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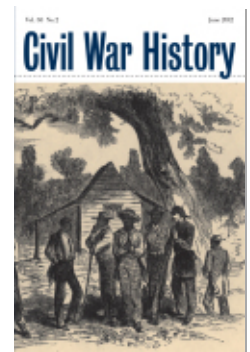
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*Reconstructing Reconstruction:  
Options and Limitations to Federal Policies  
on Land Distribution in 1866–67*

ROGER L. RANSOM

On April 11, 1865, Robert E. Lee surrendered the Army of Northern Virginia to Ulysses Grant and the Army of Potomac. While sporadic fighting continued for a few weeks, Lee's surrender effectively ended the Civil War. The demise of the rebellion ushered in a period of "Reconstruction" that has remained at the center of historical debates from the end of the war up to the present.

For almost a century, the interpretation favored by most historians was one of a mismanaged military occupation of the South by Northerners bent on vengeance against a "prostrate" South. State governments in the South were alleged to be rife with corruption and engaged in irresponsible spending that brought their treasuries close to bankruptcy. Only the reinstatement of "redeemer" governments, controlled by conservative white southerners in the mid-1870s, finally restored order. To underscore their dissatisfaction with what went on in the South during the decade following the war, historians adopted the loaded terminology of the times in their writings. Northerners who traveled to the South to take part in the reconstruction of the defeated states were described as "carpetbaggers"; Southern whites who cooperated with federal authorities were termed "scalawags"; and "negroes" were uniformly depicted as uneducated and unprepared for freedom. Only after the "compromise" allowing Republican president Rutherford B. Hayes to with-

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draw federal troops from the Southern states in 1876 could the country finally take steps toward the eventual reunion of a nation torn apart by war.<sup>1</sup>

With the appearance of the civil rights movement in the middle of the twentieth century, this interpretation was challenged by a group of revisionist historians who portrayed the period as a time of lost opportunities. Historians such as Kenneth Stampp insisted that the Reconstruction governments represented a bold effort to create an integrated society in the wake of slavery.<sup>2</sup> It was the stubborn resistance of whites who refused to accept racial equality and the lack of support for freedmen's rights on the part of the federal government that undermined the efforts to "reconstruct" the South. According to the revisionists, Reconstruction offered a brief window of opportunity for Americans to effect a social revolution in the South, and the Compromise of 1876 was a tragic betrayal of nearly five million African American "freedmen" who were abandoned to the racist policies of Southern whites. As W. E. B. Du Bois, the African American historian who anticipated the revisionist interpretation by several decades, put it: "The slave went free; stood a brief moment in the sun; then went back again toward slavery."<sup>3</sup>

By the end of the 1970s a new consensus had emerged among historians who staked out a position between the earlier interpretations. Conceding the revolutionary nature of the Republican efforts to reconstruct the South, the neo-revisionists pointed out that these efforts were nonetheless doomed to failure. Reconstruction, as Eric Foner put it, was at best an "unfinished revolution." Yet, Foner pointed out, the effort had not been completely in vain. "The magnitude of the Redeemer counter-revolution," he argued, "underscored both the scope of the transformation Reconstruction had

1. The classic version of this view of Reconstruction is William A. Dunning, *Reconstruction, Political and Economic* (New York: Harper & Brothers, 1907). Other leading figures of what became known as the "Dunning School" of Reconstruction include Walter L. Fleming, *The Sequel of Appomattox: A Chronicle of the Reunion of the States* (New Haven: Yale Univ. Press, 1919); and James Ford Rhodes, *History of the United States from the Compromise of 1850*, vols. 5–7 (London: Macmillan Co., 1906). This interpretation remained the foundation of historical interpretations of Reconstruction in the South through the 1950s.

2. The earliest "revisionist" view of Reconstruction, which was largely ignored by scholars when it appeared in 1935, was by the African American historian W. E. B. Du Bois, *Black Reconstruction in America* (New York: Harcourt, Brace, 1935). The work usually recognized as finally breaking the grip that Dunning's legacy had on Reconstruction history is Kenneth Stampp, *The Era of Reconstruction, 1865–1877* (New York: Vintage Press, 1965). For an excellent selection of these revisionist views of Reconstruction in the 1960s, see the essays in Kenneth Stampp and Leon Litwack, *Reconstruction: An Anthology of Revisionist Writings* (Baton Rouge: Louisiana State Univ. Press, 1967).

3. Cited in Eric Foner, *Reconstruction: America's Unfinished Revolution* (New York: Harper and Row, 1988).

assayed and the consequences of its failure. . . . The tide of change rose and then receded, but left behind an altered landscape.”<sup>4</sup>

Although they paint very different views of the events between 1865 and 1876, these three interpretations of Reconstruction share a common thread: they all suggest that the policies of the federal government toward the South after Appomattox were seriously flawed. The “failure” of Reconstruction was in each case due to a series of costly mistakes. The question we are addressing in these essays is: “Could it have been different?” In other words, could the United States government have done something that might have dramatically *changed* Reconstruction?

Counterfactual analysis is tricky business. Obviously there exist a wide range of counterfactual possibilities that could have produced different outcomes. Our challenge is to identify those situations where a change of events could plausibly change the course of history. Two caveats must be kept in mind in shaping our counterfactual scenario of Reconstruction. First, when selecting specific events that might be “changed,” it is important to bear in mind that some things will *not* change simply because we devise a new counterfactual scenario for the postbellum South. In the language of those who deal with economic or social “models,” there are always a set of “constants” or “givens” that will govern the effects of any policy. The counterfactual scenarios of Reconstruction must stay within the limits imposed by these external historical conditions. The second caveat is that in a situation as complex as the aftermath of a major war, postulating some change of a *single* event or policy would probably not materially affect the course of Reconstruction.

With this in mind, we turn to a brief discussion of “givens” that would affect any policy of Reconstruction. The most obvious of these would be the impact of the war itself. The war had ended slavery abruptly and violently, with no compensation paid to the former slaveholders and no tangible means of support for the freed slaves and their families. While the human and physical capital of slave labor remained in the form of able-bodied African Americans, emancipation had wiped out one-half the financial capital of the cotton South. The effects of the war also included destruction of the financial and transportation infrastructure of the South. Only one commercial bank survived the war, and four years of war and neglect had left the transportation system in ruins throughout much of the region. In addition to these effects, there was a significant deterioration of real property in many parts of the

4. Ibid., 602.

South. All of this was disruptive, but most of this damage could be repaired within a few years.<sup>5</sup> What could not be “repaired” were the psychological wounds from the fighting. The immediate effect of the fighting was a stubborn determination on the part of defeated rebels to prevent the victorious North from undertaking the restructuring of their society. Pitted against this resistance to change was the determination of a sizable group of Northerners to force the Southern states to enact substantial changes in their political and social structure before they would be readmitted into the Union.

A second constraint that would affect any Reconstruction policy would be the problem of race. From the outset of Reconstruction, the question of civil rights for the newly freed slaves in the South was a central issue between Northern Radicals who supported policies and legislation to protect the civil rights of African Americans in the South, and powerful opposition on the part of Southern conservatives to scuttle any attempt to establish political or economic equality for the freed slaves in the former Confederacy. A crucial element in this tug of war was the support of Northern voters favoring active intervention by the federal government into Southern affairs on behalf of the freedmen. Initially, the efforts of the radicals to support the rights of freedmen attracted widespread support from Northern voters. But by the middle of Ulysses Grant’s second term, this support had been seriously eroded by the steady efforts of Southern whites to resist any policy of equality for African Americans and the growing evidence that a policy of “reconstructing” the South would be a long and potentially costly endeavor. Simply put, most Northerners were unwilling to pay for the effort that would be required to guarantee freed slaves their rights in a society of hostile white Southerners.

The waning enthusiasm of Northern voters for direct assistance to blacks led to the demise of the Freedmen’s Bureau and the steady withdrawal of Northern troops. With the withdrawal of the remaining troops in 1876, any hope of enforcing a policy of Reconstruction framed in Washington disappeared. In the months immediately following Abraham Lincoln’s assassination, President Andrew Johnson initiated a series of Reconstruction measures that offered amnesty to virtually all the Confederate rebels and authorized elections of state legislatures in the conquered states.<sup>6</sup> These actions, which

5. Richard Sutch and I have argued that the physical damage of the war was greatly exaggerated by the early interpretations of the postwar period. The greatest physical damage in the South was the neglect of farms that were short of labor during the war. See Roger Ransom and Richard Sutch, “The Impact of the Civil War and of Emancipation on Southern Agriculture,” *Explorations in Economic History* 12 (Jan. 1975): 1–28.

6. The state governments were eventually thrown out by the Reconstruction Acts passed in the wake of the overwhelming Republican congressional victories in 1866. However, the legacy

initiated a period of “Presidential Reconstruction,” place an important constraint on any counterfactual alternative Reconstruction policy. If there was a window of opportunity for Northerners to enact forceful policies that might ensure civil liberties for African Americans in the South, it was very brief.

Finally, any policy dealing with economic and political recovery in the defeated South would have to deal with the conditions in the international cotton market. At least in the foreseeable future, the South of 1865 would remain an export-based economy dependent on the production of cotton. Although the full implications of this problem would not be apparent for some time, the stagnant demand for cotton abroad would place a major constraint on the long-term recovery of the Southern economy.<sup>7</sup>

Given these constraints, what sort of policies could have made a difference? The possibility that everyone immediately considers is the distribution of land to the freed slaves. Congressman Thaddeus Stevens of Pennsylvania actually proposed that the federal government expropriate land owned by rebel planters and distribute it to former slaves. Stevens proposed that every freedman who was the head of a family would be given a grant of up to forty acres of land and \$50 from the federal government. This plan, according to Stevens, would affect approximately seventy thousand “chief rebels” who owned almost 4 million acres of land. What made this idea so appealing to Radical Republicans in Congress was that the expropriated land could be obtained at zero cost, and giving it to freedmen would not only reward the freed slaves; it would also punish the traitors who had led the recent insurrection. To those who thought such measures too harsh, Stevens replied that it would be “far easier and more beneficial to exile 70,000 proud, bloated and defiant rebels than to expatriate 4,000,000 laborers, native to the soil and loyal to the government.”<sup>8</sup> Despite its appeal to Radicals, Stevens’s plan was never enacted by either the House or the Senate. With its demise, the idea of giving land to freedmen gradually disappeared.

That, in the view of most historians today, was unfortunate. Giving land to the freedmen immediately after the war would not only have been a good

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of those governments remained in the form of a firmly held belief on the part of many white Southerners that the new state governments formed under the auspices of the Reconstruction Acts were illegitimate. The legacy of the pardon was more direct. As I note below, pardoning the rebels led to the return of lands that had been confiscated during the war, thus making any redistribution of that land immensely more difficult.

7. For a discussion of how the cotton market would dominate any counterfactual scenario of the postbellum South, see Roger L. Ransom, *The Confederate States of America: What Might Have Been* (New York: Norton, 2005), chap. 4.

8. Cited in Stamp, *The Era of Reconstruction, 1865–1877*.

idea; it was one that had been tried even before the war ended. Under the Confiscation Act of 1862, lands abandoned by planters fleeing the Union armies could be confiscated by the government. In areas where planters abandoned their land, there was usually an accompanying flow of refugee slaves coming to the Union lines. Union commanders, not certain what to do with either the abandoned land or the refugee slaves, sought ways to make use of the African Americans' labor. In at least two widely publicized instances, this resulted in experiments where possession of the abandoned lands was transferred to ex-slaves to work the land. The most celebrated case occurred in the Sea Islands off the coast of South Carolina and in some areas of rice cultivation along the Georgia coast. As his army marched through Georgia in the fall of 1864, Gen. William Tecumseh Sherman found himself burdened with a large group of African American refugees fleeing from slavery. Seeking a means of ridding his army of this burden, Sherman met with Secretary of War Edwin Stanton in January 1865 and proposed that abandoned land be offered to the refugees. That meeting produced Sherman's Field Order No. 15, which confirmed grants of ownership that affected approximately 40,000 African Americans for land totaling almost 400,000 acres in the Sea Islands and coastal Georgia.<sup>9</sup>

The other significant experiment with land distribution to refugee slaves involved the expropriation by federal authorities of six plantations at Davis Bend Mississippi, including a 500-acre plantation owned by Jefferson Davis. In an experiment expressly designed to prove that African Americans freed from slavery could function in a market society, these plantations were turned over to refugee slaves to grow cotton. The results, notes historian Vernon Wharton, "were remarkable." Wharton presents data showing the commercial success of the experiment for the 1863 and 1864 crop years.<sup>10</sup> While it is clear that the Davis Bend experiment operated under the very favorable aegis of federal assistance, as well as in a market where cotton was in extremely short supply, Wharton insists that the success of the venture shows what could have happened if blacks were given their own land to till after the war. "A wiser and more benevolent government," he notes, "might well have seen in Davis Bend the suggestion of a long-time program for

9. There was one small hitch in the arrangement. The Confiscation Acts specified that confiscation of the land would apply to the present owner, but on his or her death the title to the land would revert to the heirs of the original owner. This produced considerable ambiguity in the grants. See Stamp, *The Era of Reconstruction*.

10. Vernon Lane Wharton, *The Negro in Mississippi, 1865-1890* (New York: Harper and Row, 1947).

making the Negro into a self-reliant, prosperous and enterprising element of the population. . . . [Such a program] would certainly have altered the future of the South, and it might have made of her a much happier and more prosperous section.”<sup>11</sup>

The proposals for land distribution reveal that some of the people forming policies in the years immediately after the war understood that, in a society where most of the people are farmers, land is the key to economic security. A landless class is vulnerable to pressures that could easily make them politically impotent. Ownership of land might secure for the freedmen at least a modicum of economic independence—even if it did nothing more than allow them to eke out a marginal living of self-sufficient farming. Had Stevens’s proposals been enacted, the economic and social landscape of the South in the period immediately after the war could have been very different. Whether or not the distribution of land would have been enough to fulfill Vernon Wharton’s hope that such a policy would enable the South to be “a happier and more prosperous section” is perhaps open to question. Like many of the early revisionist historians, Wharton viewed the opportunities offered by Reconstruction in an optimistic light. A more cautious look at the possibilities that land redistribution would bring major changes in the status of African Americans suggests that Wharton’s scenario would unfold only if the distribution of land were accompanied by some sort of additional action on the part of the government to provide the capital needed to start commercial farming.

A major problem confronting farmers in the South in 1865–66 was a severe shortage of credit. “The scarcity of capital at the South,” wrote Theodore Peters in 1867, “can only be comprehended by one who has been through the country. . . . There has never been a time when so much general good could be done with so little capital with so small a risk.”<sup>12</sup> In the antebellum period the institutional arrangements for providing short-term credit had relied on the creditworthiness of planters to secure loans. The war had destroyed the banking system of the South through the bankruptcy of the Confederate government and left the region desperately short of currency.<sup>13</sup>

11. Ibid.

12. Theodore Peters, *A Report Upon Conditions of the South, with Regard to Its Needs for a Cotton Crop and Its Financial Wants in Connection Therewith as Well as the Safety of Temporary Loans* (Baltimore: H. A. Robinson, 1867). Peters was traveling in the South on behalf of the Baltimore firm of R. M. Rhodes. His report summarized his own impressions of the financial state of the South and included letters from prominent Southern planters and businessmen on the South’s need for capital.

13. This problem was compounded by the implementation of the National Banking Act in



The emancipation of slaves exacerbated the availability of credit by eliminating one of the principal means by which planters in the antebellum years had secured loans to cover their costs over the course of the year. The value of slave assets had accounted for roughly one-half of all assets in the cotton regions of the South in 1860. As if this were not enough, a final blow to the availability of credit came in the form of a substantial decline in the value of land immediately after the war. Taken together, these effects virtually wiped out the credit markets of the South in 1865. Without capital, both the freedmen and the planters were hindered in their efforts to reorganize agriculture in 1865–67. As Richard Sutch and I have argued in *One Kind of Freedom*, the shortage of credit and cash was a significant factor in the demise of the plantations and the adoption of share-cropping tenancy among freedmen and white farmers after the war.<sup>14</sup>

This discussion of the credit problem of the defeated South suggests that, by itself, the provision of “forty acres and a mule” for freedmen families after the war was not likely to produce a vibrant market agriculture. This point is underscored by the experience of blacks who did receive land and nothing more after the war. Although many of the ex-slaves living on the Sea Islands or at the Davis Bend experiment eventually lost title to their land grants after the war, a group of African American farmers in the coastal rice areas of Georgia managed to hang onto their farms. The outcome was not, however, what Vernon Wharton had hoped for. Summarizing the situation of black farmers in this region in 1890, Eric Foner writes that they “suffered from the same debilitating disadvantages that afflict peasant agricultures throughout the world, among them a credit system that made direct access to capital impossible.” Foner notes that the average size of black-operated farms in the region fell steadily in the years following Reconstruction, and by the 1920s “holdings of only two to four acres were common.” These farmers did manage to attain a degree of economic autonomy not enjoyed elsewhere in the South, but by the twentieth century the region had, in Foner’s words, “become a byword for poverty, malnutrition, and economic development.”<sup>15</sup>

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1862, which did not make provision for banks in the Southern states. As various writers have noted, the Act seriously hampered the recovery of a banking system in the postwar South. See Ransom and Sutch, *One Kind of Freedom: The Economic Consequences of Emancipation*, 2d ed. (New York: Cambridge Univ. Press, 2001).

14. See *ibid.*, chaps. 4–6.

15. Eric Foner, *Nothing But Freedom: Emancipation and Its Legacy* (Baton Rouge: Louisiana State Univ. Press, 1983). A similar failure of land reform to produce commercial farming in the absence of effective sources of credit can be seen in the analysis that Kerry Odell and I presented in our comparison of the Mexican Land Reforms of the 1930s and the economic

The situation of farmers on the coast of Georgia suggests that, for any land-distribution program to be meaningful, it would have to be linked to some sort of additional assistance in the form of working capital for farmers in the South. In the period immediately after the war, there were essentially two options: provide capital to the freedmen, or provide capital to the planters. Putting aside for the moment the likelihood that either of these suggestions would have met with fierce resistance from Congress, let us consider whether such assistance would have made a difference.

Stevens was not unaware of the need to supply capital for the freedmen. His plan included a stipend of \$50 for the families of free blacks. This was not a trivial sum, but it was hardly enough to sustain a family struggling to start a cotton farm. Even if the land were free, it would take at least \$100 to purchase a few farm implements, seed, and perhaps some fertilizer for the initial season, and to buy a mule.<sup>16</sup> Even if they were granted \$100 with their land, black farmers would remain severely undercapitalized. A single bad crop year might force the farmer to mortgage his land or enter into crop-lien arrangements, either of which might jeopardize his title to the farm in future years. Compounding the problems of these small farms would be the declining demand for cotton during the postbellum years. Within a few years after the war, the shortages of the blockade had disappeared and cotton farmers in the South, black and white, faced a period of prolonged stagnation.<sup>17</sup> It seems likely that even in the most favorable scenario one might imagine, many of the ex-slaves would either be forced to sell their farm or else be reduced to a state of self-sufficient poverty similar to the experiences Foner described along the Georgia coast. It is hard to say whether or not such a situation would be worse than the "debt peonage" that in fact emerged throughout the cotton regions of the South following Emancipation. In all probability the "real income" of blacks who had managed to hang onto at least some portion of the land they received from the government in 1865 would be

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problems of the postbellum South and postrevolutionary Mexico. Roger L. Ransom and Kerry Ann Odell, "Land and Credit: Some Historical Parallels Between Mexico and the American South," *Agricultural History* 60 (Winter 1986): 4-31.

16. The estimate is based on the calculation of capital on farms operated by African Americans in 1880 presented in Ransom and Sutch, *One Kind of Freedom*.

17. For a discussion of the cotton market after the war, see Gavin Wright, "Cotton Competition and the Post-Bellum Recovery of the American South," *Journal of Economic History* 34 (Sept. 1974): 610-35; and Ransom and Sutch, *One Kind of Freedom*; for a discussion of the postwar stagnation of the Southern economy, see Ransom and Sutch, "Growth and Welfare in the American South in the Nineteenth Century," *Explorations in Economic History* 16 (Jan. 1979): 207-35.

no greater twenty years later than that enjoyed by sharecroppers, who were renting land from planters in areas where no land had been distributed. There would of course be one important difference. Clinging to their forty acres of land, blacks in our counterfactual world might at least be free from the perpetual cycle of debt that had trapped so many small farmers in the South after the war.

Whites, particularly those who had owned slaves, had more to lose. With their slaves emancipated and much of their land confiscated, the planter elite of the South found themselves in dire straits at the war's end. While this might be cause for rejoicing among Republican radicals in the North, the plight of the planters was bad news for the economic situation in the South. Plantations had been the center of the Southern economy before the war. The "breakup" of production units on plantations that took place immediately after the war had left the ownership of land in the hands of Southern Whites, and postwar planters were able to rebuild the commercial production of cotton around a system of black labor working their land as tenant sharecroppers. Our counterfactual scenario of land redistribution suggests that if ex-slaves were given land without any capital, many of them would have eschewed commercial agriculture in favor of self-sufficient farming. This would produce a situation where the capital distributed to the ex-slaves would be withdrawn from commercial ventures, and the value of market crops in the South would surely be less than the growth the region actually experienced after the war.

One way to avoid this trap would be to redistribute land without confiscating private property. Suppose that instead of confiscating the planters' land the government bought the land at the prices prevailing in 1865–66, using its right of eminent domain. The acquisition of land from planters would not involve any cash outlay on the part of the government; the land would be paid for with U.S. government bonds that could be bought and sold on the open market.<sup>18</sup> A well-conceived land-purchase program would leave planters with a sufficient amount of land—say 100 acres—so that they could continue farming if they chose to do so. The remainder of their estate would be "purchased" by the government under the right of eminent domain and distributed to the ex-slaves. Such a program would have two major virtues. First, exercising the right of eminent domain was a well-established practice in the United States. Obtaining the land in this way would finesse the

18. The price of land plummeted immediately after the war. Thus, Southern landlords would take a major economic loss if they were forced to sell at 1865–66 prices. On the fall in land prices, see Ransom and Sutch, *One Kind of Freedom*, chap. 3.

objection raised by many in the North that outright confiscation of private property—even the property of former rebels—ran strongly counter to the capitalist ethic of ownership of property. Second, exchanging land for bonds would place liquid assets in the hands of the plantation owners. That capital could provide the means to establish a credit market that might encourage the black farmers to produce more crops for the market. Small farms throughout the South in the antebellum years had used the credit arrangements of the plantations to market their cotton. In the postbellum South, local storekeepers provided credit to operators of small farms—albeit at usurious prices. Under the land-purchase program in our counterfactual South, planters would have the means either to lend directly to owners of small farms in their neighborhood or to finance merchants who could act as lenders.

Providing capital to planters in exchange for their land would not solve all of the South's problems. Indeed, it is easy to imagine a scenario where the combination of a stagnant cotton market, discriminatory lending by whites, and the racial violence that swept through the South following the Civil War would still produce an outcome where most blacks would lose their land and become tenants by the end of the century. But at least some African Americans would have had the opportunity to gain some economic security through the distribution of land. It is hard to see how the redistribution of land together with a land-purchase program could produce an outcome that was worse than the scenario that actually emerged in the Reconstruction South. In 1880 the farms owned by African Americans accounted for less than 10 percent of the cropland of the cotton-growing regions of the South—even though African Americans represented almost one-half the agricultural population of those regions.<sup>19</sup>

While our counterfactual scenario of land purchased from planters and given to freed slaves is *possible*, it is surely not very likely in the atmosphere right after the war. What would be needed was a leader strong enough to press for passage of the legislation outlined above. The only plausible way that this could have happened would be if Abraham Lincoln were not assassinated. Lincoln's death destroyed the leadership of the government by putting Andrew Johnson, a man who was incapable of rising to the occasion, in the White House. Within a year of ascending the presidency, Johnson had destroyed any hope of cooperation with Congress on the issue of Reconstruction. The next three years witnessed a battle between the president and his congressional enemies that culminated with Johnson's impeachment trial in the spring of 1868.

19. *Ibid.* The share of land owned and operated by African Americans is even smaller if one includes untilled acres.

Would Lincoln have been willing or able to get the sort of program we have described enacted? It would be a long shot at best. The martyred president gave only a vague indication of how he would deal with Reconstruction after the war. At the time of his death, the fighting had not yet completely ended. Although Congress had passed the Thirteenth Amendment, it had not yet been ratified by enough states to be approved. Concerned with securing the final step toward emancipation and ending the war, Lincoln did not have time to fully assess just how profound a revolution his armies had unleashed in the defeated South. Generations of historians have tried to distill Lincoln's intentions on Reconstruction from the fragmentary record he left us. While it is fair to say that there is as yet no consensus on this subject, we can make some educated guesses regarding Lincoln's hopes in the event he had served out his second term.<sup>20</sup>

Abraham Lincoln was one of the most adept politicians ever to sit in the White House. Among politicians of his day, he alone had the leadership qualities to press home a program as bold as the one I have outlined. Andrew Johnson invoked Lincoln's name to support his amnesty for rebels and his use of executive powers to establish governments in the rebellious states in the spring and fall of 1865. But while Lincoln clearly felt that such actions were within the powers of the executive, he would surely have been less hasty in exercising those powers. William Harris is one of the few historians to comment carefully on the possibilities of a reconstruction under Lincoln's continued leadership. "It is inconceivable," writes Harris, "that Abraham Lincoln . . . would have permitted events to take the calamitous course that followed under Johnson."<sup>21</sup> Harris concedes that Lincoln's conservative approach to the use of federal power would have probably meant that he would be slow to adopt solutions as radical as the Stevens plan for the redistribution of land to ex-slaves; but he also points out that it is not beyond the scope of reasonable imagination that "unforeseeable contingencies, such as terror campaigns to undermine black freedom and loyal control, might have compelled [Lincoln] to adjust his Southern policy to meet new realities. Under such circumstances and with great reluctance he might have abandoned his aversion to the use of federal power to insure true and lasting Union settlement in the South."<sup>22</sup>

Lincoln was certainly aware that one of the major obstacles to a true and lasting settlement in the South was the extreme poverty of the freemen at the

20. The discussion that follows relies heavily on the discussion of Lincoln's Reconstruction policy in William C. Harris, *With Charity for All: Lincoln and the Restoration of the Union* (Lexington: Univ. of Kentucky Press, 1997); esp. chap. 11.

21. *Ibid.*, 274.

22. *Ibid.*, 275.

end of the war. On March 3 the president signed a bill creating the Bureau of Refugee, Freedmen, and Abandoned Lands, with a provision that “abandoned” land could be rented by the government for a period of three years. Andrew Johnson’s amnesty emasculated that provision by returning all land to the previous owner. If, as we surmise, Lincoln would be more careful in his use of presidential pardons, the possibility of having the government eventually purchase or confiscate some of the land, as the Stevens plan proposed, might still be feasible. Another point worth noting is that Lincoln was not averse to the idea of compensating slaveholders for their free slaves. In 1863 he had favored compensation for slaves that were set free in the Border States, and in a meeting with three Confederate peace emissaries in 1865—including Confederate vice president Alexander Stephens—he discussed a proposal to seek compensation for slaveholders who had been forced to free their slaves.<sup>23</sup> While these scraps of evidence do not make a compelling case that Lincoln would have eventually endorsed some variant of the Stevens plan, they do suggest that he might have been receptive to the idea of assisting freedmen with government grants. They also reveal that he might have been supportive of the idea of purchasing land by issuing government bonds. Finally, we should note that a policy that offered to buy the land of Southern planters might appeal to Lincoln’s strong sense that a peaceful “reunion” with the South offered a greater promise of success, rather than imposing a harsh program of “reconstruction” on the defeated South.

Whether “rational” policymakers would prevail in the atmosphere of postwar anger is highly problematic. The role of counterfactual history is not, however, to come up with a more likely scenario; it is to examine what could have been if some other course of events had unfolded instead of the events recorded in history. At least three “lessons of history” emerge from our counterfactual discussion of land redistribution. First, there were alternative policies that might have produced a better outcome for both the South and the rest of the nation during the period of Reconstruction. Second, because of the enormous changes brought about by the Civil War, the likelihood that *any* policy would dramatically alter history was probably small. Finally, our counterfactual study of Reconstruction reveals the shortcomings of a view that war is simply an extension of politics. War is not “politics.” It

23. This account of the peace meeting is based on memoirs written by Alexander Stephens after the war, and historians have questioned the accuracy of the former Confederate vice president’s account. However, as William Harris points out, Lincoln did follow up on his meeting with Stephens by drafting a memo asking Congress to issue \$400 in bonds for the purpose of compensating slaveholders. See Harris, *With Charity for All*, 238–40.

is a high-stakes gamble that seldom produces the desired outcome, and invariably it introduces dramatically new changes that neither side foresaw at the beginning of the war. Those changes present a whole new panoply of choices and constraints to both the victors and the vanquished. The history of Reconstruction shows rather clearly that the Northern electorate was not prepared to deal with those consequences. Our counterfactual story suggests that the problem may well have been beyond any “optimal” solution by the end of 1865.

A final point to emerge from all this is that if, as most historians suggest, the war was a conflict over slavery, then the war proved to be a very expensive and clumsy way of resolving that problem. Although it did destroy the institution of slavery, the war also created major obstacles to the larger challenge of constructing a post-emancipation society. Dealing with the problem of race and slavery would have been far easier had there been no war. But, as I have argued at some length elsewhere, a counterfactual scenario where there was no Civil War was highly unlikely.<sup>24</sup>

24. See Roger L. Ransom, *Conflict and Compromise: The Political Economy of Slavery, Emancipation, and the American Civil War* (New York: Cambridge Univ. Press, 1989), and “Fact and Counterfact: The ‘Second American Revolution’ Revisited,” *Civil War History* 45 (Mar. 1999): 28–60.