

# The Past Unshackled: When Revolutions Go Backward<sup>a</sup>

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**T**he 150th anniversary of the surrender at Appomattox, and of the formal abolition of slavery by the Thirteenth Amendment to the Constitution, was marked by many recognitions—museum exhibitions, re-enactments, publications celebrating the end of the Civil War. But the violence and struggle didn't end there or then. The APS recognition of the anniversary treats 1865 not as a triumphant end but as a mid-point in a continuing conflict that stretched into its centennial, marked by the Voting Rights Act of 1965, and into our own current moment, marked by the undermining of that statute by the Supreme Court's decision in 2013 and the protests of the Black Lives Matter movement.<sup>1</sup>

Many of us like to think that history is stable, and sometimes they are right. The Declaration of Independence will always be dated July 4, 1776; Pearl Harbor will always have taken place on December 7, 1941. But what we understand about the past resonates through our own understandings of the present; the injuries of the past can carry into the future, shaping misleading assumptions about the present. Can we comfortably say that freedom for the enslaved was accomplished in 1865? If so, how are we to explain the persistent violence the formerly enslaved experienced, in stunningly powerful riots in 1866 in New Orleans and Memphis and continuing throughout the former Confederacy at the hands of the Ku Klux Klan and other paramilitary movements for decades? Does everyone who has in their minds the image of Grant generously permitting Lee and his officers to keep their swords and horses after surrender also know that within months, the obstinate denial of the full citizenship of black people throughout the white South—by new statutes, by intimidation, violence, and rape—would lead Congress to expand the authority of the Freedmen's Bureau to try by military commissions those who denied the civil rights of freedmen (pressuring them into indentures not far removed from slavery,

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prohibiting them from testifying against white people in courts, making voting impossible), and then, less than two years after Appomattox, to divide virtually all the former Confederacy into five military districts, in which army commanders were empowered to protect property and the public peace? Do they know that there were substantial areas on the margins of the Old Confederacy where white people carefully avoided letting black people know that slavery had ended, and continued their lives as before? Misreadings of how slavery and its aftermath were experienced play into current ways of addressing race. Erasures of the past limit the options available in the future.

At our best, we historians do not limit ourselves to reading and reporting on what, in Ruskin's words, "the Past had to say for itself." We re-read and reconsider the interpretations of our predecessors, in light of new evidence and also in light of our own historical moment and the questions that face our own generation. A book about the liberation of slaves written in the mid-1950s and read during the struggle for civil rights in that decade resonates somewhat differently in a reader's mind than the same book read 50 years later, when we have a different perspective on the accomplishments—and limits on the accomplishments—of the modern civil rights movement.

This symposium is an opportunity to reflect on how we might more richly understand the legacies of the Civil War and Reconstruction. We use slavery's own metaphor—"unshackling"—as we rethink our understandings of slavery and freedom. The meanings of freedom changed sharply as the simple 1865 declaration of the Thirteenth Amendment—"Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to its jurisdiction"—was resisted massively and cleverly throughout the South. Within a year, buttressing was required: in 1866, an extensive Civil Rights Act specified for black people the rights "to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens. . . ." Still widely resisted, those rights were solidified in 1868 into the Federal Constitution by the Fourteenth Amendment (for the first time formally defining national citizenship—"all persons, born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the state wherein they reside" entitled to due process and equal protection of the laws. In 1870, the Fifteenth Amendment sustained the right of male citizens to vote.

And still the nastiness went on. Petty humiliations. Serious daily humiliations, such as the exclusion of all people of color from first-class accommodations in common carriers—steamboats, railroads, streetcars. Vulnerability to quotidian violence in the name of enforcing vagrancy laws, the claim of “punishment for crime” giving cover to imprisonment and then convict labor. Physical brutality rising to the level of atrocity. In 1872, African Americans’ testimonies to a Congressional committee about the violence they had suffered at the hands of whites took some five months and filled 13 closely printed volumes.<sup>2</sup> One historian has described the postwar South as a “Region of Terror.”<sup>3</sup>

As he writes about the past, Thomas C. Holt has long urged us to think of “race-making” as a practice, embedded in the choices of daily life, made in courageous (and alternatively, disreputable) struggles that evade documentation.<sup>4</sup> In his essay in the current issue, he offers a heartwarming example of such a moment on one of the Georgia Sea Islands in the midst of the war and the chilling aftermath of failing to grasp the potential of that gesture. We can set ourselves to appreciate better the continuing grassroots struggles for freedom that persisted throughout the years after the Civil War, all the way into our own time, shaped as it is by “mistaken histories and obscured memories.” We turn to the Civil War era not only for its powerful narratives but also as a port of entry into the deepest problems of the human condition.

Thavolia Glymph has devoted herself to re-examining archives (the very traditional work of historians) in the hope of correcting our misunderstandings of women’s experiences of the complex nature of the freedom that followed slavery.<sup>5</sup> Although inherited histories generally focus on masters, overseers, generals, and soldiers, women had their own distinctive experience of violence: of using violence as mistresses did regularly against the enslaved, simultaneously educating their own daughters in its use as a form of domestic discipline<sup>6</sup>; and as vulnerable women who experienced violence in many forms, especially rape, throughout the years of legal slavery and continuing into the refugee camps of the war itself, and in the violence that followed the war. Hidden in the ledgers of the field hospitals and refugee camps are also the counter-examples of the fortitude of Emeline Anderson and Anna Ashby.

We contemplate in this symposium the transformation of the euphoria of the triumph at Appomattox into a Past that continues to haunt us and shapes, for good or ill, the choices we make in the present. In the wake of the Supreme Court’s 2013 decision undermining the Voting Rights Act of 1965, Philip Glass revised his opera “Appomattox” to include a new second act that added Martin Luther King, Jr., Lyndon Johnson, and their struggle for voting rights; it had its premiere at the

Washington National Opera on the day after our panel. Reconstruction had its failures; revolutions can go backward. Sustaining Reconstruction's progressive movement and promise remains our challenge.

#### ENDNOTES

1. *Shelby County Alabama v. Holder* 133 S.Ct 2612 (2013).
2. United States Congress. *Joint Select Committee on the Condition of Affairs in the Late Insurrectionary States*, 13 volumes, 1872.
3. Hannah Rosen, *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South*, (Chapel Hill: University of North Carolina Press, 2009), 177.
4. Thomas C. Holt, "Marking: Race, Race-Making, and the Writing of History," *American Historical Review* 100 (1995): 1–20.
5. Thavolia Glymph, *Out of the House of Bondage: The Transformation of the Plantation Household* (New York: Cambridge University Press, 2008).
6. Stephanie Jones-Rogers, "Mistresses in the Making," in Linda K. Kerber et al., *Women's America: Refocusing the Past*, 8th edition (New York: Oxford University Press, 2016), 139–47.