

## When Did the Confederate States of America Free the Slaves?

AS I WATCHED KEVIN WILLMOTT'S counterfactual mockumentary, *CSA: Confederate States of America*, I found myself becoming increasingly uneasy.<sup>1</sup> I'd just finished Roger Ransom's careful scholarly exploration of how the South might have won the Civil War and what the results might have been.<sup>2</sup> Of course I had not expected Willmott's film to match Ransom's self-reflective methodological discussions or even present, as the serious historian should, a series of well-defined nexuses (moments of departure from Our Time Line—OTL in alternate history, or allohistory, lingo), let alone alternatives within alternatives. I was even vaguely aware beforehand that the film's counterfactual twenty-first-century America is supposed to be presented by a British documentary filmmaker, amusingly modeled on Ken Burns, who lives in the Alternate Time Line (ATL). I did not, however, expect that the film would spend only five minutes on the Civil War and immediately go on to depict the victorious Confederacy subduing and occupying the North, imposing chattel slavery for centuries and under all modes of production, and eventually achieving a worldwide racist hegemony. As I watched, I had no trouble understanding Willmott's intentions; the film's satire, after all, relies on the conceit that "they won" permanently and we're watching a show made for British and Canadian television, banned in the CSA, which is coextensive with the USA of Our Time Line, and yet full of uncomfortable likenesses to contemporary America. Actual footage from the Lawrence Welk Show, for example, illustrates the CSA's musical accomplishments, from which all traces of slave influence have been assiduously removed, and chase scenes from *Cops* advertise its television offerings, with the usual reggae replaced by supposed fugitive slave songs. But even as I laughed wincingly at the film's painful smartness, even as I told myself that the mockumentary is an important generic addition to the alternate-history repertoire, I remained dissatisfied. And my dissatisfaction took an odd

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ABSTRACT There is a long tradition of counterfactual speculation about the alternative courses American history would have taken had the South won the Civil War. This essay traces counterfactual narratives of slave emancipation from a classic 1933 essay by Winston Churchill to a 2004 mockumentary by filmmaker Kevin Willmott. / REPRESENTATIONS 98. Spring 2007 © 2007 The Regents of the University of California. ISSN 0734-6018, electronic ISSN 1533-855X, pages 53-61. All rights reserved. Direct requests for permission to photocopy or reproduce article content to the University of California Press at <http://www.ucpressjournals.com/reprintinfo/asp>. DOI: 10.1525/rep.2007.98.53.

form: I kept thinking, “This isn’t true. This isn’t what happens when the South wins the Civil War.”

Not true? Not what happens when the South wins the Civil War? What was going on in my mind when I had these seemingly nonsensical thoughts? By definition counterfactuals cannot be “true” in the usual sense of that word. What sort of truth did I expect, and why did I slide from the conditional to the indicative mood with such ease? With this question in mind, I began reflecting on what the growing readership for allohistory, which has swollen the annual output of books like Roger Ransom’s in the last ten years, really wants.

To paraphrase Benjamin Disraeli, we (or at least I) want truths, deep Truths, and statistics. Let me take the underlying, deep Truth of slave emancipation as an example. When I studied American history in high school, I was taught that the slaves were emancipated as a result of the Civil War but also that History with a capital “H” was on the side of the North; it drove toward industrialization, favoring the North, as well as toward individualism and equality of rights. Although the Whiggish optimism was never explicitly articulated, our history lessons inculcated not only a belief in progress but also a sense that, beneath the superficial causes of national events, there lay deeper forces impelling us in a certain direction. Technological innovation, industrialism, extending trade patterns, class conflict, or enlightenment—the nature of the force mattered less than the existence of something all-pervasive but seldom visible. Once you understood it, you had history’s deep Truth.

By tracing alternatives, counterfactual history may at first seem to deny the inevitability implied in the search for such Truths, but on closer inspection we can see that these hypothetical exercises, too, are often inspired by the search for underlying processes. Even when they set out to disprove a settled consensus, as Niall Ferguson did by contesting the inevitability of World War I in *The Pity of War*, the exploration of alternative factors and suppositional proceedings helps the historian whittle down the actual operative causes. Allohistories of emancipation, for example, have long denied that Lincoln’s *Emancipation Proclamation* and Confederate defeat comprised the *sine qua non*, the events without which the slaves would have remained in bondage. By altering the outcome of the War Between the States, most counterfactualists have maintained our old-time faith that slavery was on the way out.

But who would have been the liberator and what would have been the process? One early counterfactual scenario has the victorious General Lee simply issue a *Confederate* abolition declaration immediately upon taking charge of the independent Confederate government. Lee’s antislavery sentiments in OTL lend some scant credibility to this daydream, but when Winston Churchill first extrapolated it in a 1931 essay, he did not try to support its likelihood on those feeble grounds. Inaugurating what is now a

long tradition of writing from the fictional vantage point of a historian of the independent South, Churchill has Great Britain allying itself with the Confederacy shortly after Lee announces that “the victorious Confederacy would pursue no policy towards the African negroes, which was not in harmony with the moral conceptions of Western Europe.”<sup>3</sup> By disposing so swiftly of the slavery problem, Churchill could move quickly into his alternate history of how Great Britain takes the lead in ultimately establishing a trans-Atlantic English Speaking Association that brings about world peace. He pauses just long enough to contrast the racial harmony following voluntary Southern emancipation (accompanied by no “idiotic assertion of racial equality”; 179), with the dreadful state of things that would have ensued had a victorious North imposed liberty:

We might have seen the sorry farce of black legislatures attempting to govern their former masters. Upon the rebound from this there must inevitably have been a strong reassertion of local white supremacy. By one device or another the franchises accorded to the negroes would have been taken from them. . . . And many a warm-hearted philanthropist would have found his sojourn in the South no better than “A Fool’s Errand.” (179–80)

Numerous subsequent counterfactualists adopted Churchill’s hypothesis that Confederate victory would soon have led to peaceful emancipation—if not immediately, then within two decades—and the South’s voluntary manumission would have been followed by racial harmony. H. L. Mencken, for example, folded it into his contrarian elitist musings; appalled by what he considered the bigoted ignorance of white Southerners, Mencken imagined that a Confederate success would have preserved the traditional highly educated and “gentlemanly” ruling class, which could have kept the white crackers in their place and evolved a voluntary, gradual, well-prepared emancipation. MacKinlay Kantor’s 1960 allohistory also echoes Churchill’s sentiments that “enforced amalgamation” (that is, Reconstruction) was responsible for “a common hatred directed against the Negro.”

Indeed, the sentiment is so frequently repeated in these scenarios that the intertwining of two deep Truths becomes apparent: because manumission was inevitable in the natural course of things, Reconstruction was a counterproductive policy, which only bred impossible expectations and murderous resentments. Well into the Civil Rights era, high school textbooks were still portraying the postbellum South as the victim of carpetbaggers and scallywags, and the counterfactualists assented by their fidelity to the central historical Truth: *because* “progressive enlightenment and reform among the nations at large had deleted any excuse for a protraction of human slavery,” some sort of “Liberation Act . . . [would have] passed both houses of [the Confederate] Congress” in the 1880s.<sup>4</sup>

When I objected to Willmott's movie on the grounds that it failed to portray the Truth about what happens when (in the many counterfactual accounts I'd read) the South wins the war, though, I wasn't thinking of this pre-1960s consensus on emancipation's certainty and its twin anti-Reconstructionism. For if that were all the CSA allohistories offered in the way of historical truth, they would not have many current readers. As the genre has developed, its attractions have changed, and it now furnishes numerous smaller, counterhistorical truths, empirically grounded and sometimes designed to highlight the fortuitous quality of events and return us to unrealized options, which were just as or more likely to occur than the events realized in OTL. Allohistories written by military historians are especially rich in information about little-known possibilities, trends, and episodes of the Civil War, currents that ran counter to history's broader lines of development. Of course, even the earlier allohistories I've already mentioned make use of some counterhistorical facts, like General Lee's antislavery sentiments and Britain's internal debate about recognizing the government of the Confederacy. But the desire to grow large counterfactual histories from counterhistorical nubs, exploring the structure and potential of cutoff possibilities, is clearly the driving force behind many recent volumes full of alternate Civil Wars.

Within these, one of the most intriguing short allohistories of emancipation, Peter Tsouras's "Confederate Black and Grey," begins with the extraordinary actual story of Major General Pat Cleburne's early 1864 proposal that the Southern states, facing shortages of troops and supplies, "immediately commence training a large reserve of the most courageous of our slaves, and . . . guarantee freedom within a reasonable time to every slave in the South who shall remain true to the Confederacy in this war."<sup>5</sup> In actuality, Jefferson Davis suppressed the document only to find himself forced in the next year to try a similar remedy, conscripting slave soldiers but leaving the issue of manumission to the states. The nexus of Tsouras's allohistory takes place just as Cleburne's manifesto arrives at the White House of the Confederacy: Lee intervenes and convinces Davis to implement Cleburne's plan immediately, large numbers of soldier slaves are freed, and the South wins its independence, vindicating Cleburne's actual assertion that "as between the loss of independence and the loss of slavery, we assume that every patriot will freely give up the latter—give up the negro slaves rather than be a slave himself" (207). With some cajoling from the British and money for compensating slaveholders, universal emancipation is granted in March, 1864, and Tsouras then expounds his own fantasy of affectionate Southern race relations, this time based on the camaraderie of arms: "The United Confederate Volunteers became a leading exponent of the black franchise. The bonds of shared hardships and danger had altered many attitudes" (221).

The elements of the earlier stories are all present, but Tsouras's ATL reverses their order. Here, instead of emancipation following the Confederate victory, freedom (and British support) not only precede but also *cause* Southern independence; instead of passively receiving liberty from their masters, the slaves actively fight for it. No longer interested in upholding segregationist policies by demonizing "enforced amalgamation," this counterfactualism uses the commonplace Truth that History was on the side of emancipation by the very language in which it emphasizes that progressive forces have always been active in the South ("Clearly Cleburne was thinking deeply into the future"), although they had been stifled by "those who would lash themselves to a dying past" (210). Emancipation becomes the *sine qua non* of an alternate outcome for the war (rather than *vice versa*), and the odd twist that places slaves at the sides of their former masters (rather than against them in battle) conforms Tsouras's story to the stated aims of the newest "New South," especially the fully industrialized Southeastern states, whose chambers of commerce were busy trying to encourage black migration back to the South as a return "home" (214). Instead of being forced to choose between Mammy and freedom, Southern blacks chose both in this scenario and escaped the "shock" of "Northern racism" (215).

The ideological implications of Tsouras's story, though, don't entirely overwhelm the interest and complexity of his counterhistorical vignette. The archival and other textual evidence for the plausibility of the allohistorical extension of Cleburne's manifesto, the plausible revisions of the ensuing battles, and the irony that the Confederacy finally did resort to enrolling blacks in the army (albeit without Cleburne's promise of automatic manumission) all seem to point to the truth of the conclusion that, "what might have saved the Confederacy in early 1864 was too little, too late, in early 1865" (222). And last but not least, Tsouras gives us some numbers:

The Superintendent of the Census in Washington had hurriedly calculated that 236,990 Afro-Virginians (12,475 free black and 224,515 slaves) were of the right age groups for military service. Already about 48 percent of the white male population was in the army; a similar ratio for blacks would give the Confederates another 113,755 men from the black population. (219)

If pressed to name the single most attractive innovation in recent counterfactual histories, I'd have to say it's the statistics, the numbers that lend the enterprise such solidity, indeed, such seeming *factuality*. The numbers just cited, to be sure, are factual (taken from a study of black soldiers in Civil War Virginia that draws on contemporary census information). Although the quantity of available slave fighters does not really make it any more likely that they would have been called upon to win their freedom on the battlefield, knowing the actual size of the potential force nevertheless realizes it,

making the Confederacy's decision *not* to mobilize such an army immediately seem the more *unlikely* alternative. Successful allohistories strive toward such conclusions: their events must seem just as, if not more, probable than the actuality, and statistics are often integral to the effort. They give readers faith that the allohistorian has truly positioned us before the crossroads of the nexus, while simultaneously giving us more information than any contemporary could have had, and I don't mean only that we know what really happened. Through the magic of regression analyses, counterfactual hypotheses can be quantitatively modeled, their varying plausibilities objectively assessed.

Roger Ransom's *Confederate States of America*, for example, presents a number of postbellum economic scenarios, one in which the independent Confederacy easily regains its prewar share of the international cotton market, one in which it slips quickly into depression and failure because too many competitors entered the market in the early sixties, and one in which it survives by diversifying its economy, ending its dependence on cotton and the plantation system. Only the first and least likely of these scenarios preserves slavery; the last and most likely requires emancipation—once again in the 1880s. Ransom's reasoning, to be sure, is not entirely statistical, but his quantitative modeling of such details as counterfactual prices in the postbellum CSA and the presentation of the information in charts that show actual prices going in one direction and counterfactual prices in another, contribute to our sense of having a god's-eye view not just of history but of all possible histories, together with their relative degrees of probability.

Unlikely as it might at first sound, statistical modeling enhances the "poetics" of counterfactualism, which lies in its ability to transform the actual into merely one probability among others. I'm using "poetics" here in a stringently Aristotelian sense; to paraphrase his *Poetics*, replacing "poetry" with "allohistory":

The [allohistorian's] job is not to tell what has happened but the kind of things that *can* happen, i.e., the kind of events that are possible according to probability or necessity. . . . The difference between the historian and the [allohistorian] is . . . this: the one tells what has happened the other the kind of things that can happen. And in fact that is why the writing of [allohistory] is a more philosophical activity, and one to be taken more seriously, than the writing of history. For [allohistory] tells us rather the universals, history the particulars.<sup>6</sup>

For all of their interest in particularities, their counterhistorical vignettes, their use of archival evidence, and their sophisticated quantitative analyses, counterfactual histories often do give the impression of containing truths about very large generalities—about, for example, the sustainability of slavery in the nineteenth century, which is a different order of fact—the fact of a potential—from that of slavery's erasure through civil war.

As allohistorians have grown increasingly precise about the various logics of their own projects, their work adheres all the more faithfully to what Aristotle called “poetics,” especially the form poetics takes in the realist novel. Ranging from the desire to identify a *sine qua non* in a historical process (was it the railroads that the U.S. economy couldn’t do without in that period?), to arguments about the historic roles of contingency and agency, allohistorians sometimes make large antideterministic arguments, and sometimes test very limited hypotheses or fill in microhistorical pieces of a big causal puzzle. No matter what their specific agenda, though, they all rely on the concept of plausibility. Since it is the possibility, rather than the actuality, of an event that concerns them, they must document that at the time of the nexus, the counterfactual departure they posit was *actually* possible. The demonstrations involve what we might think of as stop-action, or horizontally expanded moments of history in which forward narrative is stilled while the alternatives of the nexus are explored, and we might compare this chronologically sideways movement to what Michael Bernstein has termed “side-shadowing” in novels, and what J.H. Harvey long ago identified as a feature of realism: the specification of a “penumbra of possibilities” through which the plot threads. Although the fiction writer invents that penumbra, the allohistorian must discover it and present evidence that another course of history was possible, or (in an even stronger claim) was just as likely, or (in the strongest claim of all) was even more probable than what actually happened.

The adherence to the need for documenting *actual* probabilities within the nexus ties allohistory to history as usual, but once beyond that point of departure a more Aristotelian notion of “probability” as normalcy operates. The allohistorian must avoid all anachronism in extending the counterfactual premise further up the timeline, but his or her sense of continuing history after the departure is nevertheless guided by general rules of probability and so fits more easily than the nexus portion of the text into the category of realist fiction, subtly reviving Aristotle’s split between the “truth” of poetry and the mere “facts” of history.

Moreover, the facts of the potential for certain events and courses of action are not the only sort of probability that allohistorians seek. They’re often equally committed to another Aristotelian principle: the continuity of character, or (to quote the words I excised from Aristotle’s passage the first time I quoted it) the “kinds of thing a certain kind of person will say or do in accordance with probability or necessity” (*Poetics* 9.84.301–2). Of the alternate emancipations I’ve surveyed here, only Ransom’s gets along without the help of Robert E. Lee remaining true to his emancipationist sympathies. Indeed, counterfactual historians of the Civil War generally seem to prefer a more consistent man than the actual general turned out to be.

Take, for example, James McPherson's short piece "If the Lost Order Hadn't Been Lost." "The Lost Order" is a well-known counterhistorical crux in Civil War history; in September of 1862, Lee wrote a Special Order (No. 191), which gave a complete picture of the divisions of his army, their positions, and his plans for them, and he sent copies of the order by courier to his various commanders. One copy, however, wrapped up with cigars, was lost in a field by a careless Southern officer and *just happened* to be found by soldiers in McClellan's army, and they made their way up the chain of command to the general's headquarters. There an officer verified their authenticity because he *just happened* to know the handwriting of Lee's adjutant, having been a friend of his before the war. This has always seemed a highly unlikely, although incontrovertibly factual, story, and the Civil War historian McPherson introduces his allohistorical revision by pointing out that "the odds against the [actual] sequence of events must have been a million to one." "Much more in line with the laws of probability [McPherson continues] is the following scenario."<sup>7</sup> McPherson's more likely story "logically" ends in Southern independence, so it takes us quite a distance from actuality, but its initial claim concerns itself with what Lee, if he had been acting like himself, would have done:

Lee instructed his adjutant to deliver Special Orders No. 191 directly to the relevant corps and division commanders. They were to read them in [the adjutant's] presence and commit them to memory, after which all copies of the orders were burned except one, which Lee kept in his possession. In this way there could be no leaks. (232–33)

As in much allohistory, the normal course of events in this story is shaped by Robert E. Lee's unflinching leadership, his usually reliable tendency to be a model general, whereas Lee's historical departure from the type he instantiates sends actual history off on an accidental tangent of mere happenstance. The nexus that propels history into improbability occurs because Lee did not do (in Aristotle's words), the "kinds of thing a certain kind of person [the General-Lee type of person] will . . . do in accordance with probability." McPherson's restoration of consistency to the character of Robert E. Lee, with its consequent retrieval of a likely progression of events, is exactly what Aristotle meant by "poetry," which is supposed to provide a higher and more "philosophical" kind of Truth than mere history.

As Michael McKeon has reminded us, this was the sort of Truth (a truth that could depart from facts and should depart from unlikely ones) that we began calling "fiction" in the eighteenth century and that finds its proper home in the realist novel.<sup>8</sup> Moreover, realism and historical fiction were joined in the late eighteenth and nineteenth centuries, when the historical novel took on the task of giving plot to history. The novels of Walter Scott,

for example, give us more than historic facts; they indicate the long-term trajectories of historic forces as well as the consistent (indeed, epic) characters of those who embodied them, implying that certain trends (for example, the consolidation of the United Kingdom) were inevitable regardless of the outcome of any particular battle. To be sure, fictional protagonists, according to the complex dynamics of realism, must continually surprise us by straying from the confines of typicality, thereby marking their individuality as an achievement against the odds. Nevertheless, realist fiction and the desire for deep, slow-moving, underlying impersonal historical Truth have been tightly interwoven for centuries and have prepared novel readers like me to embrace counterfactual history because it both maintains the old-time faith in fundamental trends and explores how different the details might have been.

Consequently, although the necessary progress of human rights no longer compels my belief, my historical imagination still recoils from any alhistory in which chattel slavery is presented as a lawful component of an advanced twenty-first-century industrial country, for such a narrative seems to me not only implausible but also *untrue* to what might have been. Kevin Willmott's *Confederate States of America* is a good mockumentary and a clever piece of satire, but I've come to the conclusion that it was perfectly reasonable of me to think, while watching it, "This isn't true; this isn't what happens when the South wins the Civil War."

## Notes

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1. Kevin Willmott, *CSA: The Confederate States of America* (2004).
2. Roger Ransom, *The Confederate States of America: What Might Have Been* (New York, 2005).
3. Winston Churchill, "If Lee Had Not Won the Battle of Gettysburg," in *If It Had Happened Otherwise: Lapses into Imaginary History*, ed. J. C. Squire (New York, 1931), 175–96, 176.
4. MacKinlay Kantor, *If the South Had Won the Civil War* (New York, 2001), 91–92; first published in *Look* in 1960.
5. Peter G. Tsouras, "Confederate Black and Gray: A Revolution in the Minds of Men," in *Dixie Victorious: An Alternate History of the Civil War* (St. Paul, Minn., 2006), 202–224, 207.
6. Aristotle, *Poetics*, 9.84.301–2, in *Aristotle: Poetics*, trans. Gerald F. Else (Ann Arbor, 1967).
7. James M. McPherson, "If the Lost Order Hadn't Been Lost: Robert E. Lee Humbles the Union, 1862," in *What If: The World's Foremost Military Historians Imagine What Might Have Been*, ed. Robert Crowley (New York, 2000), 232.
8. Michael McKeon, *The Origins of the English Novel* (Baltimore, 1987), 25–130.