

“A Measure Alike Military & Philanthropic”: Historians and the Emancipation Proclamation

AS NEW YEAR'S DAY of 1863 approached, and with it the signing of President Abraham Lincoln's final Emancipation Proclamation, black Americans and white abolitionists prepared to celebrate “the day of jubilee.” A few feared that at the last moment the warring nations might forge a compromise that would result in the president rescinding his decree. They watched nervously as New Jersey Democrats advanced a series of “peace propositions” that offered the state's services as “mediator.” But the Massachusetts Anti-Slavery Society gathered in Boston to rally “in favor of that godlike object,” asserting that as long as “four millions of the inhabitants of the land” remained enslaved, their crusade remained unfinished. At the nearby Tremont Temple, a combination museum and Baptist church, congregants met to pray and sing. A rousing “Blow Ye the Trumpet, Blow” was followed by a solemn prayer of thanksgiving, then by cheers “for the President and for the Proclamation.” In Manhattan, blacks braved howling winds to celebrate a “Watch Night of Freedom” at the Shiloh Church. New York Democrats were less enthusiastic. The Proclamation “will be the opening of Pandora's box of evils upon the country,” warned one editor. The consequence, he feared, was “the employment of negroes as soldiers in the service of the government” and the resulting “war to the savage extremities of mutual extermination.”¹

The final emancipation order that was read aloud that January morning at so many churches and celebrations was a brief, 719-word statement, counting the president's signature, which he atypically signed with his full name rather than his first initial. As both a debater and courtroom

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¹ *Liberator*, Jan. 2, 1863; *Boston Journal*, Jan. 2, 1863; *Philadelphia Inquirer*, Jan. 1, 1863; *New York Herald*, Jan. 1, 1863.

performer, Lincoln was renowned for his oratorical skills, yet the short decree was lawyerly, written in the bland, dispassionate style of a senior officer handing down orders to his junior staff. Those who knew the president best were already familiar with his penchant for crafting succinct letters, as well as his tendency to keep his innermost thoughts private. Observers, colleagues, and critics had debated the president's policies and evolving views on emancipation since his first moments in office, and his businesslike Proclamation did little to satisfy those who desired greater clarity regarding the administration's ultimate objectives. Newspaper editors, Louis P. Masur observes, pondered "the mystery of how and why the Emancipation Proclamation was issued," and specialists have debated many of its ambiguities ever since.

Timed to coincide with the sesquicentennial of the final decree are a number of important new books on the origins, character, and effects of the Proclamation. Some of them focus entirely on the two Proclamations, while others contextualize those turbulent few months between Lincoln's issuance of his preliminary Proclamation in September 1862 and his signing of the official Emancipation Proclamation January 1, 1863, within larger studies of emancipation or the war's impact on slavery. In the process, a consensus of sorts has emerged, at least regarding most of the central questions that previously divided historians. Yet, if very few recent authors find it particularly constructive to battle over simplistic views of Lincoln as the Great Emancipator, the question of whether the president "was an enthusiastic or reluctant" liberator, as Harold Holzer remarks, "continues to test our will to understand the complex past as its participants lived it."²

Perhaps the most contested terrain remains the question of who established the framework for emancipation. To borrow the phrase used by so many essayists, "Who Freed the Slaves?" Some writers point directly to the president, while others emphasize the role played by the most progressive Republicans in Congress—the so-called Radicals. Still other scholars insist that freedom first arose, as Barbara J. Fields put it, "from the initiative of the slaves." Ira Berlin agrees that the First Confiscation Act of August 1861, which confiscated property—including bondmen—being used by the Confederate military, was too weak a "hook on which

² Louis P. Masur, *Lincoln's Hundred Days: The Emancipation Proclamation and the War for the Union* (Cambridge, MA, 2012), 107; Harold Holzer, *Emancipating Lincoln: The Proclamation in Text, Context, and Memory* (Cambridge, MA, 2012), 3.

to hang [black] hopes for freedom,” especially when Union commanders proved hostile to black liberty. But large numbers of slaves “continued to press their case,” he notes, fleeing toward federal lines in ever growing numbers. They forced the federal government to deal with the reality of black flight, and in the process, as Steven Hahn argues, “began to reshape Union policy.” Not all specialists agree. The “self-emancipation” thesis, Allen C. Guelzo replies, “asks for too great a suspension of belief.” Were it not for the legal freedoms guaranteed by Lincoln in 1863, he adds, “no runaway would have remained ‘self-emancipated’ for very long.” True enough, although that backward-gazing formulation says little about the thousands of fugitives who forced politicians and generals to devise policies and laws to accommodate “contrabands.” Curiously, Guelzo begins his *Lincoln’s Emancipation Proclamation* with the story of an unnamed black boy paddling his canoe out to Fort Sumter on the eve of the war, having heard rumors that the government was finally in the hands of an antislavery administration.³

Even those who depict the struggle against slavery as a triangular war instigated by runaway slaves concede that the second corner in this partnership was held by congressional Republicans. Some writers, and particularly those who find Lincoln’s march toward emancipation painfully sluggish, emphasize the way in which Illinois senator Lyman Trumbull’s Second Confiscation Act, which emerged out of conference committee on July 12, 1862, compelled the president to issue a “public warning and proclamation” that the law would go into effect sixty days after its final passage. While its predecessor of the previous year provided for confiscating property associated with the Confederate war effort, Trumbull’s 1862 revision threatened to liberate any slave owned by known Confederate officials. Just one week before, Senator Henry Wilson offered an amendment to the 1795 Militia Act that allowed for the enlistment of “persons of African descent” as soldiers. For Phillip Shaw Paludan, this was evidence that congressional Republicans “were helping Lincoln arrive at a decision on emancipation.” Both Paludan and Masur, in the latter’s new *Lincoln’s Hundred Days*, argue that any qualms the

³ Barbara J. Fields, “Who Freed the Slaves?” in *The Civil War: An Illustrated History*, ed. Geoffrey C. Ward (New York, 1990), 181; Ira Berlin, *Generations of Captivity: A History of African-American Slaves* (Cambridge, MA, 2003), 252; Steven Hahn, “But What Did the Slaves Think of Lincoln?” in *Lincoln’s Proclamation: Emancipation Reconsidered*, ed. William A. Blair and Karen Fisher Younger (Chapel Hill, NC, 2009), 110; Allen C. Guelzo, *Lincoln’s Emancipation Proclamation: The End of Slavery in America* (New York, 2004), 8–9, 13.

president had about the bill pertained only to its constitutionality. In a draft veto message, Lincoln thought it “startling” that Congress believed it had the right to liberate slaves within a state. Worried always about the response of Supreme Court chief justice Roger Taney, Lincoln believed it wiser for Congress to first transfer ownership of runaways to the federal government, which could then liberate them as confiscated rebel property. Having made his point, Paludan adds, the president signed the bill but forwarded his unused veto message along with the measure, perhaps as guidance in the future.⁴

Among those who regard Lincoln as lagging far behind both black activists and congressional Republicans is journalist Lerone Bennett Jr. As early as the 1960s, the Morehouse-educated Bennett charged that Lincoln was a “cautious politician” who devoted the first sixteen months of his presidency to “a desperate and rather pathetic attempt to save slavery.” In a 1968 article and subsequent book, Bennett advances the argument that Lincoln finally issued his preliminary Proclamation of September 22 merely to outflank congressional progressives who envisioned a more comprehensive emancipation. Whether Lincoln was “forced into greatness,” as Bennett would have it, or acted in conjunction with Congress, he presented the first draft of his Proclamation to his cabinet only five days after he signed the Second Confiscation Act on July 17. And as the late LaWanda Cox observed, he arrived at his decision to issue a presidential decree by July 13 at the very latest.⁵

Biographer Stephen B. Oates sees it differently. Even Lincoln’s preliminary statement, Oates argues, “went further than anything Congress had done.” Equally worried about a court challenge, Trumbull had exempted loyal slaveholders in the Confederate South in his confiscation bill, whereas Lincoln’s Proclamation emancipated “all slaves” in those regions still under rebel control, “those of secessionists and loyalists alike.” Glenn David Brasher, the author of *The Peninsula Campaign and the Necessity of Emancipation*, agrees that by mid-1862, “Lincoln was now determined to do more than just enforce the Second Confiscation Act.” Whereas Bennett’s president was dragged along by events on Capitol

⁴ Guelzo, *Lincoln’s Emancipation Proclamation*, 113; Phillip Shaw Paludan, *The Presidency of Abraham Lincoln* (Lawrence, KS, 1994), 147; Masur, *Lincoln’s Hundred Days*, 75.

⁵ Lerone Bennett Jr., “Was Abe Lincoln a White Supremacist?” *Ebony*, Feb. 1968, 35–42; LaWanda Cox, *Lincoln and Black Freedom: A Study in Presidential Leadership* (Columbia, SC, 1981), 14–15; Stephen B. Oates remains Bennett’s most determined critic. See his *Abraham Lincoln: The Man behind the Myths* (New York, 1984), 26.

Hill, Brasher's resolute, decisive leader "welcomed suggestions" from his cabinet regarding his Proclamation, "but would not be swayed from the decision" to issue his decree.⁶

The most nuanced discussion of this question appears in James Oakes's voluminous new *Freedom National: The Destruction of Slavery in the United States, 1861–1865*. Oakes believes it a "myth" that the Proclamation was designed to have little impact on the South, even as he admits that nobody "contributed more to the mythology" on this matter than the cagy "Lincoln himself." Bennett's Lincoln was a "cautious politician," but Oakes instead finds him a prudent and savvy one. Careful not to get too far out in front of Congress on this explosive issue, Lincoln repeatedly claimed that while the nation had gone to war over slavery in the West, few initially thought the war itself would affect the peculiar institution directly. "This was nonsense," Oakes observes, served up for the public. By the end of the war's first month, Lincoln and his cabinet agreed not to return slaves escaping from the seceded states, and by July 1861 Lincoln announced that slaves who reached Union pickets would never be restored to bondage. Oakes notes that while Lincoln quoted from two of the three sections of the Second Confiscation Act in his initial Proclamation, he then went beyond them, using his powers as commander in chief to order all military personnel to obey and enforce the act. "This was more than a 'preliminary proclamation,'" Oakes concludes.⁷

Given Lincoln's tendency to maintain his own counsel, precisely when he determined to issue his preliminary Proclamation remains a matter of considerable debate. Vice President Hannibal Hamlin later assured family members that Lincoln had shown him a draft statement as early as mid-June 1862, a timeline Eric Foner dismisses as "an unlikely story," because Hamlin appeared surprised when the president made his decision public in September. Orville H. Brown penned a diary entry on July 1 recording that Lincoln had read him a statement as to how to prosecute

⁶ Stephen B. Oates, *With Malice toward None: A Life of Abraham Lincoln* (New York, 1977), 319; Oates, *Abraham Lincoln*, 104–6; Glenn David Brasher, *The Peninsula Campaign and the Necessity of Emancipation: African Americans and the Fight for Freedom* (Chapel Hill, NC, 2012), 212; Arthur Zilversmit, "Lincoln and the Problem of Race: A Decade of Interpretations," *Papers of the Abraham Lincoln Association* 2 (1980): 23–32, contains a useful distillation of the Bennett-Oates debate.

⁷ James Oakes, *Freedom National: The Destruction of Slavery in the United States, 1861–1865* (New York, 2012), 352–53, 332. Oakes makes some of the same points regarding Lincoln's preparation of the public mind on emancipation in his *The Radical and the Republican: Frederick Douglass, Abraham Lincoln, and the Triumph of Antislavery Politics* (New York, 2007), 187–95.

the war “in its relation to slavery,” but Foner doubts that Lincoln finalized any details until he returned from his unsatisfactory meeting with General George McClellan at Harrison’s Landing on July 10. Biographer David Donald, on the other hand, suspected that Lincoln began “to formulate his ideas for a proclamation of freedom” shortly after overruling General David Hunter’s attempt to declare martial law and liberate the slaves in three Southern states the previous May. Donald was also more inclined to credit Hamlin’s story, although it was only after the possible June 18 conversation with the vice president that Lincoln, while visiting the Washington telegraph office, asked an officer for some foolscap, as “he wanted to write something special.” Donald also believed it likely that Lincoln discussed the possibility of a decree with Secretary of War Edwin M. Stanton that May.⁸

Far greater consensus exists on why, having written the preliminary Proclamation, Lincoln temporarily held it back. James M. McPherson accepts the majority view that Lincoln heeded the advice of Secretary of State William H. Seward and New York’s Thurlow Weed “and was only awaiting a Union military victory to announce it.” In Donald’s telling, Lincoln only “reluctantly [set] the document aside” after conferring with Weed, and he quotes Lincoln as explaining to an exasperated Senator Charles Sumner, “*We mustn’t issue it till after a victory.*”⁹

Not surprisingly, the leading critic of this accord is Bennett, who concludes that Lincoln hoped the war could be over after Confederate General Robert E. Lee’s Maryland invasion, rendering any proclamation unnecessary. Bennett cites the president’s “attitude, arguments, and body language” as proof that he “had no intention on September 13 of issuing” a decree. Lincoln’s cabinet, he adds, “had no idea what Lincoln was trying to do,” although it might be more accurate to suggest that they were unsure of just what he *would* do, and when. Interestingly, William B. Hesseltine once chided John Hope Franklin for “accept[ing] Lincoln’s own lame explanation” as to why he waited for a military victory. As McPherson observed more recently, however, in the aftermath of Antietam Lincoln “reminded [cabinet] members of their decision two months earlier to postpone” the announcement of his policy, lamenting

⁸ Eric Foner, *The Fiery Trial: Abraham Lincoln and American Slavery* (New York, 2010), 216–17; David H. Donald, *Lincoln* (New York, 1995), 363.

⁹ James M. McPherson, “The Whole Family of Man’: Lincoln and the Last Best Hope Abroad,” in *The Union, the Confederacy, and the Atlantic Rim*, ed. Robert E. May (West Lafayette, IN, 1995), 143; Donald, *Lincoln*, 366.

only that McClellan's victory was not more decisive. Although he believes that Bennett's views "must be taken seriously," McPherson remarks, rather facetiously, that the journalist "is not deceived by the [president's] tricks that fooled Frederick Douglass and Martin Luther King Jr."¹⁰

Bennett, however, was not the first writer to take the normally eloquent president to task for the wording of his decree. The Proclamation, Richard Hofstadter famously groused, "had all of the moral grandeur of a bill of lading." By comparison to the soaring rhetoric found in so many of Lincoln's speeches both before and after, his brief statement contained "no indictment of slavery" but simply spoke of the "military necessity" of freeing slaves in large portions of the South. Yet Hofstadter was not the first writer to be disappointed in the document's wording, merely the first modern historian to be so. A century before Hofstadter's "devastating criticism," Holzer observes, Congressman Thaddeus Stevens condemned Lincoln's earlier 1862 pronouncements on compensated emancipation as "the most diluted milk-and-water-gruel proposition[s]," while Karl Marx characterized the prose as "the trite summonses that one lawyer sends to an opposing lawyer." Undeniably, McPherson concedes, the Proclamation was designed to weaken the Confederate war effort. "Here we have in a nutshell," he writes, "the rationale for emancipation as a military strategy of total war."¹¹

But was it more than just that? Lincoln issued the Proclamation, John Hope Franklin countered, under severe "legal handicaps." Hofstadter appeared to desire the decree framed within the context of the Declaration of Independence, but Jefferson, Franklin sensibly added, crafted his document after "a clean break" with Britain, while Lincoln "was compelled to forge a document of freedom for the slaves within the existing constitutional system." The Lincoln administration had already tangled with Taney in the 1861 Merryman case—albeit in his lesser role of circuit court judge—and, as Joseph E. Stevens writes, the president's response to those who claimed his decrees were unconstitutional was to

¹⁰ Lerone Bennett Jr., *Forced Into Glory: Abraham Lincoln's White Dream* (Chicago, 2000), 496; William B. Hesseltine, review of *The Emancipation Proclamation*, by John Hope Franklin, *Journal of Southern History* 29 (1963): 532; James M. McPherson, "How President Lincoln Decided to Issue the Emancipation Proclamation," *Journal of Blacks in Higher Education* 37 (2002): 108; James M. McPherson, review of *Forced Into Glory: Abraham Lincoln's White Dream*, by Lerone Bennett Jr., *New York Times*, Aug. 27, 2000.

¹¹ Richard Hofstadter, *The American Political Tradition and the Men Who Made It* (New York, 1948), 131; Holzer, *Emancipating Lincoln*, 83; James M. McPherson, *Abraham Lincoln and the Second American Revolution* (New York, 1991), 84.

defend them as actions “he was entitled to take as commander in chief.” Historian and former senator George McGovern, who knew a good bit about hostile reactionary courts, agreed that the “doctrine of military necessity justified Lincoln’s actions.” A more dramatic statement might have fired the hearts of those progressives who hoped that the ghastly death toll might be justified by the creation of a more perfect Union, but Lincoln the attorney understood that a brief order had a better chance of withstanding a Constitutional challenge. “In this situation,” McGovern observed, “the constitutional war powers of the president worked to override the constitutional protection for slavery.”¹²

Reading between the lines of the short decree, and contextualizing the Proclamation within the president’s other correspondence, William W. Freehling discovers pages bristling with “antislavery power.” Not only did Lincoln’s wording read “not like an entrepreneur’s bill for past services but like a warrior’s brandishing of a new weapon,” but Freehling places Lincoln’s message beside a letter he wrote only eight days after the final decree. An unnamed Confederate officer had contacted him about the possibility of restoration with slavery. Just one month before, Lincoln admitted, he might have been open to negotiation. Now the commander in chief expressed only disdain, fuming that he had given the rebels “a hundred days fair notice.” Thomas Krannawitter agrees that modern critics of the decree’s dry language “fail to see the consummate prudence—the practical wisdom of knowing the best course of action.” Nor was it merely a question of defending the Proclamation by tethering it to military necessity. A more conservative “commander in chief no less committed to victory,” LaWanda Cox mused, “but not equally moved by the principles of the Declaration of Independence and the evils of slavery,” might not have concluded that emancipation was the only path to triumph. Lincoln, she noted, knew there were no certainties as to how emancipation would play out in the border states or with the common soldiers, yet he claimed his Proclamation would “best subdue the enemy” because he realized that slavery had to die for the nation to live.¹³ Where Freehling situates the

¹² John Hope Franklin, *Reconstruction: After the Civil War* (Chicago, 1963), 153; Joseph E. Stevens, *1863: The Rebirth of a Nation* (New York, 1999), 34; George S. McGovern, *Abraham Lincoln* (New York, 2008), 70.

¹³ William W. Freehling, *The South vs. The South: How Anti-Confederate Southerners Shaped the Course of the Civil War* (New York, 2001), 118; in note 6, 221, Freehling adds that apart from that particular comment, he regards Hofstadter’s essay as “one of the most insightful” pieces on Lincoln; Thomas Krannawitter, *Vindicating Lincoln: Defending the Politics of Our Greatest President* (Lanham, MD, 2008), 278; Cox, *Lincoln and Black Freedom*, 13; Herman Belz,

decree within Lincoln's correspondence, Orville Vernon Burton reads it beside the president's messages to Congress and concludes that although "it was a war measure," it was "a justice measure as well." If one requires rhetoric more exalted than that found in a bill of lading, it would be in Lincoln's assurance to Congress that "in giving freedom to the slave, we assure freedom to the free—honorable alike in what we give, and what we preserve." To that, Eric Foner adds that the Proclamation "was as much a political as a military document." The decision to exempt parts of the South from emancipation, Foner points out, "reflected not only the actual military situation but also his [Lincoln's] judgment about the prospects of winning over white support." Interestingly, the crucial connection between political reform and military success was promptly understood by those living through the chaos of war. "The People are jubilant over your emancipation message as a measure alike Military & Philanthropic," James W. Stone cabled from Boston only one day after the announcement of the preliminary decree.¹⁴

The extent to which foreign affairs and the dangers of European intercession played in Lincoln's thinking also continues to divide specialists. In part, the answer here depends on how one phrases the question. As Allen C. Guelzo puts it, did the president issue the Proclamation "only to ward off European intervention or inflate Union morale?" By inserting the word "only" into the query, Guelzo elevates what was surely a consideration for Lincoln into his principal concern. Guelzo then answers in the negative, writing that if the British were the administration's "primary" concern, then a decree of emancipation "was probably the worst method, and [came] at the worst time" in the conflict. Both Amanda Foreman and Guelzo have data to support this view, however, and Guelzo points to politicians, such as Alexander McClure, who warned the president that a Proclamation, however just, might invite foreign interference just as much as it might dampen chances of British and French involvement.¹⁵

Emancipation and Equal Rights: Politics and Constitutionalism in the Civil War Era (New York, 1978), 44–45, concurs that the military language of the Proclamation masked Lincoln's "hostility to slavery based on commitment to republicanism, and the principle of equality on which republicanism rested."

¹⁴ Orville Vernon Burton, *The Age of Lincoln* (New York, 2007), 166; Foner, *Fiery Trial*, 243; James W. Stone to Abraham Lincoln, Sept. 23, 1862, in Abraham Lincoln Papers, Library of Congress.

¹⁵ Guelzo, *Lincoln's Emancipation Proclamation*, 9; Amanda Foreman, *A World on Fire: Britain's Crucial Role in the American Civil War* (New York, 2011), 318. See also Douglas R. Egerton, "Rethinking Atlantic Historiography in a Postcolonial Era: The Civil War in a Global Perspective," *Journal of the Civil War Era* 1 (2011): 88–89.

Other scholars, and especially those who see the diplomatic factor as merely a part of Lincoln's thinking, are more willing to consider the possibility that Lincoln used the Proclamation to influence British public opinion. John Hope Franklin argued that the president "knew it could be an important factor in preventing European powers from moving closer to the Confederacy." Howard Jones, the preeminent historian of foreign affairs for this period, agrees that the dangers of foreign intervention played at least some role in the question. Letters mailed to Secretary of State Seward from French reformers helped to persuade the administration that the threat preceded apace with the war's prolonged fighting. "If Europeans could argue that the Union had no interest in abolition," Jones concludes, those in Paris and London who argued for action of one sort or another would prevail. "Lincoln concurred," Jones writes. Although he could not be sure what the ultimate impact of emancipation would be in European capitals, Jones emphasizes, Lincoln gambled that it would "further erode the Confederacy's chances of diplomatic recognition," a view then seconded by Confederate envoy James Mason and British foreign secretary Lord John Russell. Louis P. Masur adds that regardless of whether Lincoln intended the decree as a weapon, most American observers believed it would inhibit foreign meddling.¹⁶

Most writers concede that while reactions abroad were mixed, the Proclamation had the desired effect of keeping the Europeans at bay. News of the decree, together with word of Lee's failure at Antietam, biographers Donald and Oates observe, erased the doubts of Prime Minister Henry John Temple, Lord Palmerston, and "convinced the [British] Cabinet to postpone recognition for now." Howard Jones notes that debates in Parliament confirmed Seward's counsel to await a Union victory, or something approaching one, since some British critics did denounce the decree as a desperate ploy. But conservative opinion and press animosity, McPherson writes, ultimately "signified little." Many British reformers, previously skeptical of Lincoln's goals, "became true believers." As Lincoln hoped, British reformers responded with pro-Union rallies and petitions that complicated any further moves toward

¹⁶ John Hope Franklin, *The Emancipation Proclamation* (New York, 1963), 148; Howard Jones, *Union in Peril: The Crisis over British Intervention in the Civil War* (Chapel Hill, NC, 1992), 143; James M. McPherson, *Crossroads of Freedom: Antietam* (New York, 2002), 143; Masur, *Lincoln's Hundred Days*, 146; Thomas DiLorenzo, *The Real Lincoln: A New Look at Abraham Lincoln, His Agenda, and an Unnecessary War* (Roseville, CA, 2002), 37, confuses the foreign secretary's title with his first name and calls him "British writer Earl Russell."

Confederate recognition on Palmerston's part. Ultimately, the question of how great a role diplomacy played in Lincoln's timing depends on whether writers regard it as his chief motivation or merely as a part of his larger considerations. Any astute politician, of course, recognizes that a single policy can have multiple implications and repercussions, and Lincoln was nothing if not astute.¹⁷

Rather more contentious is the debate over the areas exempted from the Proclamation's reach. James Oakes dubs the lengthy paragraph in which Lincoln explained what parts of the slaveholding Union and captured areas of the Confederacy were not covered by his edict to be "a tedious recitation." The simplistic formulation that the president refused to liberate bondpersons in the border states not only remains a staple of many high school and college courses but was embraced by historians as distinguished as Richard Hofstadter and Stanford University's Thomas A. Bailey. Deriding the Proclamation as "largely illusory," Bailey added: "In short, where he *could*, he would not, and where he *would*, he could not." To that, Oakes replies that Lincoln's adoption of a territorial standard, in which he freed "slaves not of rebellious owners but in all rebellious areas," had little to do with expanding or contracting the scope of emancipation and everything to do "with clarifying the legal basis of the war." Yet even in those areas where the Proclamation was binding, Eric Foner concedes, the Proclamation was only as effective as the generals whose advances brought slaves within Union lines. Slavery had survived the chaos of the American Revolution and black military service in both the Patriot and Loyalist ranks; were the Confederacy to maintain its independence, Foner observes, "slavery would undoubtedly continue to exist."¹⁸

Skeptics enough remain. Economist Thomas DiLorenzo argues that the president, "one of the nation's preeminent lawyers," craftily designed the Proclamation "in a way that guaranteed that it would not emancipate any slaves," and Lerone Bennett and Vincent Harding essentially agree. "In effect," Harding writes, "Lincoln was announcing freedom to the cap-

¹⁷ Oates, *With Malice toward None*, 321; Howard Jones, "History and Mythology: The Crisis over British Intervention in the Civil War," in *The Union, the Confederacy, and the Atlantic Rim*, 45, 47; McPherson, "The Whole Family of Man," in *ibid.*, 144; Donald, *Lincoln*, 414; McPherson, *Crossroads of Freedom*, 145.

¹⁸ Thomas A. Bailey, *A Diplomatic History of the American People*, 10th ed. (Englewood Cliffs, NJ, 1980), 341; Oakes, *Freedom National*, 378; Foner, *Fiery Trial*, 244; Krannawitter, *Vindicating Lincoln*, 275.

tives over whom he had least control.” To give his position additional credence, Bennett quotes John Hope Franklin on this point—if somewhat out of context—and maintains that Lincoln sought to preserve “the Union by freeing *some* of the slaves.” As Arthur Zilversmit comments, although many specialists insist that such allegations lack nuance, other scholars skirted close to that view, most notably Kenneth M. Stampp. George Fredrickson, while not endorsing Lincoln’s modern critics, adds that Bennett’s arguments represent “the culmination of a gradual process of African American disenchantment with Lincoln.” Perhaps so, but it remains suggestive that the theory that Lincoln tried to craft a document that freed no slaves today finds support from both Harding—who assisted with the civil rights campaigns of the Southern Christian Leadership Conference—as well as DiLorenzo—once affiliated with the League of the South Institute, the research branch of the pro-secession League of the South.¹⁹

A larger number of scholars are more interested in *why* Lincoln exempted the loyal upper South. Although sensitive to the desires of runaway slaves, David Brion Davis admits that “any radical policy against slavery” would not only have alienated the growing number of disaffected Unionists within the Confederacy but disrupted the war effort by infuriating “the absolutely crucial slaveholding border states,” especially Maryland. Although DiLorenzo suggests that Lincoln might have been able to free the slaves without war, James McPherson responds that even most abolitionists understood that the president’s “legal powers extended only to *enemy* property.” Guelzo agrees, adding that when it came to the exemptions, “Lincoln had little choice.” Apart from any popular animosity such a decree would have generated in the upper South, a Proclamation aimed at Delaware, well away from the front lines, would have been doomed to “melt” under “the gaze of Roger Taney” and other Democratic jurists. Critics then and now might speculate as to the presi-

¹⁹ DiLorenzo, *Real Lincoln*, 36–37; Bennett, *Forced Into Glory*, 551; Vincent Harding, *There Is a River: The Black Struggle for Freedom in America* (New York, 1981), 232; Zilversmit, “Lincoln and the Problem of Race,” 25; Holzer, *Emancipating Lincoln*, 8; George M. Fredrickson, *Big Enough to Be Inconsistent: Abraham Lincoln Confronts Slavery and Race* (Cambridge, MA, 2008); Harold Holzer, “Picturing Freedom: The Emancipation Proclamation in Art, Iconography, and Memory,” in *The Emancipation Proclamation: Three Views*, ed. Harold Holzer, Edna Greene Medford, and Frank J. Williams (Baton Rouge, LA, 2006), 155, aptly describes Bennett’s work as a “highly selective interpretation.” On DiLorenzo’s ties to the League of the South Institute, see “Loyola Professor Faces Questions about Ties to Pro-Secession Group,” *Baltimore Sun*, Feb. 11, 2011.

dent's motives, Allen Guelzo observes, but facts are facts: "No slave declared free by the Proclamation was ever returned to slavery once he or she made it to the safety of Union-held territory."²⁰

Harder to gauge, or perhaps to prove, is the larger symbolic impact of the Proclamation. The late William E. Gienapp thought it was significant, approvingly quoting Frederick Douglass's view that the decree enjoyed "a life and power far beyond its letter." With this stroke of a pen, Gienapp insisted, "Lincoln had changed the nature of the war," and both sections understood that the conflict was forever "fundamentally transformed." Oakes similarly attacks what he derides as "the anti-myth of the Emancipation—the claim that it did not free a single slave." He acknowledges, however, that the liberation of "tens of thousands of slaves" already within Union lines was not due to the president alone, "but by an accumulating series of policy decisions made by Congress and the Lincoln administration." Although millions of Americans remained enslaved on January 1, 1863, both in the uncaptured Confederacy and in loyal and occupied zones, Guelzo calculates that somewhere between sixty thousand and two hundred thousand contrabands and runaways were in Union hands by September 1862 and fell under the jurisdiction of the Proclamation.²¹

Some writers insist that the symbolism of the Proclamation was the least of it. In response to the assertion that "Lincoln freed the slaves where he could not touch them," Phillip Shaw Paludan observes that "his generals were roughing [slavery] up rather dramatically." The goal of both Congress and the president, Oakes remarks, "was to transfer the productive labor of the slaves from the Confederacy to the Union." Not only would emancipation, together with the Confiscation Acts, deprive the Southern military of its coerced laborers by encouraging runaways, it sowed "discontent among the slaves who remained on southern farms and plantations." Certainly the idea that the Proclamation was an empty gesture would have come as a surprise to an infuriated Jefferson Davis and the Confederate high command. Even before the final edict of January 1 was issued, Edna Greene Medford notes, "slave owners had been com-

²⁰ David Brion Davis, *Inhuman Bondage: The Rise and Fall of Slavery in the New World* (New York, 2006), 309; McPherson, "How President Lincoln Decided to Issue the Emancipation Proclamation," 109; Guelzo, *Lincoln's Emancipation Proclamation*, 8, 120.

²¹ William E. Gienapp, *Abraham Lincoln and Civil War America* (New York, 2002), 125; Oakes, *Freedom National*, 344–45, 352; Guelzo, *Lincoln's Emancipation Proclamation*, 212.

pelled to remove their chattel from coastal areas and regions accessible to Union lines.”²²

To the extent that the Proclamation enticed ever more bondmen to risk flight, it drove “a stake in the heart of slavery’s collective psyche,” Guelzo concludes, and reminded planters that the people they owned “would consent no longer to be *things*.” Always fearful of slave unrest in time of war, Louis Masur adds, white Southerners “began to suspect various conspiracies were under way, designed to trigger a general insurrection,” and he compiles an impressive roster of newspaper editorials and private missives to document this claim. The president, however, believed just the opposite. Having come so far, Lincoln warned one group of concerned Tennessee Unionists, the entire black population expected freedom, and if the government pulled back, bondmen would take it for themselves. So once the preliminary edict was announced in September 1862, Masur believes, Lincoln understood that “withdrawing it would incite slave rebellion.” Having carped about its tone, even Hofstadter concluded that the Proclamation “probably made genuine emancipation inevitable,” if only because its military “limitations” required the security of a constitutional amendment.²³

The durable legend that Lincoln left slavery untouched in areas that recognized him as president founders on the larger context of his program for gradual, compensated emancipation in the border states. His inaugural pledge not to interfere with slavery where it already existed, David Donald observed, did not mean he refused to offer the considerable resources of the federal government to finance state manumissions. In an assessment shared by Krannawitter, David Brion Davis regards Lincoln’s hopes that compensated emancipation in tiny Delaware might shorten the war by discouraging the Confederacy as a “fantas[y],” if only because upper South politicians were irrationally “frozen in their opposition to change.” When Missouri officials dragged their feet by offering to postpone the process of emancipation for up to seven years, John Hope Franklin noted, Lincoln “made clear his displeasure” and warned that any

²² Paludan, *Presidency of Abraham Lincoln*, 148; Oakes, *Freedom National*, 390–91; Edna Greene Medford, “Imagined Promises, Bitter Realities: African Americans and the Meaning of the Emancipation Proclamation,” in *Emancipation Proclamation: Three Views*, 24.

²³ Hofstadter, *American Political Tradition*, 132; Guelzo, *Lincoln’s Emancipation Proclamation*, 215; Masur, *Lincoln’s Hundred Days*, 124–25, 198; Donald, *Lincoln*, 362; Leon Litwack, *Been in the Storm So Long: The Aftermath of Slavery* (New York, 1980), 47, also catalogs white fears that the Emancipation could incite servile revolt.

protection his government would afford loyal masters would be “temporary” at best.²⁴

Possibly no subject continues to divide scholars and invite the scorn of the president’s modern critics as deeply as does his early advocacy of the colonization of freed slaves. As a former Whig and a supporter of Kentucky politician Henry Clay, Lincoln had long endorsed the activities of the American Colonization Society and its scheme of ending slavery by relocating former bondpersons to Liberia. In his preliminary Proclamation of September 22, the president once again raised the prospect of emigration, but whether that passage represented his sincere beliefs or—like his geographical exceptions—was designed to mollify Republican moderates, remains unclear. Lerone Bennett alleges that “Lincoln never abandoned his colonization hobby,” and Vincent Harding shares that pessimistic judgment. At a time when black Americans held out hope for a new era of equality, Harding charges, “Lincoln was unable to see beyond the limits of his own race, class, and time” and desired only to rid his nation of a “constantly challenging black presence.”²⁵

For those writers who suspect that Lincoln had not yet overcome his racism, the best evidence was his disastrous August 14, 1862, meeting with a black delegation. Having penned but not yet issued his preliminary decree, Lincoln invited a group of African Americans to the White House to discuss the possibility of mass emigration. Benjamin Quarles described the delegation as “hand-picked,” second-tier men, and the president, Harold Holzer adds, well knew the views of Douglass and other black activists and journalists on the matter of colonization, and, not wishing for an angry confrontation, instead discussed the proposition with lesser-known spokesmen. Both David Donald and James Oakes, however, describe the men as black “leaders,” and Kate Masur recently demonstrated that “all five were members of Washington’s antebellum black elite and had strong ties to local religious and civic organizations.” Consequently, Oakes disparages Lincoln’s behavior as “shocking.” Rather than requesting the delegation’s thoughts on emigration, the president “read his guests a high-handed statement that was insulting in both its tone and substance.” Mark E. Neely Jr. goes further still, denouncing the “political ineptitude of Lincoln’s colonization address” and suggesting that

²⁴ Davis, *Inhuman Bondage*, 310; Franklin, *Emancipation Proclamation*, 151; Krannawitter, *Vindicating Lincoln*, 276.

²⁵ Bennett, *Forced Into Glory*, 554; Harding, *There Is a River*, 236.

it put black Americans “at risk in a hostile culture.” Only Holzer offers a half-hearted defense, writing that while Douglass and Lincoln’s other black critics were “of course right both philosophically and morally,” they were also “naïve in terms of the white politics involved.” Historians, he adds, have “focused too much attention” on the August meeting, which Holzer clearly believes was designed to appease white moderates, while ignoring Lincoln’s “longtime but soon-to-be-discarded interest in colonization.”²⁶

Like Holzer, Louis Gerteis suspects that Lincoln’s 1862 statements on emigration were but lip service designed to gain the support “of Unionists in the border states,” not merely for his coming Proclamation but also for his program of compensated emancipation. The “colonization argument,” Gerteis observes, “allowed border state Unionists to speak about a future without slavery,” but also one without African Americans, the “implausibility of achieving a total separation” notwithstanding. Neely disputes that, pointing out that the white Americans most likely to approve of removal were Northern Democrats, those “potential opponents of emancipation.” Since moderate Republicans were inclined to countenance emancipation without removal, he adds, while Democrats were uniformly hostile to Lincoln’s administration, the president’s public endorsements of colonization alienated supporters while winning over no enemies. Instead, they indicated his own internal struggles with black freedom and equality. Neely is right enough in thinking that nothing Lincoln might have done could have won over even Northern War Democrats, but Gerteis’s theory becomes more credible when one realizes that Lincoln’s final colonization appeals were to former Whigs who had cast their ballot in 1860 for John Bell and the Constitutional Union Party, and not to the likes of Democratic congressman Clement Vallandigham.²⁷

Particularly in politics, words are not deeds, and both Gabor Boritt and Harold Holzer emphasize that after Republicans in Congress appropriated \$600,000 to assist with colonization, Lincoln only spent a paltry \$38,000 of the sum. The president also refused to discuss the prospect of forced removal. Boritt has no patience with those writers who disparage

²⁶ Benjamin Quarles, *The Negro in the Civil War* (New York, 1953), 147; Kate Masur, “The African American Delegation to Abraham Lincoln: A Reappraisal,” *Civil War History* 56 (2010): 118; Holzer, *Emancipating Lincoln*, 41; Donald, *Lincoln*, 367; Oakes, *Freedom National*, 324–25; Mark E. Neely Jr., “Colonization and the Myth That Lincoln Prepared the People for Emancipation,” in *Lincoln’s Proclamation*, 53.

²⁷ Louis Gerteis, “Slaves, Servants, and Soldiers: Uneven Paths to Freedom in the Border States, 1861–1865,” *Lincoln’s Proclamation*, 175; Neely, “Colonization and the Myth That Lincoln Prepared the People for Emancipation,” 54, 69.

the president's projects as "deportations," noting that Lincoln was "no latter-date Assyrian, much less a predecessor of Stalin or Hitler." Lincoln routinely described his program as only "so far as individuals may desire" to emigrate, and Oates, Masur, and Boritt all note that when Postmaster General Montgomery Blair and Attorney General Edward Bates complained that allowing blacks to decide for themselves was tantamount to no policy on emigration, Lincoln refused to debate the point. The easiest group to persuade to emigrate, Boritt observes, were those recently freed contrabands who feared reenslavement and might accept freedom in a foreign land. Yet Lincoln never addressed that possibility. It "is difficult to escape the conclusion that Lincoln's colonization policy," Boritt concludes, "while addressed to black people, was meant for white ears."²⁸

When Lincoln issued the final Proclamation on January 1, 1863, the clauses pertaining to colonization were gone. The president's "engagement with the border states continued," Gerteis remarks, "but he viewed the issues with which they struggled in a significantly different light." Gone also, Stephen B. Oates adds, was any discussion of compensation to slave-owners; in its place was the call for African Americans, from both North and South, to be enlisted in Union military forces. George McGovern agreed that as 1863 dawned, Lincoln "seems to have abandoned the idea entirely." Bennett has his doubts, as do Phillip W. Magness and Sebastian N. Page. But as Mark J. Fleszar notes, "Lincoln himself is curiously all but absent" in such accounts, as scholars have yet to identify any reliable presidential endorsements of colonization after the final Proclamation. Rather, as Eric Foner writes, when Lincoln sent his annual address to Congress in December 1864, he ignored colonization for an endorsement of a Thirteenth Amendment to abolish slavery. "We shall hear no more of that suicidal folly," Foner quotes a correspondent of the black-run *New Orleans Tribune* reporting after perusing the 1864 message.²⁹

Over the course of the one hundred days between the time that Lincoln issued his preliminary decree and the final Proclamation on January 1, the president labored to address potential constitutional loop-

²⁸ Gabor Boritt, "Did He Dream of a Lily-White America? The Voyage to Linconia," in *The Lincoln Enigma: The Changing Faces of an American Icon*, ed. Gabor Boritt (New York, 2001), 8–9; Masur, *Lincoln's Hundred Days*, 178; Oates, *With Malice toward None*, 42–43.

²⁹ Gerteis, "Slaves, Servants, and Soldiers," 176; Oates, *Abraham Lincoln*, 110; McGovern, *Lincoln*, 68; Phillip W. Magness and Sebastian N. Page, *Colonization after Emancipation: Lincoln and the Movement for Black Resettlement* (Columbia, MO, 2011), 109; Mark J. Fleszar, review of Magness and Page, *Colonization after Emancipation*, in *Journal of the Civil War Era* 3 (forthcoming); Foner, *Fiery Trial*, 312.

holes and, as he recalled later, “added or changed a line, touching it up here and there.” Apart from dropping references to colonization, the final version differed from its predecessor in several significant ways. As Masur notes, the January Proclamation promised that “blacks would be accepted into the armed services.” Undoubtedly, that was one of the reasons that Lincoln abandoned any talk of emigration, for “it would be a cruel policy to allow blacks to serve the country and then expect them to leave.” Freehling agrees that the final edict “scrubbed from the Preliminary Emancipation Proclamation its soft war temporizing.” Although Lincoln created yet another exemption by excluding portions of Tennessee, he unleashed “the entire hard war arsenal that Congress had authorized” by liberating and arming Northern freemen and Southern runaways. The final changes, Holzer observes, allowed Lincoln to “prepare the nation for what he hoped would be an imminent policy revolution.” For the first time in the modern world, a nation sought to “redefine its war aims in the midst of the conflict,” and the president was “aware it would upend race relations in America forever.”³⁰

It was this dramatic change in tone that most enraged Lincoln’s critics then, and is often ignored today by his modern detractors. The “progress toward emancipation” during the fall months, Don E. Fehrenbacher observed, “infuriated Democratic and other conservative leaders.” Whether the Proclamation originated “out of military, diplomatic, moral, or other [reasons of] necessity, or combinations thereof,” comments Randall M. Miller, Lincoln “never retreated from” his policy but instead steadily advanced it. Congress may have drafted legislation that banned slavery in the territories and in the nation’s capital, but Lincoln had no qualms in signing those bills, and, Miller adds, he “made a strong symbolic statement about the wrongs of slavery” when he refused to commute the death sentence imposed on Nathaniel Gordon for engaging in the outlawed international traffic in humans. To emphasize that his Proclamation was merely the first step toward a “new birth of freedom,” Lincoln also affixed his signature to the Thirteenth Amendment, despite the fact that amendments require no presidential mark.³¹

³⁰ Holzer, *Emancipating Lincoln*, 36; Masur, *Lincoln’s Hundred Days*, 197; Freehling, *The South vs. the South*, 117.

³¹ Don E. Fehrenbacher, “The Anti-Lincoln Tradition,” *Papers of the Abraham Lincoln Association* 4 (1982): 10; Randall M. Miller, “Lincoln and Leadership: An Introduction,” in *Lincoln and Leadership: Military, Political, and Religious Decision Making*, ed. Randall M. Miller (New York, 2012), 9, 11.

After that, as biographer Ronald White observes, if nationwide emancipation was to be achieved, “it would be by the marching feet of a liberating army.” But no longer, Edna Greene Medford notes, would it be “a white man’s war.” Oakes suggests that while all of the president’s critics grasped the implications of his plans to enlist Northern black freemen into the army, his “implicit invitation to slaves to run to Union lines” was so “obscure” a policy shift as to be “largely invisible.” But the orders emanating from the War Department to the generals in the field were “unambiguous.” The final decree, Oakes argues, “was more than a paper threat.” And by allowing black Americans to fight for their country, writes Gregory J. W. Urwin, the president well knew that he was granting them “the opportunity to carve a new place for themselves in the country’s postwar social and political order.” When it appeared that emancipation might be a political liability in his bid for reelection in 1864, Lincoln refused to distance himself from his Proclamation and cited black military service as vindication.³²

Tragically, as Jim Downs chronicles in an important new study of African American illness during the later years of the conflict, the Emancipation Proclamation “could not protect formerly enslaved people from health threats.” The army readily enlisted healthy young men, but too often their wives and children were housed in “overcrowded unsanitary camps, depriving them not only of economic and political independence, but also of adequate clothing, food, and shelter.” Downs agrees that one of the central goals of the Emancipation Proclamation was to “bolster the Union army’s manpower” while denying the Confederacy its chief labor force. But policymakers in Washington rarely paused to consider “how the overthrow of slavery would shape the lives” of black veterans and their dependents.³³

Some readers of this journal will be old enough to recall the nation’s centennial celebration of Emancipation, falling as it did in the midst of a new struggle for freedom. Student subscribers will probably live to see the 2063 bicentennial commemoration of Lincoln’s decree. Undoubtedly, some specialists will still be insisting that runaways who announced themselves “contraband” forced the administration to act. Others will

³² Ronald C. White Jr., *A. Lincoln: A Biography* (New York, 2009), 540; Medford, “Imagined Promises, Bitter Realities,” 20; Gregory J. W. Urwin, “Seeing Lincoln’s Blind Memorandum,” in *Lincoln and Leadership*, 51; Oakes, *Freedom National*, 383–84.

³³ Jim Downs, *Sick from Freedom: African-American Illness and Suffering during the Civil War and Reconstruction* (New York, 2012), 38.

continue to emphasize the role played by progressives on Capitol Hill, or the lobbying efforts of black activists across the North. Lincoln himself, thanks in part to his legendary disinclination to pour his innermost thoughts into letters and diaries, will always attract critics from across the political spectrum. But for now, perhaps the last words should go to those residing in Richmond during the last moments of the war, men and women who understood that the struggle against slavery was not the product of a single person but was waged on a number of fronts. As it became clear that the Confederate capital was doomed to fall, Jefferson Davis and his cabinet fled south on the last secure rail line. The sounds of panic were clear to blacks in the city. One young slave, Mittie, remembered cannons “booming, it seems like everywhere.” Mittie’s father, who was to adopt the surname of Freeman, began to cheer. “It’s victory,” he kept shouting. “It’s freedom. Now we’s gonna be free.” Richard Forrester, a seventeen-year-old freeman, scrambled to the top of the capitol building to hoist the American flag. As a boy who formerly ran errands for the legislature, Forrester had hidden the twenty-five-foot flag following secession, and he wanted approaching troops to see the old banner. Fittingly, the first soldiers to do so were black cavalrymen from the Fourth Massachusetts, and the Thirty-Sixth U.S.C.T. were not far behind. Thousands of African Americans filled the streets. Men waved their hats, and women shouted, “You have come our way at last, Glory, Hallelujah!”³⁴

Le Moyne College

DOUGLAS R. EGERTON

³⁴ Douglas R. Egerton, *The Wars of Reconstruction: The Brief, Violent History of America’s Most Progressive Era* (New York, forthcoming 2013).