization of property. The large majority within both the Radicals and Montagnards, however, though relatively small groups themselves, were ideologically far afield from any fringes among them that
proposed agrarianism. In fact, extreme, proto-communistic proposals for widespread confiscation and the equal redistribution of wealth were rarely, if ever, proposed, let alone forced into law. Their rhetoric aside, the revolutionaries in both Europe and North America were high-minded and doctrinaire reformers, but they were also legalistic, bourgeois liberals when it came to property. They were willing to implement social justice and welfare when and where necessary, but unwilling to attack the overall sacrosanctity of property rights or act completely outside existing legal dictums—things which to them defined society itself.

Thus, while American reformers proved willing to redefine property rights to exclude slaves, they would be unwilling to further whittle away at the concept to take away landed or other forms of property from rebellious Southerners without a legal process. In the same sense, French revolutionaries would justify stripping nobles of their inherited, unearned property but would keep that of the bourgeoisie sacrosanct. The confiscation of property proceeded, then, within tight legal bounds and only applied to those who were in direct conflict with “the will of the people,” as defined by the legislature, and still then only under specific circumstances. Similarly, redistribution was never designed to be a handout to the poor, but a system of sales and auctions crafted to prevent land monopolies, ensure low prices, and fill the state coffers. The much-feared ghost of the Gracchi was little more than a shadow over men trying to find a means of ensuring justice, equality, and a democratic society in a world increasingly dominated by the rich and powerful.

This chapter explores these radicals’ legislative proposals and debates concerning land reform within their respective representative bodies at the height of their
revolutionary moments. The first section describes the ideology of virtue and free labor—first of the Jacobins and then the Republicans—as it relates to property rights and the idea of land as the basis for freedom. This discussion is intended to show that the two groups had shared hopes and aspirations. Above all, they believed in the rule of law and were obsessed with notions of legality, wholly unwilling to contravene certain precepts without finding legal justifications or reinterpreting statutes to create them; they had to make their proposals fit within both of their existing belief structures of liberalism and radicalism.

The second section applies the ideology of free labor and virtue described above as a baseline to examine the specific French and American debates and legislation on the confiscation of private property and the ways it was and was not the anti-capitalist ghost of Gracchian agrarianism. Beginning with the French conversion of Catholic Church and royal lands into bien nationaux (national properties), this debate leads into further deliberations on confiscation by Maximilien Robespierre and the Jacobins, ending with Louis Antoine de Saint-Just’s construction of treason that stripped traitors of all rights of citizenship, including that of private property. In the United States, the debate began with the early confiscation measures, including the direct tax, and then moved on to the more extreme policies of Thaddeus Stevens and George Julian that were very similar to what Louis Antoine de Saint-Just had proposed seventy years earlier. These measures, however, failed to become law because of Abraham Lincoln’s theoretical construction of the war and denial of Confederate belligerency.

The final part concerns the debates and laws on the redistribution of confiscated land, focusing on the restrictions placed upon sales, auctions, and free land, as well as the
failure of many of these projects. In France, prices were driven up by rising inflation and
a rush on the available lands, so those intended to benefit from them were unable to
purchase tracts even at bargain prices. In the U.S., the assassination of Lincoln and the
opening months of Andrew Johnson’s administration ended whatever meaningful chance
had existed for land reform in favor of freedmen. In both cases, though, there were many
who did not have land before that found a way to acquire it, and, in France especially,
purchases of confiscated land tied buyers to the revolution itself by giving them an
investment in its future.

Though the content of the debates varied and leaders came to different
conclusions, the context, driving forces, and general discourse of the land reform debates
in both Paris and Washington can be viewed as essentially the same: how to punish a
rebellious class of citizens, whether émigrés or Confederates, in order to ensure that their
previous grip on power would be severely diluted, while at the same time raising finances
for the central government and providing the landless the prospect for a better life.

Ideology and the Gracchi
Free Labor and Property Rights

In both France and the United States, the concept of “free labor,” in its
relationship to land reform, developed to mean generally the same thing. It was an idea
that revered the life of the small freeholder and middling farmer as the path to true
independence. Once a man acquired a modest amount of wealth through trade, wage
labor, or other means, he would buy a tract of land and use that purchase to guarantee his
future livelihood. As an independent freeholder, he would be removed from the yoke of
subjecting himself to the economic rule of another. From that point, though, the concept
diverged on the different sides of the Atlantic. In France, the major roadblock in free labor ideology was access to land itself, while in the United States, where western lands were plentiful, the idea had to contend with unfree labor.

The idea of “free labor” during the era of the French Revolution became intimately tied to a novel construction of property rights espoused by many who would serve as deputies of the Third Estate in the Estates General, the National Assembly, and succeeding revolutionary legislatures. In the decade before the Revolution erupted in 1789, these men tried to theorize a way to free up land for sale in a state in which the nobility and Church laid claim to the bulk of arable soil and grazing lands. As early as 1782, future deputies of the Gironde argued that property must be redefined from a natural right to a social right.

These future revolutionaries argued that aristocratic patents on land were illegitimate because nobles had not earned the lands they held. Instead, they had acquired them through generations of inheritance, beginning with royal grants and ancient rights, and protected through a natural rights conception of property that was absolute and unalterable. Under their reconceptualization, the prospective Girondins maintained, first, that society had the right to redefine property rights as it saw fit; specifically, they suggested only hard work and diligent effort could guarantee the right to property. Thus, the government could justly and legally force the landed nobility, who had not worked for their wealth, to sell their property, if not strip it from their hands outright, so that
members of the bourgeoisie could purchase it through funds earned by hard work and thrifty living.\(^3\)

At the same time they argued for the dismantling of noble property rights, they bolstered their own claims to the right to property. They contended that while ennobled properties could fall through ideological technicalities in the law, those of the bourgeoisie could not because they were duly earned. Their theories, then, were grounded in both liberal economic, free labor ideology as well as law that rested upon novel interpretations. When the Revolution exploded in 1789, the theoretical duality the future federalists had developed for the right to property would come into fruition and define the Revolution itself as the revolutionaries struggled to find a balance between social and political rights, between revolutionary justice and legality.

These revolutionaries’ preoccupation with the law, moreover, was demonstrated by their chosen professions: lawyers, magistrates, and judges made up the single largest group among the deputies of the Third Estate, where roughly two thirds had some legal training. In fact, legal scholars were the most eminent of the parliamentary leaders who emerged in the first year of what would become the National Assembly, more so than even the men of letters. They gave the early Revolution a juridical character, both in culture and mode of thought, and the Revolution never shed its legalist shroud even as those deputies who created it were devoured by it.\(^4\)


Even among those considered the most extreme radicals in the government, legality remained a paramount issue. Jacobin conceptions of social justice might have been more advanced than those to their right, but they continued to restrain themselves within the legalistic web constructed by their predecessors. Robespierre and his followers believed that governments existed not only to provide a legal foundation to societies by regulating commerce, providing protection, and setting the rules and duties of citizenship, but also to ensure men were not stuck in poverty and dependence. Jacobins, along with the rest of the revolutionaries, saw freedom as independence and self-sufficiency, and they would use government and law to create that independence if necessary. Following the Girondin lead, Robespierre argued that property was a social rather than a natural right: while private property was guaranteed by law, it would henceforth be limited “by the obligation to respect the rights of others” and must never conflict with “the liberty, the existence, or the property of our fellow men.” Acting outside of these new limits was “illegal and immoral.”

Despite such talk, Robespierre was no agrarien, nor a compatriot to the wily radical Gracchus Babeuf, née François-Noël Babeuf, who hoped to confiscate all property and redistribute it equally. Such accusations and machinations, according to Robespierre, were the work of aristocrats and monarchists who “dare[d] to impute the absurd project of the agrarian law to the friends of liberty.” His ideas were always limited enough to stay within the mainstream of the Jacobins and the Convention as a whole,

---

even before the purges of 1793 and 1794 eliminated moderate and then Girondin opposition.

While Robespierre disdained the rich and feared the power inherent in great concentrations of wealth, he called the equality of wealth “a chimera” and something that was “essentially impossible in a civil society.” His hope was to see those with wealth use it to help the most destitute out of social responsibility and civic virtue. Though he threatened the nobility often, he would never use the power of the state to coerce landlords, businessmen, or any other good bourgeoisie, except when dealing with wartime rationing; for him economic justice was an issue of morality rather than legality, even if those two would co-mingle in the Terror.¹

To that end, the rump constitution of 1793, passed and then immediately suspended by the National Convention, guaranteed to each citizen the right to dispose of all property “as one sees fit.” At the same time, it defined “communal happiness” as the goal of society, and assured the poor of the right to work and to public assistance. One Montagnard, Pierre Philippeaux, noted that if poor families struggled to live on the daily labor of the father, then they would be supplemented from “the pocketbook of the rich” as a helping hand. Another Jacobin, Marc-Antoine Baudot, put it in Biblical terms:

We wished to apply to politics the equality that the Gospel accords to Christians. We did not on that account want the equality of property or the agrarien law, because nowhere does the Gospel say that one must share one’s wealth with one’s neighbor. But it does say everywhere that one must help one’s neighbor in his needs.

This suggestion that those with means should help those without out of a sense of virtue, while never being codified into a national law, would later be applied as if it were by zealous Jacobins in several regions outside of Paris.\footnote{Philippeaux and Baudot quoted in Ozouf, “Montagnards,” 387-389.}

Outside of Lyons in the department of the Loire, \textit{représentant en mission} Claude Javogues followed the party line almost to the word, and he was probably the most ultra-revolutionary member of the government in the region. He felt that equality was the truest tenet of the Revolution, and that the government owed to all men a guarantee of bread and work. At the same time, he declared that the equality of wealth was an impossibility; those of extraordinary wealth were the enemy, not the \textit{propriétaires}, but the \textit{gros propriétaires}. Javogues’s ideal man was the small freeholder: “We sequestered a lot of property. By dividing it for sale, the people will be able to become property owners, and it will be only in our country we shall have the republic of name and effect.” He continued that the idea was “justice and impartiality: there is the condition of Republicans, humanity, beneficence, friendship, brotherhood, and the destruction of all the enemies of the \textit{patrie}.”\footnote{Javogues quoted in Colin Lucas, \textit{The Structure of the Terror: The Example of Javogues in the Loire} (New York: Oxford University Press, 1973), 92, 93; Lucas, \textit{The Structure of the Terror}, 90-93.}
Such beliefs were part of a second redefinition of the rights of property beginning under the National Convention in 1793. After the Girondins had successfully made their argument for a social construction of property rights in order to disenfranchise the nobility, they realized that the rhetoric of equality might eventually lead to calls for the equalization of property. To that end, when they came to power, Jacobins and Girondins worked together to ensure property was protected. First, under a motion by Georges Danton, they declared that “all territorial properties would be maintained without exception.” This was later reaffirmed and strengthened by a second law that criminalized, under pain of death, the mere proposition of an agrarian law, even though serious discussions of expropriation were already rare even amongst Jacobins.  

By April 1793, the Convention as a whole settled upon a new natural law construction of property rights, arguing that they were sacrosanct and untouchable so long as property was earned, exactly the definition which the Gironde had devised in the 1770s. This re-redefinition, however, was accompanied by a demand for progressive income taxation in order to fund the state’s support of the destitute, something that before had been an anathema. For example, in the Department of the Loire, authorities ordered cities to draw up lists of the indigent and the extremely wealthy for a taxe révolutionaire. The wealth of married men over the first 100,000 livres and bachelors worth over 50,000 livres was siphoned to provide for the poor in relation their capacity for work and according to their needs. In other words, there were remnants of the social construction of property rights within the neo-natural rights doctrine. It was an extremely rigid definition.

---

of property rights that still left room for the social welfare state. The development and establishment of this free labor-informed construction of property rights in France would shape and guide the concurrent and future debates over land reform and redistribution.\textsuperscript{10}

In the United States, the idea of free labor, the central tenet of what would become Republican Party ideology, also developed based on the ideal of a self-made, independent freeholder. Republicans believed that a man should work under wage labor until he could afford to purchase his own plot, at which time he would become self-sufficient, independent, and virtuous. Western lands guaranteed that all men could reach this level of freedom and become economically independent with time and hard work; this idea eventually developed into a larger concept known as Free Soil.\textsuperscript{11} This was set in contrast to what was seen as the aristocratic, unfree system of the South, where men worked hard until they could afford to buy slaves, at which point they themselves no longer labored. The free soil movement hoped to prohibit slavery in the western territories, so that free men could gain property and independence there, rather than allow it to become corrupt like the South. In free labor worldview, then, property rights played a central role as land ownership became the measure of a man and his road to true freedom.

\textsuperscript{10} Lucas, \textit{The Structure of the Terror}, 282, 290-292.

Homesteading, a key idea of within Free Labor ideology, sought to provide those unable to progress within the traditional free labor system a chance to receive a western land grant in order to relieve the population burden in northern cities and ensure the cycling of wage earner to land owner would continue. While Congressman Bowie and others attacked it as a neo-Gracchian plot to pander to the rabble, free labor proponents defended it not as agrarianism, but true independence for those unable to find it in the east, where land prices were high and available tracts were few. Determined to correct the misconceptions of the plan, future Republicans went on the defensive, using strong language to counter the charges of men like Bowie.

Newspaperman Horace Greeley condemned those who spoke of homesteading as a war on property, arguing that “Jacobin ravings…against the Rich, or the Banks [could not fix] the distress of the poor” but an opportunity for a fresh start in the West might be the key. Indiana Congressman George Julian, one of the most diehard supporters of homesteading, similarly defended the plan, saying it was “no leveling policy, designed to strip the rich of their possessions.” It was not “agrarianism” or “demagoguism,” but a measure to ensure that the earth would be worked by men who need it to survive, rather than given away to corporations and speculators who would use it to create a new land monopoly. Illinois Congressman Richard Yates continued, “the measure is not agrarian. It does not take your property and give it to me… It does not bring down the high, but it raises the low.” In other words, Republican ideology preserved property rights as sacrosanct, but public lands would become available for those in need, in order that they might raise themselves out of wage labor and into the independent middling classes. Free labor proponents saw their plan as creating a social welfare system to provide for the
destitute mired in wage labor, much like what the Jacobins had imagined in France, but that had never developed in the United States.\textsuperscript{12}

Though much of the moderate and conservative rhetoric in favor of homesteading was racist, its originators, many of whom would become the core of the Radical Republicans, argued that it was a system open to all, black and white alike. They believed it would form a counterbalance to slavery, showing Southerners that former slaves could earn their own way in freedom and independence. Voting their convictions on an 1854 measure to restrict homesteading to whites, many future Radicals formally registered their dissent against the measure. In this group were Galusha A. Grow, the “father of the homestead law,” Elihu B. Washburne, Salmon P. Chase, William Henry Seward, Charles Sumner, Benjamin Wade, and Hannibal Hamlin. In 1857, even Lincoln supported the right to open economic advancement by blacks in the West, and, by 1860, most Republicans, despite the racism of many, agreed that blacks deserved equality of opportunity.\textsuperscript{13}

Another key component of American free labor ideology was its legal and constitutional framework. While many abolitionists derided the Constitution and its proscriptive rules regarding slavery, free soilers showed their bourgeois colors by


insisting on pursuing antislavery by legal and constitutional means. Men like Chase saw this legalism as one of the greatest distinctions between themselves and non-political abolitionists. Whether they supported the radical positions of early Liberty men like Gerrit Smith, William Goodell, and Alvan Stewart or tempered ideas based on antislavery constitutionalism and denationalization, those who became the core antislavery Republicans insisted on acting within the law, even if that meant re-interpreting long-established norms. “Freedom national, slavery local” became their mantra, and they were determined to disentangle Southerners from their eighty-year grip on the federal government and interpretation of the Constitution. To this end, they emphasized the legally binding force of natural law, a Republican import from radical abolitionism, and it informed their entire antislavery constitutional debate; Radicals took the moral notion of “ought” and converted it into a legal “must.”¹⁴

Eventually, a majority of Republicans agreed that the natural rights doctrines of the Enlightenment outweighed absolute property rights. They argued slaves were not property because they were human beings. Congressman Charles Francis Adams argued that “it is not a good sign when the tendency of public men is to set up property…above the higher sentiments of humanity.” Republicans came to believe property rights were the domain of politics and not completely sacrosanct. Rather, they followed Kentucky Senator Henry Clay’s 1839 dictum, “what the law declares to be property is property.”

Southerners, and even some of the more conservative Republicans, not surprisingly, saw such declarations as presaging the rise of a radical northern agrarianism.\textsuperscript{15} Radical Republicans did not allay those fears, following the French Revolutionaries in declaring all property rights social and legal constructs. If the South could use the government to solidify their property in slaves, then Republican government could dismantle those rights just the same. They argued that there was no ‘natural’ right to property because property rights were flexible and changeable at the whim of a democratic society, within moral constraints. Thus, in 1837, abolitionist Henry Stanton contended that property rights were not sacrosanct and society had always had the right to regulate property and transactions. He noted, “This has never been considered as any violation of private property.” Abolitionist author Richard Hildreth similarly suggested in 1840, “Property, it is to be recollected, is a thing established among men by mutual consent, and for mutual convenience.”\textsuperscript{16} Like the Jacobins and Girondins before them, these men believed property rights were useful conventions created to stabilize society, and while economic betterment and growth was justification for one set of rules, “justice” could form the foundation for a


\textsuperscript{16} Henry Stanton, \textit{Remarks of Henry B. Stanton, in the Representatives’ Hall, on the 23\textsuperscript{rd} and 24\textsuperscript{th} of February, 1837...on the Subject of Slavery}, 5\textsuperscript{th} Edition (Boston: Isaac Knapp, 1837), 20; Richard Hildreth, \textit{Despotism in America; or, An Inquiry into the Nature and Results of the Slave-holding System in the United States} (Boston: Whipple and Damrell, 1840), 55; Huston, \textit{Calculating the Value of Union}, 104, 112.
new definition. Thus, in the end, the Republican conception of property rights based on free labor was much like that of their French forbearers; property was guaranteed so long as it was not in conflict with justice or virtue. When there was a conflict, the benefit of the doubt, as in France, was granted on the side of justice. Thus, Lincoln contended that Republicans “are for both the man and the dollar, but in cases of conflict, the Man before the dollar.” Republican liberalism would bend as necessary to encompass the virtue of radicalism, but what exactly defined virtue or virtuously acquired property would be the debate that helped drive both the French and Americans in their attempts to adjust their definitions of property rights.¹⁷

---

Agrarian Potential
Confiscation and the Redefinition of Property Rights

Confiscation began in France as a voluntary act. On the night of 4 August 1789, noble after noble walked to the podium in the newly created National Assembly and renounced their own seigneurial rights, gripped under the spell of “a kind of magic.” While these selfless renunciations of privilege were revolutionary in and of themselves, they did nothing to alleviate the debt burden inherited from the monarchy, the solvency of which the deputies had agreed to uphold. Between August and September, the mounting loan payments threatened to default the state, and forced a debate over how to ensure the finances of the government. From the beginning, the one proposal that

---

continued to emerge was the nationalization and sale of Catholic Church and royal holdings, the two largest concentrations of land in France.\footnote{Archives Parlementaires, 8:354-355, 8:369-370; Tacket, Becoming a Revolutionary, 172, 180.}

On 10 October 1789, Charles Maurice de Talleyrand-Perigord, nobleman and nominal Bishop of Autun, formally motioned that the state confiscate the lands of the Galician church. He reasoned that its lands were not held in the same sense as other private property. In reality, he continued, these were properties given to the clergy by the state for the performance of official functions and to pay for its officers. Because the Church was a mere steward to the wealth it controlled, its lands were subject to repossession for the necessity of the nation. One Assembly moderate, Antoine Barnave, seconded that the clergy “only exists for the service and utility of the nation…[they] exist by the nation, so the nation [if it so chooses] can destroy it.” The legality of such a move had much precedent, as Catholic Austrian Emperor Joseph II as well as Protestant German and Scandinavian princes and England’s Henry VIII had all taken such measures when their states were at fiscal risk.\footnote{Archives Parlementaires, 9:398-404, 423; Barnave quoted in Simon Schama, Citizens: A Chronicle of the French Revolution (New York: Vintage Books, 1989), 489; Tacket, Becoming a Revolutionary, 204; Schama, Citizens, 483; François Furet, Revolutionary France 1770-1880, Translated by Antonia Nevill (Malden: Blackwell, 1995), 81. The second part of Talleyrand’s argument, on the official nature of the clergy, was strong because the French monarchy had long had a great role over the Catholic Church within its borders, including the right to appoint bishops.}

Hoping to stave off fear of a general expropriation of private property by the state, Jacques Guillaume Thouret, a lawyer and Third Estate deputy from Rouen, argued that there existed a legal distinction between the Church and individuals. One, a corporation,
was a “fictive” person created specifically for use in legal transactions, while individuals were “real persons.” People “exist independent of the law.” While, “by contrast, corporations exist only by virtue of the law” which “has unlimited authority over all that pertains to them, indeed over their very existence.” He concluded that “the law, having created corporations, can also abolish them.” Thouret also suggested that “moral” corporations such as the Church were different from commercial enterprises, and doubly subject to governmental whim.20

The Church confiscation measure was generally supported on the left and opposed on the right, and the bill avoided defeat only when deputies changed the language to state that Church lands “be placed at the disposal of the nation,” and that the provincial governments be given the right to control and oversee the process. On 2 November 1789, the National Assembly passed the amended measure with neither side sure of victory. The rule on provincial governments had the potential to keep any lands from ever being confiscated and resold, and so the bill was largely meaningless. It did little to end the debate, or the problem, but it began a trend towards a more open and frank discussion of land confiscation.21

By mid-November, the drastic level of the debt burden had become clearer, and within a month the debates on a new confiscation measure became frenzied, with virtually all deputies in Paris attending. The members of the nascent Jacobin Club,


21 Archives Parlementaires, 9:649; Tacket, Becoming a Revolutionary, 204-205, 261; Bergeron, “National Properties,” 511.
quickly becoming associated with the radical left, spearheaded the movement for complete seizure of both crown and Church property, but opposition from many high ecclesiastics forced another compromise. Though the Assembly voted by a wide margin to approve the sale of 400 million *livres* of Church and royal lands and the issuance of promissory notes, *assignats*, tied to those sales, ambiguities remained that would require two more rounds of debate to solve. Finally, on 14 and 20 April 1790, the Jacobins spearheaded the passage of a bill fully nationalizing all Church lands and converting the *assignats* into legal tender. The *assignats* were later buoyed by government confiscations of precious metals to create a specie reserve to back up the notes in addition to landed property.\(^{22}\)

The moral and eminent domain arguments of the Gironde had swayed a majority, but many deputies soon realized an additional benefit: people who bought confiscated lands tied themselves to the Revolution itself because their purchases would most likely be invalidated with the return of the Old Regime. When *assignats* became legal tender, this benefit continued since even the enemies of the Revolution soon found their fortunes tied to the currency of that against which they were fighting. Assembly deputy Abbé de Montesquiou declared *assignats* “will form the link between all private interests and the general interest. Their adversaries will themselves become property owners and citizens by means of the Revolution and for the Revolution.”\(^{23}\)

\(^{22}\) Archives Parlementaires, 12:745-752; Tacket, Becoming a Revolutionary, 261-262, 265-266, 270-271; Lucas, The Structure of the Terror, 284-287.

One year into the revolution, then, the national legislature had voted outright expropriation of Church property without compensation, through a legal process in which many of the highest leaders of the Galician Church participated. While revolutions rarely operate under normal legal conditions or judicial norms, the fact that the French were determined to appear within the realm of legality is significant. Their determination fundamentally stemmed from the majority’s legal background, which not only influenced the Assembly’s culture but its growing ideological bounds as well. The deputies of the National Assembly saw a pressing problem, the looming national debt, and a solution, the confiscation of Church property, and then found a way to justify it within legal strictures and their own ideology.

As the Revolution progressed and despite the legalism of the deputies, many nobles began to fear for their wealth, especially after hearing the logic used by the Jacobins in the Church confiscation debates and the Girondins’ talk of socially constructed property rights. In 1791, the trickle of émigrés out of the country turned into a flood, and on 27 July 1792 the moderate Legislative Assembly attempted to punish those who fled France by decreeing émigré property subject to confiscation. This act was followed by others on the confiscation from those convicted under the Revolutionary Tribunal, condemnation of émigré’s relatives’ property in November 1793, and that of citizens of enemy nations in 1794. Eventually, when pre-trial suspects turned to suicide to escape the guillotine and allow their properties to pass to their heirs, such an act was legally defined as a tacit admission of guilt.24

---
In order to justify such actions in accordance with the protections of private property in the 1789 Declaration of the Rights of Man and of the Citizen as well as the reaffirmation of that sentiment passed at the inauguration of the Republic in September 1792, Convenionnels returned to their legal and ideological hairsplitting. The solution, developed by Jacobin ideologue Saint-Just, was to strip counterrevolutionaries—a category into which émigrés had already been placed—of their citizenship, placing them outside of the body politic and the rights and protections it offered. This construction, first suggested on 13 November 1792 in order to justify the King’s execution without trial, gave the Revolutionaries a powerful weapon against traitors: those who acted against the Revolution were hidden aliens among the virtuous French people waiting to be discovered, and they therefore had never been true citizens and did not possess the rights inscribed therein. They had no protection from the government, no civil liberties or rights, and were denied even the right to trial. Such traitors at best had only the right to appear before the Revolutionary Tribunal before a swift execution and sale of their assets.\(^25\)

The new laws redefined property “of patriots” as the only type which was “inviolable and sacred,” thereby making property rights and patriotism interdependent. It was a method to universalize property ownership while freeing up the land of émigrés and counterrevolutionaries for sale and, simultaneously, allowing the landless to become freeholders and supporters of the Revolution through the purchase of national property.


\(^25\) Furet, Revolutionary France, 117; Jordan, The Revolutionary Career of Maximilien Robespierre, 189.
At the same time, the Jacobins secured with unanimous consent among moderates and radicals a law banning any discussion of agrarianism. Approved 18 March 1793, the law provided the death penalty for “whoever proposes an agrarian law or any other law which subverts territorial, commercial or industrial property.” The idea was to secure revolutionary unity, undercut those who were betting on anarchy to improve their own lot, and, finally, provide absolute assurance to private property owners because without that, no one would buy into the *biens nationaux.*

Thus, by March 1793 the Jacobins had secured a redefinition of property rights. They absolutely guaranteed the rights of good, virtuous bourgeois citizens, while punishing those defined as rebels, creating a vast expanse of land into which citizens could buy, and destroying the land monopoly which had controlled real estate under the monarchy. Moreover, the sales of that land would provide a sustainable method of funding the revolutionary state and tie an entire generation to the future of the revolution itself.

Like their French forbearers, Republicans in Congress in 1861 entered their crisis under a growing financial burden. While they followed numerous avenues in order to meet the needs of the state coffers, Radicals quickly saw the confiscation and sale of rebellious Southerners’ lands as a possible source of revenue as well as a just way to

---

punish them. Like Jacobins in France, however, Republicans were a legalistic, bourgeois group of men who were unwilling to expropriate property without justification or compensation. As the war progressed, they became more willing to acknowledge seizures as a viable, just punishment, but the legal framework they created was lengthy, complex, poorly enforced, and failed to progress as far as did that of their French counterparts as the end of the war ended their ability to lead the debate.

When the war began, many Republicans saw it as the perfect opportunity to create the Free Labor world they had theorized in the 1840s and 1850s during the Free Soil movement. To that end, in May 1862 they passed the Homestead Act, providing freehold title on up to 160 acres of public land for anyone willing to travel west, except those who had “borne arms against the United States Government or given aid and comfort to its enemies.” Southerners thus disallowed, the law otherwise required a filed application and fee of ten dollars, improvements made upon and residency on the land for five years, and finally filing for a deed of title. While the Homestead Act was seen as the culmination of a major party plank and a chance for northern laborers and freedmen to begin their new lives, Radicals saw it as only a beginning. Their sights were already trained upon reformation of the South.

Radicals and their abolitionist supporters saw the war as an opening to destroy not only slavery but southern social, cultural, and political domination, to level the old ruling class and erect a new, democratic electorate. Almost immediately after the war began,

27 See Richardson, The Greatest Nation on Earth concerning Republicans’ other fiscal policies in trying to deal with the growing budget shortfalls brought on by the war.

28 U.S., Statutes at Large, XII, 392-393.
radical abolitionist William Goodell demanded Congress confiscate all rebel lands and redistribute them to freed slaves. Activist and Radical Republican sympathizer Wendell Phillips declared that “The whole system of the Gulf States [must] be taken to pieces….The war can be ended only by annihilating that Oligarchy which formed and rules the South and makes the war—by annihilating a state of society.” For such men, one of the first places to start this revolution was to break the large landholding class by confiscating their property. At the end of the first year of the war, even the Democratic *New York World* demanded that two thirds of rebel plantations be confiscated and divided between blacks and soldiers.\(^{29}\)

Despite such growing calls for measures to punish the South, moderates forced Radicals to compromise from within the party. Led by Lincoln, moderates argued that the war was merely a police action; thus, rebels were still citizens with full civil and political rights guaranteed by the Constitution unless duly convicted of treason. The most a majority of Republicans would allow in the early stages of the war was the first Confiscation Act, approved 6 August 1861. It gave Lincoln the power to seize property used in direct aid of the rebellion and freed slaves employed directly either in arms or labor for the benefit of the Confederate government.\(^{30}\) Because the act limited seizure to


property used in direct action in support of the rebellion, most Confederate-owned land remained untouchable. For land that was taken, seizure was limited to the life of the rebel according to Article III, Section 3 of the Constitution, making the act virtually impotent. Like the early Church confiscation debate in France, however, events would force Congress to pass stronger and less ambiguous measures.

At the same time this much heralded, yet nearly useless act was being pushed through Congress, another piece of legislation was approved, but which was largely overlooked. On 5 August 1861 and again on 7 June 1862, Congress levied a direct tax on all property in the United States, including the whole of the Confederate South. It required that each property owner pay a fee in proportion to their holdings directly to the federal government. If left unpaid, a federal court would grant a brief grace period before foreclosure and assessment of an absolute fee simple title to the government. Unlike the lands seized through confiscation, the titles were eternal and beyond repute. Its application, however, was restricted to locations occupied by the Union army as well as where federal courts were established or granted jurisdiction, since Southerners were unlikely to pay a tax to a government they considered foreign.  

Despite the complex and lengthy legal process involved in gaining title, the direct tax was heavily applied in Alexandria, Virginia, and the South Carolina Sea Islands. The islands contained some of the most fertile and rich plantations of the South and in 1862 the Treasury Department seized 76,775 acres of land there for non-payment of the tax.  

31 U.S., Statutes at Large, XII, 294, 422.  
32 Paul Wallace Gates, Agriculture and the Civil War (New York: Knopf, 1965), 363; Oubre, Forty Acres and a Mule, 8.
The direct tax would prove to be the government’s most effective tool for seizing Southern lands because even though it was underused—it accounted for less than ten percent of the land in federal hands at the end of the war—it was unquestionably legal, whereas confiscation entered into many gray areas.

Following the approval of the first confiscation measure and the direct tax, the notion began to sink in that the war would not be over quickly. Many Radicals reacted to this growing feeling by pushing for a more stringent and effective confiscation law, and by late 1861, a majority in Congress were willing to amend the Confiscation Act. By January 1862, no less than seven emancipation or confiscation bills were reported out of committee and became law by the following summer. The most important of these, the Second Confiscation Act, approved on 17 July 1862, enabled confiscation of the property of five different classes of persons found guilty of disloyalty to the Union, as well as declaring the slaves of persons who engaged in or gave aid to rebellion “forever free.” Illinois Senator Lyman Trumbull justified these measures on the grounds that “we may treat [Southerners] as traitors and we may treat them as enemies, and we have the right of both, belligerent and sovereign.” At Lincoln’s insistence after he had registered his dislike for the measure with Congress, a caveat was added that for property other than slaves, seizures under the Act were still restricted to the life of the original owner. The Act also required a longer and more complex court process than even that of the direct tax. Thus, without a clean and clear title in perpetuity, the Second Confiscation Act
rendered impractical any future sales of real property and any motivation for the Treasury Department to pursue claims under it.³³

Even with these limitations, though, had Republicans ruthlessly enforced the Act, it would have freed almost every slave throughout the South and allowed for a thorough reorganization of southern society. In Julian’s estimation, “The war powers of the Government, as asserted and defined in the…Confiscation Act of July 17, 1862, point to a remedy as sweeping as it is just, namely, the military seizure, condemnation, and sale of the real estate of traitors and their abettors.” Even more importantly, in his 1863 decision _U.S. v. the Rights Title and Interest of Hugh Latham_, Federal District Court Judge John C. Underwood vastly reinterpreted the Article III, Section 3 provision limiting seizure of property for conviction of treason to the life of the traitor that Congress added to the Act at Lincoln’s request. Underwood found that because execution for treason was allowed under the Constitution, in capital cases, where the ultimate seizure of a life is made, the government could also take a traitor’s property with “perfect title in the government” in perpetuity. He reasoned that if life can be taken, then returning property weeks after a swift execution would make such cases into farces. In other words,

only in non-capital cases, where the traitor is allowed to live, does the constitutional limitation of seizure of property attach.\(^{34}\)

Despite Underwood’s largely ignored ruling and regardless of how much they pushed and prodded for a vigorous enforcement, the 1862 Act lay relatively dormant and most outright confiscation continued to occur under the direct tax. Though Congress never managed to create a widespread, legal mechanism for confiscation, those actions they did take, when coupled with the increasingly antislavery tone of the war and cries to remove the “kid gloves,” helped push Lincoln to issue the preliminary Emancipation Proclamation in the summer of 1862. While not effecting landed property, the final Proclamation on 1 January 1863 had the de jure result of instantly dissolving billions of dollars in southern capital—by far the greatest expropriation of the war.\(^{35}\)

The final and furthest action Congress took on the subject of confiscation, the Captured and Abandoned Property Act, approved 3 March 1863, was an attempt to compromise the need for a stronger weapon against rebels, while still trying to provide enough wiggle room to satisfy Republican legalistic predilections. It cleared the way for government sale of abandoned lands, a category which represented the vast majority of Southern property in the hands of the federal government. This category of property was generally defined as any land found without tenant and claimed by the army upon

---


occupation. The Act provided that *any* such land could be sold by the Treasury department at auction to the highest bidder, with full title. If, within two years, the original owner could prove his claim and swear an oath of absolute loyalty, he or she would be entitled to the proceeds of the sale, minus any government expenses.\(^{36}\) Like the Confiscation Acts, however, this measure was little enforced, and it was gutted by Johnson’s later proclamation that sales of abandoned lands be halted, giving Southerners a chance to claim their lands before sale. Radicals understandably remained unsatisfied by the pace of progress.

In their inability to enact a real and functional confiscation law, Radical Republicans were not only hampered by a lack of a majority in Congress. Their greatest challenge, and that which was probably holding back many of their colleagues, was Lincoln’s conception of the war. The president insisted, for a variety of reasons, that the war was, in fact, not a war. Declaring the conflict a police action and denying secession allowed Lincoln to use the call to Union as a battle cry, but more importantly, under international law it denied foreign powers the right to take sides. Had the Confederacy been recognized as a legal belligerent, England or France might have intervened or at least openly supplied Southerners. Lincoln’s course, however, was rocky; his actions, including his initial blockade and then closing of Southern ports as well as his treatment of Union-occupied territory—where he had appointed governors—technically conferred

\(^{36}\) U.S., *Statutes at Large*, XII, 820; Not surprisingly, nearly all land across which the army traversed came under the definition of this Act, because it was either captured by force or its owners fled with the coming of the army. The only restraint was whether or not the army could hold the territory.
the status he was trying to deny. Lincoln attempted to walk a fine line, treating the South as a belligerent without admitting that secession was possible.\textsuperscript{37}

Thaddeus Stevens, on the other hand, weighed the benefits of granting belligerency with the downside of admitting southern separatism, and concluded that agreeing to the principle of secession was the lesser evil. This was the context in which his theory of conquered provinces evolved. This was a position that he had developed fully by 1861 and continued to argue in his doctrinaire manner well into Reconstruction; his ideology was virtually unchanged by the progression of the war.\textsuperscript{38}

Accepting Confederate arguments that the South was no longer part of the United States would legally allow the North to treat it as a foreign nation, revoking all Southern land titles and setting the legal groundwork for a thorough and complete Reconstruction as conquered territory. In such a scenario, gone were the constitutional prohibitions on federal interference with state governments or state law, including property rights. He declared that already by 2 August 1861

\begin{quotation}
the time had come when the laws of war were to govern our action; when constitutions, if they stood in the way of the laws of war in dealing with the enemy, had no right to intervene…. Who says the Constitution must come in, in bar of our action? It is the advocates of the rebels, of rebels who have sought to overthrow the Constitution and trample it in the dust…. When a country is at open war with an enemy, every publicist agrees that you have the right to use every means which will weaken him.
\end{quotation}

\textsuperscript{37} Brodie, \textit{Thaddeus Stevens}, 208-209.

\textsuperscript{38} Foner, \textit{Politics and Ideology in the Age of the Civil War}, 128.
Stevens understood that the war must become a violent and revolutionary struggle, and to that end he also saw the necessity of granting the plausibility and legality of Southern secession in order to remove the anti-revolutionary constraints of the Constitution.\textsuperscript{39}

While Democrats as well as moderate and conservative Republicans accused Stevens of choosing to throw away the Constitution in order to revolutionize the South, Stevens was obsessed with legalities. In his construction of the conflict, the Constitution was not being violated because the war was outside and above its purview. The federal government could seize the property of rebels outright because they were no longer citizens under the protections of the Constitution. In his estimation, how could Southerners ever claim the protections of a document that they explicitly rejected as governing their persons. Stevens realized, however, that even though their property was forfeit by the right of military conquest, rebels themselves became personally immune under the rules of warfare. By admitting belligerent status to the Confederacy, as Stevens argued had been done, the North exonerated its leaders of treason because they were the citizens of a foreign, independent state. He even offered his legal services to Jefferson Davis and Clement C. Clay in any future treason trial; once in prison after the war, Davis publicly declined this offer, though, because he understood that while the argument Stevens was making was a good case for his innocence, it was a bad argument for the South.\textsuperscript{40}

\textsuperscript{39}Congressional Globe, 37\textsuperscript{th} Congress, 1\textsuperscript{st} Session, 414-415; Foner, Politics and Ideology in the Age of the Civil War, 128-129; Brodie, Thaddeus Stevens, 152-153.

\textsuperscript{40}Congressional Globe, 37\textsuperscript{th} Congress, 1\textsuperscript{st} Session, 414; Brodie, Thaddeus Stevens, 209, 214; William Ranulf Brock, An American Crisis: Congress and Reconstruction, 1865-1867 (New York: St. Martin's Press, 1963), 24.
According to Stevens’ theory, in granting belligerency to the Confederacy, the lives of the white aristocracy would be spared, but not their society, culture, or livelihood. The South would be recognized de facto and de jure as a conquered province, and the victors would have the right to confiscate all property and deal with the subjugated population as they saw fit, short of capital punishment. Following the end of hostilities, he summed up his argument: “No reform can be effected in the Southern States if they have never left the Union….But reformation must be effected….By treating and holding them as a conquered people. Then all things which we can desire to do follow with logical and legitimate authority.” Stevens was obsessed with legitimacy and legality.

Stevens, moreover, was not alone in his radical views. He was also joined by New York political boss Thurlow Weed, who, on a visit to England, maintained that “we shall treat the South as William the Conqueror did England. We shall divide it into territories, make a military man the governor of each territory, give the estates to well-deserving officers and men.” Wendell Phillips also chimed in that “the war has given [us] the right to annihilate.” Others made similar remarks, but none argued the case with Stevens’s tenacity other than George Julian.

If Stevens was the Robespierre of the Civil War, though, then Julian was its Saint-Just. The Indiana Congressman derided Lincoln’s policy of acting “in such a manner as


shall occasion the least possible inconvenience” towards Southerners. He concluded, “The rebels have demanded a ‘reconstruction’ on the basis of slavery; let us give them a ‘reconstruction’ on the basis of freedom.” He complained that Lincoln’s restrictions on the war and its effects on confiscation were an “anti-republican discrimination between real and personal property when the nation was struggling for its life against a rebellious aristocracy founded on the monopoly of land and the ownership of negroes.” Instead, he suggested that “the Government…should seize all property belonging to traitors….It should deal with the rebels as having no rights under the Constitution, or by the laws of war, except the right to die.” The war was already far from the “domestic tumult” claimed by Lincoln, and any end must result in the confiscation of the property of the vanquished.43

Stevens and Julian, then, along with their cohort, argued throughout the war and into Reconstruction that the conflict was outside of constitutional government and within an uncharted territory where only logic and ideology ruled. Those two facets, combined with their belief in Enlightenment ideals, guided their actions and required they deal justly with the enemy. Their conception of the war as a revolution was similar to that of Robespierre and Saint-Just under the Jacobin Republic of 1793-1794. And within that conception, their first step was the wholesale confiscation of all rebel lands, to be followed by redistribution to former slaves.

In their eyes, confiscation served the dual purpose of destroying the planter class and creating a new class of black and white yeoman farmers, destined to become the new political class of the South. Confiscation, in addition, would punish the rebels, help pay down the debt, ensure pensions for Union veterans, and repay loyal citizens whose property was damaged or destroyed during the war. Stevens, sounding like a free soiler and latter-day Jeffersonian, declared,

Nothing is so likely to make a man a good citizen as to make him a freeholder. Nothing will so multiply the productions of the South as to divide it into small farms. Nothing will make men so industrious and moral as to let them feel that they are above want and are the owners of the soil which they till….No people will ever be republican in spirit and practice where a few own immense manors and the masses are landless. Small independent landholders are the support and guardians of republican liberty.

Wendell Phillips, convinced by Stevens and Julian of the need for land for freedmen by 1866 in order to counterbalance the former rebels argued that “you cannot govern the South against its educated classes, with their social prestige. If they cannot be hung nor exiled, they must be flanked.”

Yet, unlike the Jacobins seventy years earlier, the Pennsylvania Congressman and his fellow Radicals were unable to convince a majority of their colleagues that expropriation en masse was the correct course to follow. Moderate and conservative Republicans agreed that confiscation was a legitimate war measure and legal as it was practiced. But, they felt that outright confiscation violated the sanctity of property rights

44 Congressional Globe, 40th Congress, 1st Session, 205; Phillips quoted in Foner, Politics and Ideology in the Age of the Civil War, 134; Foner, Politics and Ideology in the Age of the Civil War, 134-135.
and feared it may lead to a class-war and an overly powerful federal government.\footnote{Congressional Globe, 38th Congress, 1\textsuperscript{st} Session, 19, 519; 2\textsuperscript{nd} Session, 1025-1026; Riddleberger, \textit{George Washington Julian}, 189; Foner, \textit{Politics and Ideology in the Age of the Civil War}, 131-133.} Then again, had they not been constrained by Lincoln’s politically necessary conception of the war as a police action, many Republicans might have been swayed by the Radicals’ total war argument, especially in light of the methods used by Generals Ulysses S. Grant, William T. Sherman, and Philip H. Sheridan in the final stages of the war. By those standards, all Republicans might have seen the conflict as nothing short of brutal and revolutionary, and they might have then been willing to legitimize confiscation.

In the end, while there was much rhetoric about confiscation of Confederate property, the government did not follow a determined course in its acquisition of southern property. Without a vast holding of land titled to the government and ready to be resold, redistribution could only go so far. Despite numerous laws and attempts, the war ended before Radicals like Stevens or Julian could ever persuade a majority in Congress to stand behind proposals similar to those created under the Jacobin Republic in France. Their failure on these points represented the larger failure of the social welfare ideal in Free Labor ideology in the United States. While a few managed to take advantage of the cobbled-together system such as it was, Republicans never managed to create the larger structure that they had imagined in the 1850s. It is not surprising, therefore, that soon after the war the Republican Party shifted away from its prewar rhetoric of virtue and
morality and instead entered a course on the rails of big business, industry, and capitalism.\textsuperscript{46}

\textbf{The Hollow Ghost}

The Redistribution of Land in France and the United States

Confiscation has always remained the more contentious stage of land reform on both sides of the Atlantic, but to the Jacobins, both American and French, who put faith in the ideology of free labor, redistribution was inseparable from it. In their minds, social justice and bourgeois liberalism together only demanded the taking of property from the disloyal or unworthy because it was necessary to acquire an abundant supply to fund the state and ensure that both the downtrodden were secured from poverty and the counterrevolutionary were no longer a threat. Despite this integral ideological link between the two phases of land reform, in both Paris and Washington many of the coalitions formed in support of confiscation broke apart over how to distribute seized lands. As the debate shifted from the taking to the giving, true-believers and pragmatists clashed over the repercussions of true land reform. In Europe, a more generous and lasting virtue-inspired system was established, while in North America the lack of outright confiscated property and the growing influence of liberal-led, laissez-faire capitalism prevented any real changes from ever taking place.

In France, redistribution of the \textit{biens nationaux} was a point of conflict for the Jacobins and Girondins of the Convention. As people came to see large holders of land as

\textsuperscript{46} For an excellent discussion, especially on the economic legislation, concerning the shift from pre-war Republican rhetoric of virtue and civic goodness to the post-war support of big business, see Richardson, \textit{The Greatest Nation on Earth}. 
tyrannical enemies keeping others in poverty, debates raged over land sales: should the state pursue the best financial course and sell high even if in large tracts, or should it fight for economic justice and guarantee loans on small tracts with limited auctions in order to benefit the small freeholder? Would small farms be able to produce the surpluses of large farms especially needed in a time when famine could strike any year?\(^\text{47}\)

Such financial questions plagued the deputies as they tried to find a middle ground. Early in the Revolution, the state’s coffers drastically needed to be filled with the revenue from sales, but leaders feared that open auctions might drive land prices prohibitively high for those who needed land the most. Despite these concerns, on 1 May 1790 the National Assembly decreed that all sales would be by auction to the highest bidder, payable in twelve yearly installments. This was augmented on 2 September 1792 with a preference for cash sales. Both of these laws had the effect of shutting out the destitute in favor of the highest financial benefit of the state, but this was at the time of the state’s most dire fiscal need.\(^\text{48}\)

When the Girondins and Montagnard Jacobins came to power in September 1792 with the creation of the First Republic, they inherited a revolutionary state whose finances had stabilized thanks in large part to the early land policies. No longer encumbered by looming debt, they revived the free labor conception of land for the landless as a basis for independence and true freedom. Through a series of decrees promulgated in March 1793, the Convention moved towards establishing a policy of


expropriation from the unpatriotic and unvirtuous, who had been removed from the body politic, and appropriation for the virtuous but destitute. Saint-Just argued,

Yes: the nature of things has perhaps led us to results we had not imagined. Many of the enemies of the Revolution live in opulence; needs make the people dependent on their enemies….The Revolution has brought us to recognize this one principle, namely, that whoever has been an enemy of his country cannot own property in that place.  

The following June, the Convention decreed all confiscated properties in the possession of the nation be sold in small parcels, favoring sales to the landless. For communal lands, a second June decree revoked all seizures of commons by nobles and gave each commune the right to vote, with one third needed to pass, on whether to divide permanently these lands equally to all adult residents, regardless of whether they owned land or paid taxes. These laws were extensions of a policy first proposed in April 1790, on the grounds that “property puts an end to poverty” and it finally settled the debate between speculators and homesteaders.  

Following these actions, on 13 September 1793 the Convention announced that all citizens who neither owned land nor paid taxes, would receive a bond of 500 livres in lieu of an earlier rental policy. Valid for twenty years, the bond could be used towards the purchase of confiscated émigré property. This was possible because though the Church lands had been sold, the renewed confiscation measures continued to feed the system. On 3 March 1794, on a motion by Saint-Just and in order to prolong the system even further,

49 Archives Parlementaires, 85:519; Higonnet, Goodness Beyond Virtue, 122.

the Convention decreed that the property of mere suspects would be subject to
confiscation and redistribution to the poor. In other words, far from attacking the idea of
property, Jacobins sought to make it a universal value, accessible to everyone as a
guarantor of freedom, while keeping it from being hoarded by the wealthy and
counterrevolutionary. In line with the original Girondin conception, though, the land was
to be earned rather than given away for free; the bonds merely ensured that those without
the means could make their first few payments. In this way, French policy was very
analogous to the Homestead Act of 1862 in the United States.\textsuperscript{51}

While this new Jacobin redistribution structure went a long way to achieving the
goal of making good bourgeoisie out of landless peasants, many of the confiscation and
sale laws, no matter how strongly worded, were only haphazardly applied. In some
districts, commissioners charged with sales refused to sell any lands or restricted their
sales to non-Church property only; others disliked the restrictions on the size of lots,
ignoring the relevant decrees outright. The 500 \textit{livres} bond measure, which boded so well
for the landless, only succeeded in driving prices up to the point that the bonds were
meaningless to those without other funds. By early 1794, prices on small lots had risen
nearly seven fold from their appraised value. For those in villages with communal lands,
the rules regarding subdivisions were rarely clear and led to great confusion. In total, only
ten to twenty percent of confiscated land actually changed hands.\textsuperscript{52}


\textsuperscript{52} Hirsch, “Terror and Property,” 213; Jessenne, “The Land,” 228, 230-232; Bruguière,
Though they did try to get land to as many people as possible, Montagnard Jacobins proved unwilling to strike aggressively at the embedded methods of agricultural production tied to large farms worked by tenants, and so small scale farming never managed to make an impact. The only real method to break up such preconceptualizations would have been wholesale confiscation and redistribution of all land, but as previously noted, this was well beyond what Jacobins were willing to consider. In other words, Jacobins found a way to confiscate land, but proved unable to implement fully their ideology because of the legal restrictions they themselves placed on the right of property.\textsuperscript{53}

Despite these setbacks, by Robespierre’s downfall and the end of Jacobin rule, many small farmers found success through their land sale policies and the influx of significantly more available land on the market. In the Beauce region, nobles bought up thirteen percent of the total confiscated \textit{biens nationaux} offered for sale; rentier and commercial bourgeoisie took another fourteen and twenty-five percent of the land, respectively. In Chartres, sixty-four percent of the land was bought by town dwellers. Even though the rich did get richer, small freeholders were able to increase their station and many formerly landless people acquired a stake in the earth. Farmers purchased nearly twenty-five percent of the land in the Beauce, and one in ten landless peasants were able to acquire land. Many sharecroppers bought their plots outright, and some peasants combined assets to buy large former Church lands before splitting them up amongst themselves. The mills and factories purchased by the commercial classes led to new industry and helped raise the prospects of many townspeople. At the same time, the

\textsuperscript{53} Jessenne, “The Land,” 228-229.
breakup of concentrated, landed wealth in France allowed farmers to apply new, though not revolutionary, agricultural methods that noble and Church estates had prevented.\(^{54}\)

While the success was not as great as Robespierre and his compatriots might have wished, the confiscation and redistribution laws enacted during the French Revolution were a marked improvement over the land acquisition of the previous generation. With each sale, moreover, the purchaser tied himself to the revolution. As successive revolutionary governments vanquished much of Jacobin ideology, the legal structures of the land reforms were beyond repute. In fact, they were upheld and tentatively continued through Napoleon’s final defeat, at which time the first sales had been in place for near a quarter century. When he was replaced by a Bourbon in 1814, the new king, Louis XVIII, had no choice but to validate all transfers which had occurred during the revolution. The only battle to reverse land reform which he won was that all remaining, unsold *bien nationaux* were returned to their original owners or families. Two keys to the success of French Revolutionary land reform, then, were its legality and its persistence which prevented a counterrevolution against property.\(^{55}\)

In the United States, many of the same debates over redistribution that took place in France raged during the latter stages of the war and throughout Reconstruction. The reallocation of seized properties also similarly began with sales to the highest bidder. Confiscated plantations in the Sea Islands, as previously mentioned, were sold off in massive tracts to wealthy northern investors. Though some land was reserved for black


\(^{55}\) Furet, *Revolutionary France*, 271, 274.
families and other tracts were used as experimental farms to teach free labor to the former slaves, most of these paled in comparison to money raised and success of the auction sales. Above all—and unlike in France—American land reform never truly progressed to a system of free land patents in the South, even though the 1862 Homestead Act promised such a system in the West, a region that was all but impossible for most freedmen to reach. Thus, like the bond measure in France, Western homesteading remained untenable for those who needed it most. The plans for free Southern land, moreover, were virtually all subverted and dismantled before they were ever active; the same would happen to most schemes which guaranteed low prices for freedmen.

The first official definition of Reconstruction, and first hint of how it would affect seized lands, came in December 1863 when Lincoln announced his “ten-percent” plan. He ordered that any rebel who repented by taking a loyalty oath and accepted emancipation would have all of their property returned, except slaves and “redistributed property.”56 While the strategy was designed as wartime enticement to sway Southerners back to the Union, its ramifications would haunt Radicals as Andrew Johnson would later continue it unmodified at the end of the war.

Lincoln’s plan also tried to carve out a space for lands granted to freedmen by the army as it took control of Confederate territory. Congress finally formalized this program on 3 March 1865 by creating the Bureau of Refugees, Freedmen, and Abandoned Lands, placed under the direction of the Secretary of War, and charged with helping freed peoples with the transition from slavery to freedom. By placing the Bureau under the

purview of the military, Congress signaled its belief that only troops could protect the freedom of former slaves. War Department placement, however, was also a way that moderates could portray the Bureau as a temporary war measure. In contrast, during their debates many Radicals argued that land was necessary to secure blacks’ freedom, and to that end, tried to include an amendment to the Second Confiscation Act to give the government permanent title to confiscated lands—indicating their belief in the permanence of their actions. Unfortunately, this section of the bill was deleted before it became law.57

The Bureau was authorized instead to divide abandoned and confiscated lands into forty acre plots assigned to each freedman or white refugee adult male head of household for rental and eventual sale with “such title thereto as the United States can convey.” The language emphasized the legal ambiguities surrounding much of the abandoned land, but it was clear that Congress, unsure of future title guarantees, did not want to promise what it could not deliver, since the Captured and Abandoned Property Act was so little used. Thus, it opted only for temporary use of rebel estates with the remote possibility of title and sale later.58 This was a significant caveat because, while the direct tax was the government’s most successful tool for taking legal title to southern land, the mass of property was taken instead through the various confiscation and abandoned property acts as the army progressed forward and occupied it as necessary.


When Lincoln was assassinated in April 1865, Andrew Johnson became president. The man who had once wished to make the punishment for treason odious and was the first to suggest the theory of territorialization responded to Radicals’ demands for a more rigorous Reconstruction policy by denying the power of the federal government to act. While Lincoln’s views of the South as a belligerent were at many times ambiguous for a variety of reasons, Johnson’s were clear cut: “there is no such thing as reconstruction. These states have not gone out of the Union, therefore reconstruction is unnecessary.” Johnson quoted in Simpson, *The Reconstruction Presidents*, 75.

He had taken Lincoln’s definition of the war crafted for political purposes and imbued it with a legal force, unable to see the differences between wartime necessity and the needs of Reconstruction.

In July, Johnson ordered that all confiscated and abandoned land still held by the War or Treasury Departments, which were in many cases actively redistributing it even if on a temporary basis to freedmen, be transferred to the control of the Freedmen’s Bureau. This order, however, was hollow because Johnson’s amnesty proclamations had been accompanied by orders to return all confiscated and abandoned land to those who took the loyalty oath. In all, the Freedman’s Bureau only ever controlled two tenths of one percent of the land in the South, and much of that evaporated as Johnson’s policies were carried out. For example, of the 62,528 acres controlled on 4 August 1865 by the Union army in Louisiana, only the 1,400 acre plantation of Richard Taylor in St. Charles Parish had actually been confiscated with title transferred to the government. Thus, the vast majority of the land upon which the Bureau was resettling freedmen was subject to restoration, no matter how much freedmen had improved it. In all, Bureau-controlled

---

lands dwindled from 850,000 acres in 1865 to 415,000 in April 1866 to 140,000 by August 1868.\(^{60}\)

In addition to the return of lands, beginning in late July, Attorney General James Speed restricted the enforcement of the Confiscation Acts, moving towards a government-wide policy of conciliation. In September, Speed acted again, stopping all ongoing confiscation-related legal proceedings in Virginia, and expanding this to the rest of the South by December. Moreover, he ruled that corporate property was not subject to the Act at all. When combined with Johnson’s amnesty and pardon policies, the halting of sales and the return of all unsold properties, Speed’s actions, taken under Johnson’s direction, greatly aided in destroying whatever hope their had been for a change in the balance of power in the South. Secretary of War Edwin Stanton wrote to Johnson,

> The abandoned as well as confiscated lands should have been given [to the freedmen] beyond recall, and that the Government, having freed the slaves, was bound to provide for the helpless and suffering among them, to the fullest extent to which the master was morally bound before emancipation.

His point was moot because Stanton himself was ordered to suspend the sale of confiscated lands in June 1865. In the end, Johnson’s first six months as president virtually ensured the vast majority of freedmen would never see land of their own.\(^{61}\)


Freedmen’s Bureau Chief General Oliver O. Howard did try to circumvent Johnson’s orders, but Johnson eventually trumped him. The president declared that “land will not be regarded as confiscated until it has been condemned and sold by decree of the United States Court for the district in which the property may be found, and the title there thus vested in the United States.” Nor did he stop there. On 7 September 1865, he ordered that the Treasury Department no longer turn over its funds from sales and rentals of confiscated and abandoned lands to the Bureau, crippling it financially since it had no other appropriation. By late 1865, Howard instructed his subordinates to stop settling abandoned lands and instead pushed for the direct tax commissioners to foreclose on as much land as they could and sell it to freedmen because they could convey title while the Bureau could not.62

With Bureau lands in disarray, many reformers turned to the Sherman Grants as one of the last glimmers of hope for land redistribution and justice for freedmen. Created on the Georgia and South Carolina coasts under Special Field Order No. 15 in January 1865 by Sherman after his March to the Sea, the grants provided forty acre plots and the use of surplus military animals and tools for former slaves. By June 1865, 40,000 freemen were settled on 400,000 acres of land reserved under the order.63

Three months later, however, pardoned rebels whose plantations made up the grants began demanding that their land be returned to them in accordance with Johnson’s orders. Republicans managed to include a three year guarantee of the possessory titles in


the Freedman’s Bureau renewal bill, but after Johnson’s veto this was stricken from the override for lack of support. When the military took over the direct administration of the grants, the commander, General James C. Beecher, ordered any plots with incomplete paperwork restored to their former owners. Those with valid and complete claims for grant lands were finally allowed to purchase other seized lands to which the government could convey full title, but those freedmen were obviously unable to take with them any improvements made to the land over the years. Though Howard and the Radicals in Congress could do little to save the Bureau or the grants in the face of Johnson’s grim determination to win southern support, their hopes were partially buoyed by the Southern Homestead Act.\textsuperscript{64}

Signed by Johnson on 21 June 1866, the Southern Homestead Act opened public lands in five southern states to the exclusive settlement of freedmen and loyal refugees until 1 January 1867. It restricted settlement to actual homesteading, and during the exclusive period the five dollar registration fee was payable at the end of the five year residency. In many cases, however, disorganization led to patents being turned down, and the majority of freemen were unable even to consider taking advantage of the act because most were either already under labor contracts or had leased and planted other plots. In some areas, land offices failed to open in anything resembling a timely manner; one office in Alabama surrounded by some of the best public lands did not open until 1869, well past the period of exclusivity, when the patent fees were due up front. In other places, the only available land was wild and unfit for agriculture. In Louisiana, whites conspired to keep blacks from registering their tracts altogether. Ultimately, only five

\textsuperscript{64} Oubre, \textit{Forty Acres and a Mule}, xiv, 48, 51, 59-63, 67.
percent of the 8,800 total homestead applications were from black families, and, of those, only twenty percent received their final patents and titles.\textsuperscript{65}

By 1867, southern obstructionism in the face of Presidential Reconstruction had provided Stevens and his Radical Republican colleagues hope that more robust land reform could be pushed through Congress in spite of Johnson’s stubbornness, especially after their victory with the passage of the first Military Reconstruction Act, which established military districts in the South. Stevens was relying on a cycle that had persisted since the beginning of the war—he struck a position, and then watched as the party swayed towards him; however, on the issue of real land reform, the party did not come. As the \textit{New York Times} noted at the time, Stevens’ theory of leftward momentum “presupposes the continuance during peace of a public opinion which acquired force under the excitement and perils of war.” The end of the war paused the justifications of radicalism for a moment. In that moment, Johnson managed to break finally and completely whatever momentum had been building for the Radical Republicans. His veto of the Freedmen’s Bureau bill, liberal pardon and amnesty policies, and attempts to forgive-and-forget former confederates gave political initiative to Southern whites. If they appeared suppliant for a short while, they hoped they would take the wind from the sails of Stevens and the Radicals. When everyone else realized Johnson’s folly a year later, it was too late, and momentum flowing out of the war had evaporated. All that was

\textsuperscript{65} \textit{Congressional Globe}, 39\textsuperscript{th} Congress, 1\textsuperscript{st} Session, 655, 658, 715-717, 748; U.S., \textit{Statutes at Large}, XIV, 66; Oubre, \textit{Forty Acres and a Mule}, 87, 90, 93-95, 99-100, 109, 133, 135, 138, 156; Foner, \textit{Politics and Ideology in the Age of the Civil War}, 139-140; Foner, \textit{Reconstruction}, 246; Gates, \textit{Agriculture and the Civil War}, 360-361.
left was to patch the situation as best as possible. Moreover, by 1867, Stevens was dying, too weak on many occasions to read his own speeches.66

At about the same time as Johnson was stalling, party moderates, including William Pitt Fessenden in the Senate, began to question the ideological righteousness of legislation providing free land for one class of citizen while stripping it outright from another. In July 1867, the re-confiscation question came to the fore and Republicans were forced to take sides. Despite growing support for the drastic measure of expropriating leading Southerners of their real assets, a majority developed which could not move past the ideological conflict between the right to property and justice for the freedmen. The Nation admitted that free land raised serious issues, and declared that “no man in America has any right to anything which he has not honestly earned, or which the lawful owner has not thought proper to give him.” The New York Times suggested that if legal confiscation occurred in the South, it could easily be transplanted to the North, destroying any future for investment opportunities in the South. In the end, confiscation became simply an empty threat leveled at the South if it did not adhere to the Reconstruction Act. Redistributing land claimed by the Courts and the army under wartime exigencies was one thing, but re-confiscation of property returned to supposedly loyal citizens no longer engaged in rebellion simply went one step too far for moderates to support. In the case of Republicans, their liberalism beat out their sense of social justice.67

66 The Nation, 21 February 1867; New York Times, 2 February 1866; Foner, Politics and Ideology in the Age of the Civil War, 140-142.

67 The Nation, 21 March, 9 May, 16 May 1867; New York Times, 9 July 1867; Foner, Politics and Ideology in the Age of the Civil War, 141-145; Magdol, A Right to the Land, 158.
The end result of Republican attempts at land reform in the South was that, instead of a class of independent yeomen farmers, Reconstruction produced tenant sharecroppers and debt peonage that would doom many freedmen to poverty for generations. Though southern governments and the Freedmen’s Bureau provided some worker protections, they were either unwilling or unable to enact the one thing that might have broken the planter class and guaranteed economic independence: land reform. This, however, was not entirely their fault because in most states there were no reserves of public land upon which freed blacks could be settled. South Carolina tried to implement its own land reform policy, but in the end failed due to corruption and the wiles of state politics. Other public and private ventures similarly failed. Moreover, with the ‘redemption’ of the state governments—Southerners retaking control from the largely black and carpetbagger Republican administrations—even the labor protections erected during Reconstruction were dismantled.68

While Lincoln’s restrained view of the war as well as Free Labor ideology writ large can be blamed for subverting any chance at an effective confiscation plan, Andrew Johnson almost single-handedly destroyed any hope of real land reform by granting pardons and returning land to all suppliant Southerners in the vain hope that a new political coalition would form around him. His position destroyed the momentum garnered from the war, and directly resulted in southern obstructionism against internal changes.  

One northern man wrote to Johnson, “You have had a grand opportunity to settle the Negro question now and forever and we fear that you have missed it.” Senator Charles Sumner agreed, declaring, “Never was so great an opportunity lost, as our President has flung away.” Even Johnson’s military secretary chimed in: “We had the opportunity when Lee surrendered and…when Lincoln was assassinated to make our own terms.” Even Southerners saw the folly of Johnson’s policies; one later said that the South should have taken “a different course as to the negroes,” but Johnson, “held up before us the hope of a ‘white man’s government’ and…it was natural that we should yield to our old prejudices.” What would have been required for success against Southerners was a coercive, Radical reconstruction policy the moment the war ended, but

---

History 44 (May 1978): 213-232; Foner, Reconstruction, 58-59; For other examples of blacks pooling resources, see Foner, Reconstruction, 90-102; Foner, Politics and Ideology in the Age of the Civil War, 124.

69 Brodie, Thaddeus Stevens, 229.
Lincoln’s assassination and Johnson’s first months destroyed whatever hopes there could have been for such a policy as the exigencies of war eroded.\textsuperscript{70}

In October 1865, Wendell Phillips wrote, “I think thus far and today, the South is victorious.” He heaped blame on Johnson for his generous amnesty and pardon policies that made him “three fourths rebel,” but at the same time derided moderate and conservative Republicans who argued giving Johnson leeway was the right thing to do out of respect for Lincoln. In Phillips view, Johnson’s plan was not an experiment, but “a fortification…the President has put a bayonet in front of every Southern claim, has spiked every Northern cannon.” By their acquiescence, Republicans in Congress had turned the party into “only a specter walking through the country in its shroud.” When confronted with the actions of Southerners returning to political power during Presidential Reconstruction, William W. Boyce declared that those men “like the Bourbons have learned nothing and forgotten nothing.” But, even the restored Bourbons were more accepting of the revolutionary changes in France than the Nabobs of the South after the Civil War.

Though Johnson’s policies were eventually challenged and overruled, “Radical” Reconstruction was not a final solution to the problems of freedmen, but an attempt to put off the inevitable return of traditional Southern power as long as possible. By 1870, white Northern public opinion had shifted to one of complacency towards the movement of


land for former slaves. Many people thought that emancipation and suffrage was the only gift necessary for blacks to begin their new lives, and the question of land faded.

Even though they lost the support of Northerners and plans for land reform ultimately failed, many freedmen did find a modicum of success after the end of slavery. In the first thirty-five years of freedom, 25 percent of black farmers in the South acquired some land, and urban blacks also managed arguably well; both groups were able to find their way through the mire of the post-war South on their own, despite numerous obstacles and dangers. While not as successful as in France where many more aspects of the Revolution remained after the restoration of the Bourbon dynasty, enough of the revolution that was the Civil War was engrained into Southern society that it guaranteed it would rear its head in the future. When the Civil Rights movement emerged nearly 100 years later, they returned to both the legal and moral arguments of the Civil War and Reconstruction.  

As the question of land reform came to the docket in France, it was in the midst of a revolutionary fiscal crisis which demanded immediate action. Because it was a revolution, though, the French were not restrained by a constitution, but only by an ideology formed from a bourgeois liberalism which guaranteed property rights and a radical belief in social justice and civic virtue. Even with a blank slate to dictate and redefine such rights, being the jurists that they were, Jacobins and their colleagues

---

struggled to find a legal and logical way to seize the assets of their enemies within France. Saint-Just provided the justification they sought by defining counterrevolutionaries and émigrés as outside the body politic and not eligible for the rights of citizenship because they were directly at war with the revolution which was being fought to protect those rights. In the end, they created a system that sought to ‘level up’ the lowest common denominator to a respectable level where a person could survive with dignity.

On the other hand, during the American Civil War, the Constitution remained a bulwark against which any scheme of confiscation had to be measured. While the laws passed by Congress failed to provide an adequate solution to the problem of punishing rebels, Thaddeus Stevens suggested the most viable alternative: admitting the possibility of secession would legalize a thorough recreation of the South however the North saw fit. Stevens’s belligerency argument did not remove or go against the Constitution, which would have remained in effect in the North. Instead, his argument circumvented its provisions in the South by admitting that the Confederacy and its citizens had, through secession, voluntarily given up the rights, privileges, and immunities that the Constitution offered. While it might appear that the proposition gave Republicans free reign to do anything they pleased to the South, like the Jacobins, they were, in fact, restrained by their ideology. Such limitations forced Stevens to develop arguments as to which property was subject to confiscation, namely the large plantations of the Southern aristocracy, and not that of the middling white farmers. In the end, though, Stevens’s theory was a step too far for most Republicans and their belief in the unbreakable and
eternal nature of the Union. It was a tenet they were unwilling to bend to the breaking point as Stevens would have them do.

In addition to the theories behind confiscation, calls for the equalization of property were virtually unheard. These were two groups of moderate bourgeoisie who upheld property rights as sacrosanct. They developed legal arguments for confiscation which acted through the court system rather than decreeing outright expropriation. They offered the landless low prices, restricted auctions, and generous lease terms rather than free land because both believed in the virtue of the self-made, economically independent man who worked his way to his status rather than by receiving handouts.

In France, attempts to provide bonds to purchase lands quickly became valueless, and were not renewed. In the U.S., the closest the Republicans ever came to providing title to free land were the Sherman Grants along the Georgia and South Carolina coasts. Even in that case, however, Republicans could not muster enough support for expropriating the property of one class and giving it free of charge to another. When finally codified into law, Congress allowed those freed blacks with Sherman grants to buy tracts at a lowered price on government-held land that had been lawfully seized for non-payment of the direct tax. Lands which were not legally repossessed through the courts were all eventually returned to their former owners, regardless of their wartime records. 73

73 One of the only exceptions was the Arlington, Virginia estate of Robert E. Lee, on which Union commanders purposefully buried fallen soldiers just in front of the house overlooking the Potomac. They wanted to ensure that Lee could never return to his home, and the estate became Arlington National Cemetery. After thirty years of legal wrangling, however, Lee’s relatives were finally compensated for the loss of the land by Congress.
At the same time, however, the laws passed during the French Revolution and American Civil War represent two of the greatest land confiscation schemes ever put into practice. In France, vast tracts of land were taken from the nobility, the Galician Church, and the crown, all without compensation, under a redefinition of property rights. In the United States, despite their reluctance to seize real estate, a similar redefinition of property rights evaporated overnight three billion dollars’ worth of southern property without compensation with the passage of the 13th Amendment. As in France, once the initial realignment of property rights from natural law to social right occurred, it became an uphill fight to change it further rather than keep it from morphing into a neo-natural law doctrine that incorporated the changes but outlawed all other modifications.74

In other words, Jacobin and Republican ideology might have had their radical elements, but they also included preconceived notions regarding how far they were willing to modify the sacrosanctity of property rights. Their liberalism would bend to their radicalism, but only so far as necessary to establish a modicum of justice. Future Secretary of the Interior and participant in German revolutions of 1848, Carl Schurz, noted in 1864 that

Revolutionary movements run in a certain determined direction; the point from which they start may be ascertained, but…you cannot tell beforehand how far they will go. The extent of their progress depends upon the strength of the opposition they meet; if the opposition is weak and short, the revolution will stop short also; but if the opposition is strong and stubborn, the movement will roll on until every opposing element in its path is trodden down and crushed.75

74 Huston, Calculating the Value of Union, 25, 115-116.

The war lasted long enough to see the end of slavery, the imposition of equal rights, and black suffrage, but the opposition from Southerners was not strong enough to see a real and true regeneration of the South in the form of a lasting land reform and making of amends for the subhuman conditions left upon the former slaves once the army withdrew. And, while this left Reconstruction a failure in ensuring a decent and equal life for former slaves, the wartime legislation did pass Congress laid the blueprints for a modern, industrialized state that would eventually return to the ideals of the Radicals.
EPILOGUE

JACOBINS AND THE LONGUE DURÉE

Short Term Failures and Long Term Successes

French historian François Furet, taking a cue from Alexis de Tocqueville, argued we must see the longue durée—the long term—of the French Revolution, from its political and intellectual origins in the 1760s to the first peaceful transfer of power under republican government in 1886.¹ The preceding work attempts to follow Furet’s idea, taking the long view of the American Civil War. Beginning with the intellectual origins of radical abolitionism in the aftermath of the French and Haitian Revolutions, it reaches the failure of Reconstruction and the rise of the Jim Crow South. This is not the end of the long view, however. The end would be to carry the story, like Furet, to the point at which the ideas and ideals of the revolutionary period are accepted peacefully. In that view, the proper ending would be the Civil Rights Era of the 1960s during which the federal government stepped up and stepped in to complete the reconstruction of the South begun when the Civil War erupted some 100 years before.

In France, Maximilian Robespierre’s and the rest of the Jacobins’ downfall flowed directly from their successes. As many of the terrorists themselves began to fear for their own lives, the remnants of every faction formed an uneasy alliance. They condemned the ideologue to his own revolutionary machine and Thermidor marked the

end of the Jacobin reign in France, if not the end of the Revolution outright. Without the righteous moralist leading the revolution, liberty and equality were condemned to be suppressed by those who looked after their own power first. Within a few years, more traditional forms of rule reemerged, first as a Bonaparte then as a Bourbon. And, while the results of the Revolution were upheld, many of its lofty ideals were left behind.

It would not be until 1887, after three additional revolutions and three additional dynasties, that republicans would regain control of France. The time until then was no less important though, as the ideals of 1789 slowly spread across France until that idealism was grounded in the minds not of Parisians, but of the men of the provinces. Furet described the trend as such:

> For the entire history of the nineteenth century France can be seen as a struggle between Revolution and Restoration...[but] only the victory of the republicans over the monarchists at the beginning of the Third Republic [in 1877] marked the definitive victory of the Revolution in the French countryside....Integration of France's villages and peasant culture into the republican nation on the basis of the principles of 1789 [took] at least a century....Republican Jacobinism, dictated so long from Paris, won its victory only after it could count on the majority vote of rural France.²

What allowed this shift to occur? The most important factor was universal education, which developed through the reformation of French society over the course of the nineteenth century, and even more greatly improved under the Third Republic. The peasants no longer viewed themselves as living in their own world, and they kept in touch with news and events from the entire country. Many of these social improvements were

enacted by Louis Napoleon during the ‘liberal’ phase of his Second Empire. Ironically, while trying to maintain a dictatorship, Napoleon III, through public education and cautious reform, created almost 100 years after the advent of the Revolution the very nation of republicans which Robespierre had tried to inspire by virtue, and force by Terror.

In the United States, by 1870 all former Confederate states had been duly readmitted, but military occupation remained to provide backing for their Republican-led governments run by either transplanted northerners or southern Unionists—carpetbaggers and scalawags. Because of federal support, some 750,000 freedmen registered, voted, and had the opportunity to hold every office in their states except governor. Economic conditions, however, did not improve as quickly and in 1872 Republicans began to lose their majorities in both houses of Congress.

As Southerners slowly reclaimed control of their states, former slaves became the targets of increasing racial violence; race riots, lynchings, and mob violence became a plague, descriptions of which belong in the worst narratives of the Terror in France. Republicans tried to quell the violent counterrevolution being led by the Ku Klux Klan but were unable to back new laws with sufficient force. As a final effort just months before they lost power and military occupation was ended in 1876, they ramrodded through a sweeping Civil Rights Act, designed by Charles Sumner to establish equality and further cement the gains enshrined in the 13th, 14th, and 15th Amendments. In the end, though, these efforts came too late and were the last ditch attempts of reform by a group that realized they would soon be out of power.
By 1877, Americans throughout the country had had enough conflict. For approaching twenty years they had been involved in an ideological battle with the South and unfortunately the former rebels, broken on the battlefield, held their ground on what parts of their society they could. The Republican coalition which had driven the war effort began to fall apart: class struggle sapped the strength of northern workers; women had either become professionals or were jaded by being ignored in the 15th Amendment; many people were disillusioned by the hypocrisy of the post-war southern governments; and finally, other issues besides the South came to the fore, such as pushes for small government, for prohibition, and against hunger.

Without the military as protector, the black population became even more harassed and terrified by what can only be compared to the White Terror of Thermidor when French conservatives and moderates sought out and exacted revenge on Jacobins everywhere. Additionally, most of the laws concerning Reconstruction were avoided or repealed by the Democrats in control of Congress, who American historian James McPherson notes like the restored Bourbons in 1815, “seemed to have learned nothing and forgotten nothing from the experiences that had almost revolutionized them out of existence.” Congressional reaction was soon supplemented by a Supreme Court that created a legal foundation upon which segregationists and racists could rebuild the South. By the end of the century all that had been accomplished during Reconstruction was summarily dismantled, culminating in Plessy v. Ferguson and Williams v. Mississippi,
which de facto neutralized the 14th and 15th Amendments. Former slaves, while technically citizens, were only recognized as not being slaves in name.³

Just as in France, however, the revolutionary ideology which the restored government tried to forget, spread slowly and was reinaugurated a century later. In the 1950s and 1960s, the ideological sword was wielded again and this time had lasting success. A more educated society had developed over time and a new sense of equality and American idealism sprang from the horrors of World War II. The education plans for former slaves, moreover, had somehow eluded the destruction of the Republican program of equality, and created a lasting impact on southern society. By 1900, fifty-five percent of African Americans had some level of literacy; even though less than what it could have reached, it was an amazing leap from the virtual illiteracy of the former slave society.⁴ By the middle of the twentieth century, the federal courts, led by Chief Justice Earl Warren, began to attack segregation and the shaky theories upon which it rested. Equal protection was newly safeguarded, and the Bill of Rights was applied to the states through the 14th Amendment. Within twenty years—a century after the downfall of Reconstruction—Jim Crow was all but destroyed.

Under this admittedly brief lens of the longue durée, then, the United States followed much the same course as France. The completion of ideological revolution did not involve war, but required time. Warren and his colleagues did judicially what Lincoln and the Radical Republicans had been unable to do in four years of brutal war. While it


was violent in some brief occurrences, it was nowhere near the level of 1794 in the Vendée or 1864 in the Shenandoah Valley at the height of revolutionary struggle.

The question remains, however, if such peaceful ends could have been reached without the original revolutionary breaks and their ensuing cycles of violence. Many modern democratic societies have faced similar births by fire which marked dramatic ends to one form of society and the opening of a new era. Many of those which managed to avoid the bloodshed of civil war, moreover, transformed out of the revolutionary violence of a neighbor or through failure in war. In a world in which tribalism continues to inhibit the integration of geographic areas into cohesive nation-states, the wholly peaceful creation of democratic societies out of the remaining Old Regimes seems out of reach in the near term. All that can likely be hoped for is that the revolutionary break is short or curtailed and the beginning of the long hard struggle for modernity begins sooner rather than later.

351
BIBLIOGRAPHY

Newspapers

Albany Patriot
American and Foreign Antislavery Reporter
American Freeman
The Anglo-African Magazine
The Anglo-African Weekly
The Anti-Slavery Examiner
Antislavery Standard
Ashtabula Sentinel
Blackwood’s Edinburgh Magazine
Boston Daily Republican
Boston Evening Transcript
Boston Atlas and Bee
The Christian Recorder
Cincinnati Enquirer
Cincinnati Philanthropist
The Colored American
Douglass’ Monthly
The Emancipationist
The Emancipator
Frederick Douglass’ Paper
Freedom’s Journal
The Friend of Man
The Genius of Universal Emancipation
Indianapolis Daily Journal
The Liberator
Liberty Press
Massachusetts Abolitionist
The Nation
National Anti-Slavery Standard
The National Era
New Jersey Freeman
New York Daily Times
New York Evening Post
New York Herald
New York Times
New York Tribune
New York Sun
New York World
North Star
Poughkeepsie Eagle


Collections


The Gerrit Smith Broadside and Pamphlet Collection. Syracuse University Library. Syracuse.

Gerrit Smith Papers. Syracuse University Library. Syracuse.

Pamphlets, Books, and Articles


Chase, Salmon P. *Speech of Salmon P. Chase, in the Case of the Colored Woman, Matilda, Who Was Brought before the Court of Common Pleas in Hamilton County, Ohio, by Writ of Habeas Corpus, March 11, 1837.* Cincinnati: Pugh & Dodd, Printers, 1837.


________. *Life and Times of Frederick Douglass, Written by Himself: His Early Life as a Slave, his Escape from Bondage, and his Complete History to the Present Time, Including his Connection with the Anti-Slavery Movement, With an Introduction by Mr. George L. Ruffin.* Hartford: Park Publishing, 1881.


Goodell, William. *Address to the Macedon Convention, by William Goodell; and the Letters of Gerrit Smith*. Albany: S.W. Green, 1847.


Sumner, Charles. “Our Domestic Relations; Or, How to Treat the Rebel States.” *The Atlantic Monthly* 71 (September 1863): 507-529.


Wright, Henry C. *The Natick Resolution; or, Resistance to Slaveholders the Right and Duty of Southern Slaves and Northern Freemen*. Boston, 1859.

**Proceedings, Reports, and Government Documents**


Assemblée Générale de France. Deputies from Saint Domingue. *A particular account of the commencement and progress of the insurrection of the Negroes in St. Domingo which began in August, 1791: being a translation of the speech made to the National Assembly, the 3d of November, 1791, by the deputies from the General Assembly of the French part of St. Domingo*. London: J. Sewell, 1792.

Assemblée Nationale de France. *Archives Parlementaires*.

*Calendar of Virginia State Papers*. Edited by Palmer, McRae, and Flournoy. Richmond, 1890.


_______. Bills and Resolutions of the House and Senate. Washington, 1847-.


Document Collections


Secondary Sources


______. “‘Our Three Colors’: The King, the Republic, and the Political Culture of Slave Revolution in Saint-Domingue.” *Historical Reflections/ Reflexions Historiques* 29 (Spring 2003): 83-102.


_______. “Was the Civil War a Total War?” *Civil War History* 50 (December 2004): 434-458.


