CHAPTER 6: SLAVERY, THE CIVIL WAR AND RECONSTRUCTION

I. Introduction of Slavery in America
II. The Antebellum South
III. Abolitionism
III. The Sectional Crisis
IV. The Civil War (1861-1865)
V. Emancipation and Reconstruction

I. Introduction of slavery in America

It is important to remember that the North American mainland was a relatively minor destination in the global slave-trading network. Less than 4% of all African slaves were sent to North America. The vast majority of enslaved people ended up in sugar-producing regions of Brazil and the West Indies.

Although slaves had been sold in the American colonies since at least 1619, slave labor did not come to represent a significant proportion of the labor force in any part of North America until the last quarter of the 17th century. After that time, the number of slaves grew exponentially. By 1776, African Americans comprised about 20% of the entire population in the 13 mainland colonies.

Specificity of slavery in the 17th century:

Few of the first generation of Africans came directly from Africa. Instead, they arrived from the West Indies. These slaves were called "Atlantic Creoles" : they were often multilingual, had mixtures of African and non-African ancestry and had Spanish or Portuguese names. These slaves were familiar with Western customs and habits of work, qualities highly prized in a region where masters and slaves worked and lived in close proximity. Having survived one climate change already, they also adjusted better to Northern winters, which incapacitated or killed those direct from Africa. Both causes contributed to the adjective often used to advertise West Indies slaves being sold in the North: "seasoned."

Early in the 17th century, black slave status in the British Americas was not quite absolute bondage. It was a nebulous condition similar to that of indentured servants. Some Africans brought to America were regarded as "servants" eligible for freedom a certain number of years. Slavery had been on the decline in England, and in most of Europe generally, since the Middle Ages. That may be why the legal definition of slavery as perpetual servitude for blacks and their children was not immediately established in the New World colonies.

They experienced a period of relative racial tolerance and flexibility that lasted until the 1660s. A surprising number of Africans were allowed to own land, to marry or even purchase their freedom.

Beginning in the late 1660s, colonists in the Chesapeake colonies of Maryland and Virginia imposed new laws that deprived blacks, free and slaves, of many rights and privileges. At the same time, they began to import thousands of slaves directly from Africa.
On the mainland British colonies, the demand for labor varied by region. During the late 17th and 18th centuries, three distinctive systems of slavery emerged in the American colonies.

<table>
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<th>TABLE 1</th>
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ESTIMATES OF BLACKS AS A PERCENTAGE OF THE POPULATION, BY COLONY, 1680-1770

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1. THE CHESAPEAKE (Maryland and Virginia)

The Chesapeake region was composed of Virginia—with Jamestown, its first successful settlement established in 1607—and Maryland. Each of these colonies developed a similar agricultural system that revolved around tobacco, which was later diversified with the introduction of cotton and indigo.

During the later part of the 17th century, the development of the Chesapeake region revolved around tobacco cultivation, which required intensive labor. At first, Chesapeake farmers hired indentured servants—men and women from England who sold their labor for a period of five to seven years in exchange for passage to the American colonies—to harvest tobacco crops. However, by the 1680s, fluctuating tobacco prices and the growing scarcity of land in the region made the Chesapeake less appealing to men and women willing to indenture themselves. The scarcity of indentured servants meant that the price of their labor contracts increased, and Chesapeake farmers began to look for alternative, cheaper sources of bonded labor.

As a result, many Chesapeake farmers turned toward imported African slaves to fulfill their desire for cheap labor. Although African chattel slavery was a more expensive investment than white indentured servitude, it guaranteed a lifetime service of free labor. As the demand for Chesapeake cash crops continued to grow, planters began to increasingly invest in the Atlantic slave trade.

- Most blacks lived in the Chesapeake region, where they made up more than 50 to 60 percent of the overall population. The majority, but not all, of these African Americans were slaves.

- Slavery was widely used in agriculture—in raising tobacco and corn and other grains—and in non-agricultural employment—in shipbuilding, ironworking, and other early industries.

- Tobacco, unlike rice, required extensive and careful cultivation, and so required the need for direct supervision of the master or an overseer = the gang system. This is why tobacco tended to produce smaller plantations (20 to 30 slaves maximum). Because tobacco could be grown inland, plantations could expand westward as eastern soils became exhausted. Away from the unhealthy climate of the lowcountry, slaves on tobacco plantations were less sickly, and they were able to achieve a relatively robust rate of natural population increase.

- Slaves working on smaller farms found themselves working side-by-side with their white masters, who hired white laborers, and only a small number of slaves. For slaves working on farms, the work was a little less tedious than tobacco cultivation, but no less demanding. The variety of food crops and livestock usually kept slaves busy throughout the year.

- Despite the difficult labor, there were some minor advantages to working on a plantation or farm compared to working in an urban setting or household. Generally, slaves on plantations lived in complete family units, their work dictated by the rising and setting of the sun, and they generally had Sundays off.

- The disadvantages, however, were stark. Plantation slaves were more likely to be sold
or transferred than those in a domestic setting. They were also subject to brutal and severe punishments, because they were regarded as less valuable than household or urban slaves.

- Self-reproduction > slave owners became less and less dependent on the slave trade > process of acculturation accelerated = creation of their own Afro-American culture

2. THE SOUTHERN COLONIES (NORTH AND SOUTH CAROLINA, GEORGIA)

- South Carolina, later dubbed the "Rice Kingdom," was one of the first North American colonies to be deliberately founded on slave labor. In the 17th century, wealthy planters from Barbados, accompanied by their African slaves, immigrated to South Carolina looking for arable lands. The planters were well aware that African slaves had skills and attributes well suited to the semi-tropical environment of South Carolina. Hence, South Carolinian planters began importing Africans in large numbers, and in 1710, African-born slaves outnumbered American-born people. By 1720, South Carolina's population was 65% enslaved.

- Wealthy planters cultivated rice and other cash crops along the southeastern coast, because rice crops needed constant irrigation

- while backwoods subsistence farmers were pushed out to the Appalachian Mountains and backcountry in the later part of the 18th century. These backcountry farmers, like their counterparts in the Chesapeake, seldom owned slaves.

- The rice plantations of lowcountry South Carolina and Georgia more closely approximated the sugar plantations. It took at least thirty slaves to set up a rice plantation. By 1750, one third of all low-country South Carolina slaves lived on units with 50 or more slaves

- Yet because rice cultivation was not a particularly delicate process, it did not require intensive oversight from masters and overseers. Hence rice slaves worked on a "task" system by which each slave was assigned a specific task to complete on his or her own each day. This allowed them to leave the fields early in the afternoon to tend their own gardens and raise their own livestock, free from white supervision. >>> They were able to reconstitute African social patterns and maintain a separate Gullah dialect.

The higher capital investment required of rice plantations, plus the reduced amount of labor supervision, made rice plantations far more profitable than tobacco plantations. And over the course of the eighteenth century, technological improvements doubled rice's profitability. This was true despite the fact that low-country rice plantations were famously unhealthy for the slaves, who suffered terrible rates of sickness and death and who were barely able to maintain a natural rate of reproduction.

SLAVERY IN GEORGIA

At a time when slavery thrived in the American colonies, Georgia, you may be surprised, was alone in banning it. But it wasn’t a moral decision.
The Georgia Trustees prohibited slavery because it conflicted with their vision of small landowners prospering from their own labor. They also wanted Georgia to serve as a military buffer between the English colonies and Spanish Florida. The Spanish offer of freedom to slaves in exchange for military service would undermine Georgia’s security. The trustees also wanted to avoid South Carolina’s fate: large-scale indigo and rice plantations worked with slave labor created huge disparities in wealth and a black majority. In some areas of coastal Carolina, slaves vastly outnumbered white settlers. But eventually, the lure of wealth by forced labor proved too tempting: the ban on slavery was finally overturned in 1751.

3. THE NORTH (NEW ENGLAND, THE MIDDLE COLONIES)

Need to reassess the history of slavery in the Northern colonies.
- Recent archaeological discoveries of slave quarters or cemeteries in Philadelphia and New York City testify to the importance of slavery in the North.

Ex of the discovery in 1992 of the ABG in Downtown Manhattan. The team of archeologists was able to make the following findings:
- They found that there was a **distinction between African-born and American-born slaves**. The skeletal remains showed some individuals with **filed teeth in hourglass shapes**, which is a cultural tradition prevalent in West Africa. Several female burials indicated **rings on the base of the skull** due to carrying heavy loads on their heads, another West African tradition.
- **Infant mortality** was extremely high—approximately 40% of the burials were infants. Based on lesions found on the bones, slaves suffered from hard physical labor and malnutrition.

The first official legal recognition of chattel slavery as a legal institution in British North America was in Massachusetts, in 1641, with the Body of Liberties. (See table)

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<td>1633</td>
<td>1636</td>
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<td>First record of slavery</td>
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<td>1645</td>
<td>1626</td>
<td>1639</td>
<td>1652</td>
<td>1639</td>
<td>1626?</td>
<td>c.1760?</td>
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<tr>
<td>Official record</td>
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<td>1643</td>
<td>1664</td>
<td>1643</td>
<td>1652</td>
<td>1700</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Official end of slavery</td>
<td>1783</td>
<td>1783</td>
<td>1799</td>
<td>1784</td>
<td>1784</td>
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<tr>
<td>Actual end of slavery</td>
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<td>c.1845?</td>
<td>1827</td>
<td>1848</td>
<td>1842</td>
<td>c.1845?</td>
<td>1865</td>
<td>1777?</td>
</tr>
<tr>
<td>Percent black 1790</td>
<td>1.4%</td>
<td>0.6%</td>
<td>7.6%</td>
<td>2.3%</td>
<td>6.3%</td>
<td>2.4%</td>
<td>7.7%</td>
<td>0.3%</td>
</tr>
<tr>
<td>Percent black 1860</td>
<td>0.78%</td>
<td>0.15%</td>
<td>1.26%</td>
<td>1.87%</td>
<td>2.26%</td>
<td>1.95%</td>
<td>3.76%</td>
<td>0.22%</td>
</tr>
</tbody>
</table>
New England had formal, legal slavery a full generation before it was established in the South. Not until 1664 did Maryland declare that all blacks held in the colony, and all those imported in the future, would serve for life, as would their offspring. Virginia followed suit by the end of the decade.

Why has it been forgotten?
The history of slavery has been written by the winners of the Civil War = the North >>> Need to emphasize the importance of abolitionism and to glorify the North in their fight over slavery

Slavery in the North never approached the numbers of the South. It was, numerically, a drop in the bucket compared to the South. But the South, comparatively, was itself a drop in the bucket of New World slavery.

The North failed to develop large-scale agrarian slavery, such as later arose in the Deep South, but that had little to do with morality and much to do with climate and economy.

Northern slavery grew out of the paradox the new continent presented to its European masters. **So much land was available. so cheaply,** that no one was willing to come to America and sign on to work as a laborer. Yet workers were needed in the new continent to **clear the land, work the soil, build the towns.** Because of this acute **labor shortage**, all the American colonies turned to **compulsory labor.** In New Netherland, in the 1640s, a free European worker could be hired for 280 guilders a year, plus food and lodging. In the same time and place, experienced African slaves from the West Indies could be bought outright, for life, for 300 guilders.

The overall percentage of slaves in New England was only **2-3%**, but there were **pockets of the North** where slaves played key roles in the economic and social order:
- New York City and northern New Jersey (4,600 blacks were in New Jersey in 1745, 7.5 percent of the population; and nearly 20,000 blacks lived in New York in 1771, 12.2 percent of the population).
- rural Pennsylvania and Philadelphia
- the shipping towns of Connecticut and Rhode Island (9.1 percent of the population; in cities such as Boston and Newport, 20-25% percent of the population

Unlike in the South, northern farms were not large-scale enterprises that focused on producing a single cash crop; instead they were often **smaller, more agriculturally diversified enterprises that required fewer laborers.** Most slaves were engaged in **farming and stock raising** for the West Indies or as **household servants** for the urban elite.

In cities, slaves were employed in a **variety of other capacities**: domestic servants, artisans, craftsmen, sailors, dock workers, laundresses, and coachmen. Particularly in urban areas, owners often **hired out their skilled enslaved workers and collected their wages.** Others were used as **household servants.**

The **average slave-owning household in New England and the Mid-Atlantic seems to have had about 2 slaves.** Estates of 50 or 60 slaves were rare, though they did exist in the Hudson Valley, eastern Connecticut, and the Narragansett region of Rhode Island. But the Northern climate set some barriers to large-scale agricultural slavery. The long winters, which brought no income on Northern farms, made slaves a burden for many months of the year unless they could be **hired out** to chop wood or tend livestock. In contrast to Southern plantation slavery,
Northern slavery tended to be urban.

Slaveholding reflected social as well as economic standing. The leading merchant families and rural gentry used slaves as domestic servants. Their example was followed by tradesmen and small retailers until most houses of substance had at least one or two domestics.

Northern slaves played a significant economic role as by doing the arduous work required in a colonial household freed their white owners to pursue careers in law, religion, medicine or civil service. Slaves were considered property that could be bought and sold. Slaves thus constituted a portion of the owners’ overall wealth.

CONCLUSION:

To claim that the colonies would not have survived without slaves would be a distortion,” historian Edgar McManus writes, ”but there can be no doubt that the development was significantly speeded by their labor. They provided the basic working force that transformed shaky outposts of empire into areas of permanent settlement. Or, to consider the situation from a broad view of the entire New World, ... export agriculture and effective colonization would not have occurred on the scale it did if enslaved Africans had not been brought to the New World. Except for precious metals, almost all major American exports to Europe were produced by Africans.”
II. The Antebellum South (1820s-1850s)

= refers to the period before the Civil War = despite slavery, the South has often been largely romanticized >>> nostalgia for this pre-industrial society which fulfilled Jefferson’s dream of an agrarian Republic. Values of tradition, conservatism, family loyalty, aristocracy / materialism, individualism and modernity in the North.

The South had not always been a different economic or social, let alone political, entity in American history. What made the South increasingly different after 1820 was its socio-economic system based on slavery = The Peculiar Institution, which limited the impact of industrialization and of European immigration.

Southerners defended slavery as “a positive good”, as a “necessary evil”

>>> first and foremost an economic necessity

>>> stated that the natural state of mankind was inequality of ability and condition not equality + religious justification of slavery = the curse of Ham (Noah had 3 sons: each one was interpreted as the founders of the populations of the three known continents, Japheth/Europe, Shem/Asia, and Ham/Africa. Ham had been doomed by God for mocking his father who was naked and drunk >>> God had blackened his descendants and doomed them to slavery)

>>> a slave society which rejected urbanism, the wage labor system and the broadening of the right to vote

In 1860, the South contained 95% of the African-American population and one in every three southerners was black (12 M people/4 M Blacks/8 M. Whites).

Proportions of slaves varied tremendously throughout the region from 10% in Missouri to 58% in South Carolina.

The slave population had grown enormously since 1800: In 1790 there were 700,000 slaves in the South, 2 million in 1830, and 4 million in 1860.

The international slave trade was abolished in 1808 and only 50,000 slaves were imported illegally, so the slave demographic growth was almost exclusively based on natural increase.

Three quarters of the slaves were engaged in agricultural labor (55% on cotton plantations, 10% tobacco, 10% rice and sugar plantations).

Southern society was very hierarchical:

- at the top of white southern society were the rich planters, whether newly rich or descendants of dynasties established in colonial times. Slave-owners formed a minority of Southerners (400,000 / 8M = 5%, ¼ of the families in 1860) but they had enormous political power as they controlled southern legislatures.

Half of them owned between 1 to 5 slaves (small-sized plantations compared to the West Indies)

- a majority of yeoman farmers who owned land but owned no slaves
- a minority of unskilled laborers who owned no land and who worked for others in farms or in towns
- free blacks (250,000/4M, 6.5%): the majority had no land and had to work on someone else’s land, restricted rights, some even owned land and slaves
- slaves
Clash between the various classes: the yeomen’s democratic values vs the planters’ aristocratic ones.

The South went through twenty years of rapid economic expansion from 1840 to 1860. Personal income rose steadily, agricultural production grew in volume, value and kind. Yet, its weakness was the lack of industrial infrastructure. In 1860 only 10% of American factory workers lived in the South. The South’s low urban rate (less than 12% in 1860) along with slave labor made the region unattractive to immigrants. Nationally, in 1860, 13% of Americans were foreign-born, but in nine southern states the rate was 2% or less.

Reaction of the North to slavery

III. The rise of Abolitionism


1777-1827: gradual emancipation in the northern states (Vermont >>> New York)

In the 1820s and 1830s the American Colonization Society was set up as a new way to do away with slavery. In 1822, it created an American colony in Africa, Liberia and assisted thousands of blacks (both ex slaves and free people) to move and settle there. Was to be a colony of “free men of color”.

The abolitionist movement emerged in the early 1830s and found a leader in William Lloyd Garrison, a young man from Massachusetts who demanded “immediate emancipation, gradually achieved” = That is he demanded that slave-owners repent immediately, and set up a gradual system of emancipation.

On January 1, 1831, Garrison produced the first issue of his newspaper, The Liberator, which bore the announcement: 
“T shall strenuously contend for the immediate enfranchisement of our slave population. ... On this subject, I do not wish to think, or speak, or write, with moderation. ... I am in earnest -- I will not equivocate -- I will not excuse -- I will not retreat a single inch -- AND I WILL BE HEARD.”

Garrison was also at the origin of the American Anti-Slavery Society (1833-1870). Many freed slaves were members of that society like Frederick Douglass or William Wells Brown.

The society was the scene for many disagreements between Garrison and prominent New York and Midwestern abolitionists. One issue between the two sides was whether abolitionists should enter politics as a distinct party. Another issue concerned the role of women in the abolitionist movement. Garrison urged that positions equal to men be given to women.

In 1840, a minority of anti-feminist delegates left the society as a result. >>> formed the American and Foreign Anti-Slavery Society. The following year they formed their own political party, the Liberty Party.
In 1848, a meeting of anti-slavery members of the Whig Party and the Liberty Party established the Free-Soil Party. The new party opposed the extension of slavery into the western territories. The main slogan of the party was "free soil, free speech, free labor, and free men".

The number of local antislavery societies increased at such a rate that by 1838 there were about 1,350 with a membership of perhaps 250,000.

One activity of the abolitionist movement involved helping slaves escape to safe refuges in the North or over the border into Canada. The "Underground Railroad," an elaborate network of secret routes, was firmly established in the 1830s in all parts of the North. Opponents of slavery allowed their homes, called stations, to be used as places where escaped slaves were provided with food, shelter and money. Harriet Tubman, an escaped slave took a great part in the system: she returned 19 times into slave territory and led over 300 individuals, including her family and relatives, out of slavery. In Ohio alone, from 1830 to 1860, as many as 40,000 fugitive slaves were helped to freedom.

IV. The Sectional Crisis

• Religious conflicts

Contrary to popular belief, in antebellum America, not all Quakers were partisans of the immediate abolition of slavery, or even willing to include African Americans in their meetings. In 1841, the New York Yearly Meeting disowned the Hicksites Isaac T. Hopper, James S. Gibbons and Charles Marriot for their involvement in the publication of the National Anti-Slavery Standard, the organ of the Anti-Slavery Society. There was an ‘evangelicals’ antislavery moment’ even in the South, which eventually passed: ‘The preachers’ opposition to slavery faltered under the pressure from planters and from their own quest for respectability.’

The issue of slavery split the churches into two or more branches. In 1844, one of the youngest denominations, the Methodist Church, ceased to be a single church. The Methodist Episcopal Church, South came into existence, independently from the Northern churches and from the two black bodies—the African Methodist Episcopal (AME) Church, formed in Philadelphia in 1816, and the African Methodist Episcopal Zion, founded in New York in 1821. Abolitionists founded the Wesleyan Methodist Church in 1841. As for the Baptists, who had been operating as a national entity only since 1814, they separated into northern and southern bodies in 1845.

Among the Presbyterians, the North-South schism officially took place in 1861 only, but the church had been torn by internal divisions since the mid-1830s. The Episcopalian Church remained passive and the Roman Catholic Church did not condemn slavery as sinful.

• Economic conflicts

Economy was overwhelmingly based on agriculture: 80%

North East gathered most of the industries, the international trade, banking facilities.
Ex with the City of Lowell, Massachusetts: By the 1850s, Lowell was the second largest city in New England, with nearly six miles of canals - the largest power canal system in the world. It is considered by many to be the birthplace of the Industrial Revolution in the United States. It was an important center for the textile industry, in particular an important source for cotton cloth. Its textile mills, were the largest, most modern mills of their time. Lowell was one of the first industrial towns to employ women, in what became known as the Lowell system. (Early system of system of mechanisation and standardisation)

South remained archaic, economy based on the plantation system, cultivation of cotton. The South represented an obstacle for the capitalist development of the North.

- **Institutional Conflicts**

Two different interpretations of the Constitution:
- For the South: slavery was a domestic institution specific to the South. To interfere with slavery would mean to violate the rights of the states. South defended democracy as it defended the rights of the states against federal power >>> Democratic Party with Jefferson.

- The North considered it defended the values of the American Revolution, with its principle of equal rights. The federal government had the right to impose its power. Stronghold of Whigs was in the North East.

- **Conflicts over the extension of slavery in the West**

The Missouri Compromise
The Northwest Ordinance of 1787 had banned slavery in the Northwest Territory. As late as 1808, when the international slave trade was abolished, many Southerners thought that slavery would soon end. The expectation proved false, for during the next generation, the South became solidly united behind the institution of slavery as new economic factors made slavery far more profitable than it had been before 1790.

Chief among these was the rise of a great cotton-growing industry in the South, stimulated by the introduction of new types of cotton and by Eli Whitney's invention in 1793 of the cotton gin, which separated the seeds from cotton. At the same time, the Industrial Revolution, which made textile manufacturing a large-scale operation, vastly increased the demand for raw cotton. And the opening of new lands in the West after 1812 greatly extended the area available for cotton cultivation. Cotton culture moved rapidly from the Tidewater states on the East Coast through much of the lower South to the delta region of the Mississippi and eventually to Texas.

Sugar cane, another labor-intensive crop, also contributed to slavery's extension in the South. The rich, hot lands of southeastern Louisiana proved ideal for growing sugar cane profitably. By 1830 the state was supplying the nation with about half its sugar supply. Finally, tobacco growers moved westward, taking slavery with them.

As the free society of the North and the slave society of the South spread westward, it seemed politically expedient to maintain a rough equality among the new states carved out of western territories. In 1818, when Illinois was admitted to the Union as a free state, 10 states permitted
slavery and 11 states prohibited it; but balance was restored after Alabama was admitted as a slave state in 1819. Population was growing faster in the North, which permitted Northern states to have a clear majority in the House of Representatives. However, equality between the North and the South was maintained in the Senate.

In 1819 Missouri applied for statehood as a slave state. A member of the House of Representatives, James Tallmadge, offered an amendment that prohibited the further introduction of slaves into Missouri and the emancipation (at age 25) of all slaves' children born in Missouri after it became a state. This amendment divided Congress and delayed the admission of Missouri because in the House the North had 105 representatives against 81 for the South, so only the Senate offered the South real equality in the national political debate.

A compromise, proposed by Henry Clay, was accepted by Congress in 1821: Maine (carved out of Massachusetts) was admitted as a free state and Missouri as a slave state to keep the balance to 12/12 and slavery was banned in the rest of the Missouri territory (territory that had been added by the Louisiana Purchase) north of the 36° 30' line (excluding the Missouri state).

The period from the end of the Mexican War (1848) to the 1860 presidential elections saw the political debate focus on the issue of the extension of slavery and southern influence. When the Treaty of Guadalupe Hidalgo was signed with Mexico in 1848 the number of slave and free states was evenly balanced with 15 each. A difficult decision needed to be made concerning slavery in the newly conquered territories.

There were basically three alternatives:

1. ban slavery altogether in these territories (known as free soil policy), which was in accordance with the Wilmot Proviso 1846 but meant that Congress could decide on the extension of slavery (which in turn meant that Congress could interfere with private property),
2. let each territory decide for itself (popular sovereignty). This alternative relieved Congress of addressing the slavery issue and was popular across party lines. Those in favor of this solution argued that the Missouri Compromise was unconstitutional
3. extend the Missouri Compromise line of 36°30' of latitude north, all the way to the Pacific (banning slavery north of this line). This would cut California and New Mexico roughly in half with the southern part being slave-holding. This decision would be nearly impossible to enforce because California was quickly settled by immigrants who did not own slaves.

It was precisely the admission of rapidly-growing California which precipitated the issue. In 1852, there were 200,000 Californians and by 1860, 380,000. In 1849, after the election of Mexican War hero Zachary Taylor as US president, California became a Free State on the condition that the future of slavery within the Union would be guaranteed. This tacit agreement led to the Compromise of 1850:

1. California was admitted as a free state so the balance was now 16 free to 15 slave states,
2. slavery in the rest of the Mexican cession (divided into two territories, Utah and New Mexico) would be decided by popular sovereignty,
3. the slave trade, but not slavery, was abolished in the District of Columbia,
4. A new and much more conservative Fugitive Slave Act replaced the 1793 law.

- Kansas and Nebraska >>> Pbl of Popular Sovereignty
In 1854 the Kansas-Nebraska Act was meant to be another compromise between Northerners and Southerners but actually led to direct confrontation. It stipulated that two new territories: Nebraska (North) and Kansas (South) were to be created and that the principle of popular sovereignty would be applied there. Following the passing of the Act partisan and opponents of slavery rushed to Kansas hoping to organize it as a slave or a free state. Nebraska was settled by anti-slavery partisans. A violent confrontation followed creating a local guerrilla (“Bleeding Kansas”). In 1858 Kansas proposed 2 bills for admission: a free state bill and a slave state bill: >>> the bill to admit Kansas as a slave state was rejected by Congress and Kansas was only admitted into the Union in 1861 as a Free State Nebraska entered Union in 1867.

>>> The Kansas issue tested the principle of popular sovereignty and showed that it was not the answer to the question of the expansion or non-expansion of slavery. The answer came from the Supreme Court through the 1857 Dred Scott Case = stating that slaves were property, and the court would not deprive slave owners of their property without due process of law according to the Fifth Amendment. Missouri Compromise was unconstitutional (Congress could not decide for people about their property)

- **John Brown’s final stroke**

By then events were spinning out of control. On the night of October 16, 1859, John Brown, a white antislavery fanatic who had captured and killed five proslavery settlers in Kansas three years before, led a band of 18 whites and blacks in an attack on the federal arsenal at Harper's Ferry, Virginia. Brown's goal was to use the weapons to lead a slave uprising. After two days of fighting, Brown and his surviving men were taken prisoner by a force of U.S. Marines and on December 2, 1859, he was hanged.

>>> Brown's attempt confirmed the worst fears of many Southerners = slave uprising. Antislavery activists, on the other hand, generally hailed Brown as a martyr to a great cause.

>>> The nation at come to a dead-end

- **Abraham Lincoln and the Republican Party**

The Republican Party was established in 1854 by a coalition of former Whigs, (old Federalists), Northern Democrats, and Free-Soilers who opposed the expansion of slavery. >>> Created the third party system which lasted until 1896.

The new party was created as an act of defiance against the Slave Power -the powerful class of slaveholders who were conspiring to control the federal government and to spread slavery nationwide. The party founders adopted the name "Republican," echoing the 1776 values of Republicanism: civic virtue and opposition to aristocracy and corruption. The new party emphasized a vision of modernizing higher education, banking, railroads, industry, and cities, while promising free homesteads to farmers. The party initially had its base in the Northeast and Midwest.

In 1858 Lincoln ran election for the U.S. Senate from Illinois. In the first paragraph of his opening campaign speech, he struck the keynote of American history for the seven years to follow:
A house divided against itself cannot stand. I believe this government cannot endure permanently half-slave and half-free. I do not expect the Union to be dissolved -- I do not expect the house to fall -- but I do expect it will cease to be divided.

In 1860, the Republican Party nominated Abraham Lincoln as its candidate for president and was elected in 1861.

V. The Civil War (1861-1865)

• Secession

By February 1, 1861, following the election of Lincoln, 7 southern states (South Carolina, Mississippi, Florida, Alabama, Georgia, Louisiana, and Texas) seceded and formed a Confederacy, choosing Jefferson Davis as president. = Jefferson Davis said that a "disparaging (disdainful, insulting) discrimination" and a fight for "liberty" against "the tyranny of an unbridled majority" gave the Confederate states a right to secede.

In April, after the war had begun, Virginia joined the Confederacy and Richmond, Virginia (only 150 km south of Washington) was chosen as the Confederate capital. In May, North Carolina, Tennessee, and Arkansas followed.

In his inaugural address, Lincoln declared the Confederacy "legally void." His speech closed with a plea for restoration of the bonds of Union, but the South turned a deaf ear. On April 12, 1861, the Confederates bombarded the federal garrison at Fort Sumter (Charleston, SC) beginning of the Civil War

Between the enlarged Confederacy and the free-soil North lay the border slave states of Delaware, Maryland, Kentucky, and Missouri (all slave states, but whose slave population ranged from 2 to 10% only), which, despite some sympathy with the South, would remain loyal to the Union.

In the end, 11 of the 15 slave states seceded.

• What resources did the belligerents have? Clear advantage of the North

1. The North had a population of 22 million in 23 states for 9 million for the South in 11 States (40% were slaves), 4 to 1 ratio
2. North was better developed: 22,000 miles of railroad for less than 10,000 in the South, Excellent railroad links between Union cities allowed for the quick and cheap movement of troops and supplies. Transportation was much slower and more difficult in the South which was unable to augment its much smaller rail system, repair damage, or even perform routine maintenance
3. The Union at the start controlled over 80% of the shipyards, steamships, river boats, and the Navy. It augmented these by a massive shipbuilding program. This enabled the Union to control the river systems and to blockade the entire southern coastline.
4. in terms of manufacturing power, the North produced more than 90% of the nation’s industrial goods. The North produced 17 times more textiles than the South, 21 times more coal, and 32 times more firearms.
Yet this list of human and material wealth so much in favor of the North only reveals one aspect of the issue.

Actually, the South was in a better position to win the war in 1861 than the North was because:
1. The South covered a huge territory of 1.2 million sq. km that was very difficult to invade and occupy,
2. The South could lead a defensive war on its own territory and could strike from time to time + had a stronger military tradition, and possessed the more experienced military leaders.
3. The South controlled the world cotton production and not only did the North need Southern cotton for their textile factories but also the foreign currency that cotton export brought to the nation.

2 regions which complemented each other and now that they were autonomous they were lacking resources

- **Military strategies**
  - In 1861 and 1862, the South successfully pushed back northern invasions
  - 1863 was a turning point as the North took the upper hand for the first time in the conflict and kept it until the end.
  - The South was defeated at Gettysburg (July 1-3) and at Vicksburg (July 4).>>>
  - The North controlled navigation along the Mississippi River.
  - By the summer 1863, the Union controlled 6 of the 11 Confederate states.
  - In 1864 the South was gradually overwhelmed by northern troops, until General William T. Sherman devastated Georgia and in April 1865 General Robert E. Lee surrendered to Ulysses Grant at Appomattox, Virginia.

The North was more successful in taking control of ports.
The South’s maritime strategy was three-fold:
  - force the blockade imposed by the north
  - build ironclad vessels (often in England) to wreck Union ships
  - raid northern merchant vessels.
Overall, the southern Navy was quite successful.

Yet, - The Confederacy's tactic of invading the North used all his manpower strength
  - The Union devoted much more of its resources to medical needs, thereby overcoming the unhealthy disease environment that sickened (and killed) many soldiers even more than at combat
  - Lincoln proved more adept than Davis in replacing unsuccessful generals with better ones
  - Lincoln grew as a grand strategist, in contrast to Davis who never developed an overall strategy.
  - 1863: The Emancipation Proclamation enabled African-Americans, both free blacks and escaped slaves, to join the Union Army. About 180,000 volunteered, further enhancing the numerical advantage the Union armies

- **Political strategies**
  - The Union had a more established government, its executive which accumulated greater power during wartime, gave a more streamlined conduct of the war, with minimal disagreement
between Lincoln and the governors. ≠ Davis failed to maintain positive and productive relationships with state governors.

- In the South, the Confederate government was disintegrating: the population opposed more and more to its taxing policies, many food riots occurred (against the gvt’s impressment of food) + many secret societies favoring reunion emerged + more and more desertions

≠ in the North, there was some desertion but the north disposed of more human resources to fill up the troops + no food shortage because it had more resources + Lincoln often addressed himself to the common people through letters to soldiers’ families = presented himself as a trustworthy leader.

After Lincoln’s re-election in 1864, the threat of a political victory for the South was ended. At this point, Lincoln had succeeded in getting the support of the border states, War Democrats, Republicans, emancipated slaves as well as Britain and France.

• Emancipation

Both governments lack clarity on the causes of war, Lincoln and Davis avoided references to slavery.  
- Davis told Southerners they were fighting for constitutional liberty in order to prevent class conflicts
- Lincoln wanted to preserve the upholding of border States (Kentucky, Delaware, Maryland, Missouri) whose loyalty to the Union was fragile + fear to split his party on the question of slavery >>> save the Union at all cost

Lincoln suggested to help states who emancipated their slaves + gradual emancipation with compensation for slaveholders and sending of the freed slaves outside the US >>> Central America or the Caribbean. He was not convinced that the US could evolve into a truly biracial society. (Ambiguous attitude to be noticed)

In August 1861 and July 1862, a group of Radical Republicans in Congress believed in the urge to emancipate all slaves, that this war was the war against slavery >>> passed the Confiscation Acts: These acts encouraged the confiscation of slaves fighting for the Confederacy or owned by Confederate masters

As the commander-in-chief of armed forces, Lincoln announced on January 1, 1863 that he would emancipate the slaves in the states “in rebellion against the United States” >>> The Emancipation Proclamation. = was not a law passed by Congress but a presidential order empowered

Yet, was more a threat to Southerners: unless they didn’t put down their arms, they would loose their slaves

The Emancipation declared all slaves free except in the border states and in zones occupied by the Northern army, encouraging Blacks in the South to rebel.

In practical terms, the proclamation had little immediate impact; it freed slaves only in the Confederate states, while leaving slavery intact in the border states.

+ it also authorized the recruitment of African Americans into the Union Army, = United States Colored Troops (USCT), a move abolitionist leaders such as Frederick Douglass had been
African Americans served in the U.S. Colored Troops, and 29,500 served in the Union Navy. = 180,000
>>> Impact was more moral than political.

Politically, however, it meant that in addition to preserving the Union, the abolition of slavery was now a declared objective of the Union war effort.

In his famous Gettysburg address on November 1863, Lincoln invoked the principles of human equality espoused by the Declaration of Independence and redefined the Civil War as a struggle not merely for the Union, but as "a new birth of freedom" that would bring true equality to all of its citizens.

Abroad, as Lincoln hoped, the Proclamation turned foreign popular opinion in favor of the Union for its new commitment to end slavery. That shift ended any hope the Confederacy might have had of gaining official recognition, particularly with Britain. If Britain or France, both of which had abolished slavery (1833, 1848), continued to support the Confederacy, it would seem as though they were supporting slavery.

The foremost consequences of the war were:

1. a large number of deaths: 630,000 (360,000 Union soldiers / 260,000 Confederate soldiers) = the largest of all American wars compared to previous conflicts: Mexican (13,000), 1812 (2,000), Revolutionary (4,500), + 1 million casualties (31 million people)
2. South was largely devastated: homes, crops, livestock,...
3. Cost of the war exceeded $20 billion: 5 times what the federal government had spent from its creation to 1861
4. It made the United States more centralized. During the conflict the federal government asserted its sovereignty and the war permanently discredited secession. From a constitutional perspective, the Civil War has been compared to a war of unification or a Second Revolution, Before the war the nation as such did not really exist.
5. It led the United States towards full-blown industrialization. Northern industrial capitalism triumphed over southern agrarianism,
6. The war freed millions of slaves and a constitutional amendment abolished slavery (XIII, 1865).

*Transformation of the society during the war*

The South had to abandon their preference for local and limited government >>> need to centralize their government + need to build railroads and to forge industries, transforming its agricultural landscape.

The North boosted its industries and productivity.

Northern citizens felt a strong connection with the government: secession threatened to destroy their system and northerners rallied to its defence. Surge of patriotism.

Money became a real value: *the NY Herald:*

This “war has entirely changed the American character ... The individual who makes the most money – no matter how –and spends the most –no matter for what—is considered the greatest man.”

Contrast between materialism and greed vs. idealism, religious conviction and self-sacrifice
VI. Reconstruction and legalized segregation

- After the passing of the 13th amendment and the abolition of slavery Southern state legislatures passed "black codes" to regulate the African-American freedmen, installing a new form of legalized discrimination.

The South Carolina Black Code

South Carolina’s Black Code applied only to “persons of color,” defined as including anyone with more than one-eighth Negro blood. Its major features included the following:

1. Civil Rights

The Southern Black Codes defined the rights of freedmen. They mainly restricted their rights. But the codes did grant black persons a few more civil rights than they possessed before the Civil War. South Carolina’s code declared that “persons of color” now had the right “to acquire, own and dispose of property; to make contracts; to enjoy the fruits of their labor; to sue and be sued; and to receive protection under the law in their persons and property.” Also, for the first time, the law recognized the marriages of black persons and the legitimacy of their children. But the law went on to state that, “Marriage between a white person and a person of color shall be illegal and void.”

2. Labor Contracts

The South Carolina code included a contract form for black “servants” who agreed to work for white “masters.” The form required that the wages and the term of service be in writing. The contract had to be witnessed and then approved by a judge. Other provisions of the code listed the rights and obligations of the servant and master. Black servants had to reside on the employer’s property, remain quiet and orderly, work from sunup to sunset except on Sundays, and not leave the premises or receive visitors without the master’s permission. Masters could “moderately” whip servants under 18 to discipline them. Whipping older servants required a judge’s order. Time lost due to illness would be deducted from the servant’s wages. Servants who quit before the end date of their labor contract forfeited their wages and could be arrested and returned to their masters by a judge’s order. On the other hand, the law protected black servants from being forced to do “unreasonable” tasks.

3. Vagrancy

All Southern Black Codes relied on vagrancy laws to pressure freedmen to sign labor contracts. South Carolina’s code did not limit these laws to unemployed persons, but included others such as peddlers and gamblers. The code provided that vagrants could be arrested and imprisoned at hard labor. But the county sheriff could “hire out” black vagrants to a white employer to work off their punishment. The courts customarily waived such punishment for white vagrants, allowing them to take an oath of poverty instead.

4. Apprenticeship
Southern Black Codes provided another source of labor for white employers—black orphans and the children of vagrants or other destitute parents. The South Carolina code authorized courts to apprentice such black children, even against their will, to an employer until age 21 for males and 18 for females. Masters had the right to inflict moderate punishment on their apprentices and to recapture runaways. But the code also required masters to provide food and clothing to their apprentices, teach them a trade, and send them to school.

5. Courts, Crimes, and Punishments

South Carolina’s Black Code established a racially separate court system for all civil and criminal cases that involved a black plaintiff or defendant. It allowed black witnesses to testify in court, but only in cases affecting “the person or property of a person of color.” Crimes that whites believed freedmen might commit, such as rebellion, arson, burglary, and assaulting a white woman, carried harsh penalties. Most of these crimes carried the death penalty for blacks, but not for whites. Punishments for minor offenses committed by blacks could result in “hiring out” or whipping, penalties rarely imposed on white lawbreakers.

6. Other Restrictions

South Carolina’s code reflected the white obsession with controlling the former slaves. It banned black people from possessing most firearms, making or selling liquor, and coming into the state without first posting a bond for “good behavior.” The code made it illegal for them to sell any farm products without written permission from their white employer, supposedly to guard against stealing. Also, blacks could not practice any occupation, except farmer or servant under contract, without getting an annual license from a judge.

African Americans were required to carry passes, observe a curfew, live in houses provided by a landowner, enter into annual labor contracts with penalties imposed in case of violation; dependent children were subject to compulsory apprenticeship and corporal punishments by masters; vagrants could be sold into private service if they could not pay severe fines had to be abandoned with the passing of 14th and 15th amendments had other indirect ways to discriminate and grounds which were not “race, color or previous condition of servitude”

- Slaves were granted freedom, but the North completely failed to address their economic needs. The Freedmen's Bureau was unable to provide former slaves with political and economic opportunity.
- Union military occupiers often could not even protect them from violence and intimidation. Indeed, federal army officers and agents of the Freedmen's Bureau were often racists themselves. Without economic resources of their own, many Southern African Americans were forced to become tenant farmers on land owned by their former masters, caught in a cycle of poverty that would continue well into the 20th century.
- Violence against African Americans became more and more frequent with the creation of the organization of the Ku Klux Klan (1866). Their target was the Republicans. Congress reacted to this increasing disorder (corruption and violence) by the passage of Enforcement Acts in 1870 and 1871, severely punishing those who attempted to deprive the African-American freedmen of their civil rights.
Immediately following the abolition of slavery in the United States (and ratification of the 13th amendment), the slave labor-dependent economy of the South faced widespread poverty and market collapse. Southern lawmakers began to exploit the so-called "loophole" written in the 13th amendment and turned to prison labor as a means of restoring the pre-abolition free labor force. Black Codes were enacted by politicians in the South to maintain white control over former slaves, namely by restricting African Americans' labor activity. Common codes included vagrancy laws that criminalized African Americans’ lack of employment or permanent residence. Inability to pay fees for vagrancy crimes resulted in imprisonment, during which prisoners labored in the very same wage-free positions held by slaves less than two years prior. Other "crimes" punishable by imprisonment (and subsequent slave labor) as per Black Codes included unlawful assembly, interracial relationships, violation of slave-like labor contracts, possession of firearms, making or selling liquor, selling agricultural produce without written permission from an employer, and practicing any occupation other than servant or farmer without holding a judge-ordered license. Additionally, orphaned minors and minors removed from their homes by the state were apprenticed by courts to employers until the age of 21. Minors apprenticed under Black Codes were authorized to be forced into labor against their will, and apprentice relationships closely resembled those of master and slave in terms of discipline and involuntary labor. By 1866, nearly all southern states had enacted individual sets of Black Codes. The widespread enforcement of Black Code laws effectively used the 13th amendment's exception of penal labor to reinvent the chattel slavery economy and society to comply with federal law.

1872: Amnesty Act removed the voting restrictions and office-holding disqualification against most of the secessionists who rebelled in the United States Civil War, except for some 500 military leaders of the Confederacy.

By 1876, the Democrats had regained control in all but 3 Southern States, ousting carpetbagger governments and intimidating African Americans from voting or attempting to hold public office. The 1876 election was compromised the elected Republican president Hayes had promised to withdraw federal troops in the South and abandon federal responsibility for enforcing blacks' civil rights.

- Legalized segregation

So segregation came back officially, despite the many attempts at stopping it, like in 1875, the Civil Rights Act which imposed various criminal penalties against private businesses that practiced racial discrimination. Penalties were imposed on any owner of a public establishment or conveyance who practiced racial discrimination in the conduct of his or her business. Many Northerners and Southerners opposed to Reconstruction saw the law as an infringement of personal freedom of choice.

In 1883, in the Civil Right Cases, the Supreme Court held that Congress lacked the constitutional authority to outlaw racial discrimination by private individuals and organizations, and declared that the Civil Rights Act of 1875, was unconstitutional. The intent and
purpose of the 14th Amendment was to prevent discrimination in any form by the State governments and not by private individuals.

With the coming back of Democrats in the South, from 1876 to 1965, the South was dominated by the "Jim Crow" laws segregating public schools, limiting or forbidding African-American access to many public facilities such as parks, restaurants, theatres, and hotels with “white only” signs, and denied most blacks the right to vote by imposing poll taxes and arbitrary literacy tests. "Jim Crow" is a term derived from a song in a 1828 minstrel show where a white man first performed in "blackface."

In 1896 the Jim Crow Laws were considered legal with the Plessy vs Ferguson decision. On June 7, 1892, a 30-year-old colored shoemaker named Homer Plessy was jailed for sitting in the "White" car of the East Louisiana Railroad. Plessy was only one-eighths black and seven-eighths white, but under Louisiana law, he was considered black and therefore required to sit in the "Colored" car.

Homer Adolph Plessy v. The State of Louisiana, that the Separate Car Act violated the Fourteenth Amendment to the Constitution (requiring the states to provide equal protection under the law to all persons (not only to citizens). The judge at the trial was John Howard Ferguson, a lawyer from Massachusetts who had previously declared the Separate Car Act "unconstitutional on trains that traveled through several states". In Plessy's case, however, he decided that the state could choose to regulate railroad companies that operated only within Louisiana. (power and sovereignty of the state) He found Plessy guilty of refusing to leave the white car.

In 1896, the Supreme Court of the United States heard Plessy's case and found him guilty once again: it was asserted that distinctions based on race were compatible with the Fourteenth Amendment. The Plessy decision set the precedent that "separate" facilities for blacks and whites were constitutional as long as they were "equal." = Blacks and whites would receive the same services with the same quality but in separate places. (The "separate but equal" doctrine was quickly extended to cover many areas of public life, such as restaurants, theaters, restrooms, and public schools. Was repealed in 1954, in the equally important Brown v. Board of Education decision, would the "separate but equal" doctrine be struck down.