CONSTRUCTING A NATION:

JEFFERSON DAVIS AND CONFEDERATE NATIONALISM

by

ROBERT JARROD ATCHISON

(Under the Direction of John M. Murphy)

ABSTRACT

This dissertation examines the speeches of Jefferson Davis before and during the Civil War. Through four case studies, I examine Davis's vision of the Confederacy as articulated through his public address. I conclude that Davis struggled with the pragmatic demands of war, which required him to sacrifice several of the core components of the Confederate identity. In the end, Davis was unable to articulate a vision of the Confederate nation outside of the doctrine of states's rights and the institution of slavery.

INDEX WORDS: Jefferson Davis, Nationalism, Confederate Nationalism, Presidential Rhetoric, Civil War

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B.A., Wake Forest University, 2001

M.A., Wake Forest University, 2003

A Dissertation Submitted to the Graduate Faculty of The University of Georgia in Partial Fulfillment of the Requirements for the Degree

DOCTOR OF PHILOSOPHY

ATHENS, GEORGIA

2007

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August 2007

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CHAPTER 1

THE SPEECHES OF JEFFERSON DAVIS AND THE DEBATE OVER CONFEDERATE NATIONALISM: A SPACE FOR RHETORICAL STUDIES

Before December 20, 1860, Jefferson Davis's resume was quite impressive. He took advantage of his family's wealth and power to achieve an admirable career at West Point. He used his military education to propel him into the national spotlight as a hero in the Mexican war. He used his national fame to forge a political career that included the prestigious positions of Secretary of War under Franklin Pierce and United States senator from Mississippi. Davis's resume was so impressive that he had even become a potential presidential candidate for the Democratic Party. These achievements, however, were overshadowed by the events that followed South Carolina's ordinance of secession on December 20, 1860. South Carolina's bold move set into motion a political and social revolution that threatened to dismantle the United States of America. Reluctantly, Davis accepted the Presidency of the Confederate States of America and is known today for his role as the leader of the Southern rebellion.

A cursory glance at the devastation generated by the Civil War demonstrates how important it is to treat Davis as a serious object of study. According to James McPherson, "More Americans were killed … at the battle of Antietam than were killed or mortally wounded in combat in all of the other wars fought by the United States in the nineteenth century *combined*."[1] In addition to the military and civilian deaths, the South endured great suffering as a result of having the majority of the war fought on its territory. Throughout the devastation, although not without objection, Davis maintained his position as the military and civilian leader of the Confederacy. In short, as president of the Confederacy, Jefferson Davis was one of the few

people in the history of the United States to command a large scale military and political campaign against the federal government. The campaign failed, but not without requiring significant sacrifices.

The point of this project is not to celebrate Davis's views on secession and slavery or even to attempt to separate him from them; to the contrary, I am interested in examining how Davis's vision of the Confederacy gained enough traction to sustain the wartime sacrifices required in the losing effort. Careful attention to the public speeches of Jefferson Davis is appropriate for understanding his vision for the Confederacy. In addition to helping understand Southern sacrifice, studying the speeches of Davis has the potential to contribute to several important conversations regarding the role of nationalism in the creation and maintenance of state institutions, the role of war rhetoric in the creation and maintenance of national identity and values, the role (if any) of Davis's vision of the Confederacy in its ultimate defeat, and judgments about Davis's overall rhetorical competence.

In order to demonstrate that Davis's speeches are worthy of attention, this introduction moves in three stages. First, I review the literature surrounding nationalism, Southern culture and politics, Confederate nationalism, and Jefferson Davis. The review demonstrates that, despite his status as a powerful agent of change, communication scholars have largely ignored Davis and as a consequence have ignored his relationship to studies of Confederate nationalism. Second, I outline a critical approach to the speeches of Jefferson Davis. In that section, I argue that the project calls for a blend of traditional rhetorical history and constitutive approaches to rhetoric. Third, I conclude this chapter with an outline of the major case studies to demonstrate the scope of the dissertation.

Literature Review

Investigating the speeches of Jefferson Davis requires reviewing four sets of literature: nationalism, Southern culture and politics, Confederate nationalism, and studies of Jefferson Davis. Each of these areas has the potential to contribute to an investigation of Davis's speeches, but it is important to state at the outset that I have not come across any full length investigations of Davis's speeches, much less the relationship between Davis's speeches and Confederate nationalism. This dissertation, then, contributes to the scholarly investigation of Davis and forges new links between broad studies of nationalism, narrow studies of Southern culture and Confederate nationalism, and biographical studies of Davis.

Nationalism

Scholars from history, international relations, philosophy, and political science have addressed the concept of nationalism. The strength of nationalism studies is the diversity of approaches to the concept. Much like communication studies, nationalism scholars have a wide array of tools at their disposal including quantitative studies, qualitative studies, historical approaches, and even post-structuralist approaches. Also similar to communication studies, the diversity of approaches makes overarching claims about the basic tenets of nationalism difficult to support. Anthony Smith highlights the current wide range of uses for the term nationalism:

> (1) a process of formation, or growth, of nations; (2) a sentiment or consciousness of belonging to the nation; (3) a language and symbolism of the nation; (4) a social and political movement on behalf of the nation; (5) a doctrine and/or ideology of the nation, both general and particular."[2]

With these varied definitions come varied methodological approaches and, more often, debates over which definition is better rather than in-depth analysis of any of the concepts at hand.

In addition to the varied concepts being studied under the rubric of "nationalism" there is an additional confusion created by the lack of a theoretical framework for understanding the phenomenon. Ronald Beiner argues, "As Benedict Anderson has observed: 'unlike most other isms, nationalism has never produced its own grand thinkers: no Hobbes, Tocquevilles, Marxes, or Webers.' Bernard Yack puts the same point even more bluntly: 'there are no great theoretical texts outlining and defending nationalism'."[3] The goal, therefore, in reviewing this literature is to identify a working definition of nationalism that is compatible with the dissertation research questions and the critical approach outlined below.

In order to develop a compatible definition of nationalism, it is necessary to analyze some of the foundational texts in nationalism studies. Ernest Gellner has written several germinal books on nationalism and his most recent, *Nationalism*, best summarizes the development of a position that serves as an appropriate starting point. He argues, "Nationalism is a political principle which maintains that similarity of culture is the basic social bond. Whatever principles of authority may exist between people depend for their legitimacy on the fact that the members of the group concerned are of the same culture."[4] Although Gellner's definition relies on a somewhat vague definition of culture, his position is helpful because he is sensitive to the role of messages in the creation and maintenance of nationalist movements. His works presume the capacity of nationalist leaders to amplify certain cultural similarities and annihilate the differences that threaten the movement. Gellner's focus on a shared culture is supplemented by Benedict Anderson's theorization of the nation.

One of the most influential texts for nationalism studies, Anderson's *Imagined Communities*, provides an excellent foundation for a rhetorical approach to nationalism.[5] Anderson argues that the nation is nothing more than "an imagined political community—and

imagined as both inherently limited and sovereign." Locating the basis of nationalism in an imagined community has several important implications. First, it places a primacy on the discourses that construct the community. Unlike other approaches to nationalism that rely on an "objective" set of criteria (based in political institutions) to determine whether or not a nation has come into existence, Anderson understands the role of public discourse in shaping nations. This is especially important given that the Confederate government mirrored the same political institutions that were present in the United States. In order to understand how Davis generates legitimacy for wartime sacrifices, it is necessary to look beyond the simple existence of political institutions. Umut Ozkirmli supplements Anderson's analysis and provides a connection between rhetoric and nationalism:

> We thus need an alternative conceptualization of nationalism, one that carries us beyond the objective/subjective and cultural/politics dichotomies…these goals can be achieved if we see nationalism as a form of 'discourse', or as a *particular way of seeing and interpreting the world, a frame of reference that helps us make sense of and structure the reality that surrounds us*.[6] (original emphasis).

This dissertation centers on treating the Confederacy as an imagined community that structured a particular reality for its members. Davis's public speeches are thus central to understanding that reality because he was the central spokesperson for the Confederacy. Anderson and Ozkirmli understand the powerful role of rhetoric and place it as a central characteristic of nationalism.

The second major implication of Anderson's definition is his conceptualization of national sovereignty resting in the power of the imagined community. Several of the case studies in this dissertation examine how Davis made vast expansions to the reach and power of the Confederate government. Despite initial arguments for secession based on states' rights and

slavery, Davis extended the power of the Confederate government to trump states' rights and unilaterally determine the fate of slavery. Perhaps an even more dramatic example of expanding sovereignty is Davis's policy of conscription—the first draft in the history of the United States. Anderson's definition encourages an investigation into how Davis constructed a vision of the Confederacy that legitimated these massive expansions of government power. Ozkirimli echoes the importance of understanding the contingent nature of nations,

> 'However institutionalised (sic) nations become…nations remain elusive and indeterminate, perpetually open to context, to elaboration and to imaginative reconstruction'…We should see the 'nation as a construct, whose meaning is never stable but shifts with the changing balance of social forces' and ask what kind of leverage this construct has afforded certain groups.[7]

The fact that the Confederacy extended its power in ways that contravened the initial arguments for secession supports Ozkirimli's claim about the contingent nature of nations. Contingency is a critical concept because without it we might assume that political institutions are inevitable and naturally sustainable. Instead, contingency challenges us to recognize the ways that Davis was forced to negotiate wartime conditions that threatened the legitimacy of the Confederate government.

The key advantage to using Gellner and Anderson's perspective on nationalism is that it offers a useful framework by encompassing both institutional/material factors and cultural/political factors. That is, when we use rhetoric or discourse as a framework, we grapple with interpretations of material reality and with cultural constructions. Vanessa Beasley's, *You, the People: American National Identity in Presidential Rhetoric*,[8] and Mary Stuckey's, *Defining Americans: The Presidency and National Identity*,[9] are examples of how this framework works

to examine presidential rhetoric. Although they do not use the word “nationalism” often, they articulate the ways in which presidential rhetoric shapes American identity and community. By focusing on the material/institutional and the cultural/political factors of the Confederacy, this dissertation follows in a similar analytic direction as Beasley and Stuckey’s examination of the presidency.

Despite the over abundance of definitional debates, nationalism is a diverse literature base that contributes an important analytical framework for examining Davis’s role as president of the Confederacy. Using Gellner and Anderson as a framework for considering nationalism is ideal because of their sensitivity towards the role of discourse in creating a national identity. Most nationalism scholars treat rhetoric with an intense disdain because they associate the concept with the virulent discourses of nationalist leaders who have used the art of speaking well to persuade the masses to commit atrocities. Defining nations as imagined communities that are reliant on common understandings of culture sets up a strong justification for studying Davis’s public speeches.

After reviewing the nationalism literature, two central deficits become apparent. First, although Gellner and Anderson are more sensitive to rhetoric, a review demonstrates that nationalism studies could benefit from the inclusion of studies of rhetoric. Much of their discussions of discourse are limited and under theorized. Second, the nationalism literature has excluded virtually any mention of the Civil War. I am unaware of any of the major texts in the nationalism literature that uses the Civil War as a central case study for analysis. The majority of the literature focuses on Eastern Europe and East Asian case studies. This dissertation helps rectify these two inadequacies by bringing a deeper understanding of rhetoric and introducing the Civil War as a central unit of analysis.

Confederate Nationalism

In 1866, John Russell Bartlett published a book containing a series of essays on why the North won the Civil War.[10] From that point forward, there has been an intense debate over what factors played the pivotal role in the Union victory. The debate is too large to review here and includes a wide array of variables: specific military policies, military strategies, military leadership, specific battles, specific weaponry, international diplomacy, economic resources, natural resources, troop reserves, states' rights, slavery, religion, starvation, the Union blockade, political leadership, and many more.[11] Within this larger debate there is a distinct set of literature that focuses on the role of nationalism in the failure of the Confederacy. John Inscoe and Lesley Gordon argue:

> Since its demise, many have tried to understand why the Confederacy failed and why the South lost the war; others have wondered how the CSA lasted as long as it did. Historians have pondered whether an identifiable 'nationalism' or unique sense of corporeal identity existed among white southerners. Still others have argued that there was no real nationalism; instead localism, states' rights, and political dissent displaced, indeed subverted, any enduring loyalty to the South's central government.[12]

Much of this material does not connect with larger interdisciplinary studies of nationalism; rather, it is written by Civil War scholars who have not included much of the theoretical underpinnings of nationalism studies. The primary point of contention is whether or not the Confederacy could have sustained its fight for independence if it had a stronger sense of itself as an independent nation.

Richard Beringer et al. champion the argument that nationalism was the central element in the defeat of the Confederacy.[13] After reviewing the different resource arguments, they echo the sentiments of Confederate Senator Williamson Oldham by arguing, "Our assessments confirm that until 1865 the Confederate military indeed had the potential strength…and that the basic cause of failure is found in his simple phrase: 'morale alone excepted'."[14] Scholars like Beringer et al. dismiss their opponent's arguments regarding material factors while simultaneously articulating a role for nationalism in the South's defeat.

The larger debate highlights the difficulty in ascribing a single cause for the South's loss; however, the debate over Confederate nationalism inevitably directs attention toward Jefferson Davis's role as the political leader responsible for articulating a reason to fight in the face of the material shortages. As a result, much of the nationalism literature centers on the Confederacy's political leadership with a focus on Davis's ability to create a sense of national identity.

There are several scholars who treat Davis as a successful advocate for Confederate nationalism. Emory Thomas, Richard Bensel, Frank Vandiver, and Raimondo Luraghi all argue from an institutional perspective that Davis was able to accomplish much in his short tenure as president of the Confederacy.[15] From this perspective, Davis was successful in creating a government, raising an army, and sustaining a war effort for over four years. This institutional perspective, however, demonstrates the difficulty in working within nationalism studies with little theorization of nationalism. As I argued earlier, the better framework for nationalism is to take the material/institutional perspective and combine it with the cultural/political perspective. The scholars who investigate Davis from a cultural/political perspective tend to have a less favorable view of Davis.

Paul Escott's, *After Secession*, is one of the strongest statements regarding Davis's failure as a political leader.[16] He argues: "Internal dissensions seriously weakened the Confederacy, for there is a clear link between the failure of Jefferson Davis to build a spirit of Confederate nationalism at home and the inability of southern generals to establish Confederate independence on the battlefield."[17] This summary judgment against Davis is built around an argument that he overlooked the class struggles within the Confederacy. Beringer, et al. support Escott's position but focus their analysis of nationalism on Davis's ability to deal with the military losses from the field. They argue that Davis was too reliant on military victories to sustain the national will. This position is supplemented by Emory Thomas's analysis: "Faced with choosing between independence and the Southern way of life, the Confederacy chose independence. . . The fact was that the Confederacy was prepared to let slavery perish and to fight on! For what?"[18] Escott identifies the central question in the debate over Confederate nationalism: if Davis had been better at articulating a vision of the Confederacy outside of slavery and states' rights, would the South have been able to fight on?

Although Escott and Beringer et al. approach Davis as the central leader in the Confederacy's bid for nationalism, they follow the trend of the majority of the nationalism literature by focusing exclusively on government policies with little close analysis of any of Davis's speeches. Despite the fact that the majority of studies on Confederate nationalism isolate Davis as the central leader responsible for creating nationalism, scholars do not advance a strong role for what he said. The scholar that is the closest to the project proposed here is Brian Dirck. In his book, *Lincoln and Davis: Imagining America, 1809-1865*, he takes a view of nationalism that is also based on Anderson's idea of imagined communities.[19] Additionally, Dirck focuses on Davis as a source of Confederate nationalism. Dirck, however, focuses on a comparison between

Lincoln and Davis with little regard for Davis's speeches outside of a stylistic comparison with Lincoln.

This dissertation advances the debate over Confederate nationalism by analyzing the role of Davis's speeches in the creation and maintenance of Confederate nationalism. By investigating how Davis articulated a vision of the Confederacy, this project helps make better judgments about the success or failure of the Confederate president and the overall role of nationalism within the Civil War. The majority of the literature on Confederate nationalism operates within the institutional/material framework that uses governmental structures as markers of nationalism. The few scholars that move beyond that framework overlook the importance of Davis's discourse in the cultural/political understanding of nationalism.

Southern Culture and Politics

Following from the cultural/political importance of a shared culture in nationalism, it is necessary to pay attention to the vast literature concerning the distinctiveness of Southern culture and political practices. There is a remarkable depth to the literature surrounding Southern culture and politics. Part of the depth stems from the wide array of thinkers who have engaged the topic since the foundation of the country. It is difficult to pinpoint an exact beginning, but it is clear that Southerners have been arguing that they are unique since the nation's inception. From Thomas Jefferson to Jefferson Davis, the South articulated a vision of cultural and political uniqueness that became integral to the national identity of the Confederacy. Most of these early writings were from prominent politicians who were defending Southern values based in aristocratic interests.

Within one year of the Confederacy's defeat, writers like Edward Pollard had begun to construct the "lost cause" myth which justified Southern secession based in political, economic,

and cultural differences.[20] One of the primary reasons that the South felt distinct was its sense of folk culture. Southerners have long argued that they are indebted to an agrarian tradition. As Charles Joyner has argued, "It would be difficult to overemphasize the importance of *tradition* in folk culture."[21] Joyner posits that Southern culture is intimately tied to folk culture in its respect for tradition which is based in agriculture and resistance to commercialization. The roots of the agrarian folk culture date back to the inception of the nation when the economies of the Southern states relied on agriculture. David Potter argues that the South's relationship to the land was more "direct and more primal" than any other place in the country and thus formed its distinctiveness.[22] The juxtaposition of the South as a gentile agrarian society to the highly commercialized North is most apparent in the famous book *I'll Take My Stand: The South and the Agrarian Tradition*. Written by "twelve southerners," the book argues that the Civil War was inevitable because the North and the South had become two distinct cultures separated by their understanding of progress and the relationship between humans and the environment. They argue, "this struggle between an agrarian and an industrial civilization, then, was the irrepressible conflict, the house divided against itself, which must become according to the doctrine of the industrial section all the one or all the other."[23] The agrarian tradition that generates the folk culture thus becomes the central difference between the North and South and the central cause of the Civil War. From this central distinction, scholars have argued that the South has a distinct food, drink, art, literature, politics, workforce, and culture.

Even today, the echoes of *I'll Take My Stand* remain important for some Southern writers. Michael Grissom's, *Southern by the Grace of God*, argues in the introduction that "North and South have never been alike, and never will be…From earliest colonial days, the states north of Virginia followed divergent paths from those to the south. Two cultures developed, in

opposite directions…it is a marvel that we long existed as one country."[24] Although it is doubtful that Grissom's analysis would withstand serious historical review, the point is still clear—Southern nationalists, even today, have always formulated a cultural distinctiveness for the South. In addition to a folk culture, W.J. Cash argues that there were distinct psychological characteristics for the people of the South. His controversial book, *The Mind of the South*, paid little attention to history, but utilized psychological concepts to explain the South's distinct perspective on race, gender, and class.[25]

The literature surrounding the distinctiveness of Southern political thought is also diverse and timely. Once again, the earliest articulations come from prominent politicians who traced the legacy of the South to the nation's founding. Before, during, and after the Civil War, Southern orators claimed to be the true heirs of the American Revolution. As Emory Thomas has written, foundational to the Southern argument was the idea that Southern politicians were more likely to follow a strict interpretation of the Constitution, but also to recognize it as a pragmatic compact between states.[26] From Thomas Jefferson to John Randolph to John Calhoun to Jefferson Davis the South amplified its vision of political independence. Thomas explains that Jefferson's Kentucky and Virginia Resolutions, which defended nullification, should not be construed as a justification for secession; however, Calhoun and later Davis would use Jefferson's logic to justify an interpretation of the constitution that justified secession.[27] Powerful Southern politicians were quick to argue that the South was distinct in its political thought and that their interpretation of the Constitution was correct.

John McCardell's *The Idea of Southern Nation* is perhaps the best articulation of the differences in political thought at the time of the Civil War. He argues that the earlier nullification crisis began to sharpen the Southern arguments for distinctiveness by focusing more

attention on economic, religious, and political differences.[28] Although McCardell concedes, "it is incorrect to think of Northerners and Southerners in 1860 as two distinct peoples," the discourses of separateness were prevalent throughout the South.

The literature after the Civil War continues to support the idea of distinct Southern political thought. The South became described as a gentle folk culture that believed in the tenets of populism. Michael Lee has argued that writers interested in developing a distinct Southern political identity often turn to populism as a rhetorical strategy for establishing difference.[29] In addition to populism, Eugene Genovese identifies a distinct Southern conservatism that lies at the core of Southern political thought, "The principal tradition of the South—the mainstream of its cultural development—has been quintessentially conservative."[30] Louis Hartz clarifies that the Civil War was the South's quest to return to a feudal conservatism, but that the classical liberal tradition that was based in individual freedom proved too powerful for the Southern secessionist.[31] Even today, scholars are articulating a distinct Southern political thought. Michael Lind's, *Made in Texas: George W. Bush and the Southern Takeover of American Politics,* identifies a unique Southern conservatism that has become a powerful force in national politics.[32]

When taken together, the literature surrounding Southern culture and politics demonstrates that there has long been an interest in describing the South as something different than any other region in America. Although some of the differences are contradictory, some are based in more history than others, and some are almost preposterous, it is clear that any project that is designed to investigate Confederate nationalism must be prepared to trace out several themes including folk culture, classical liberalism, conservatism, populism, religion, and the American revolution. Despite the broad diversity of this literature, what is missing is an

examination of the characteristics of the Confederate States of America. Many of these studies include extensive examinations of the Civil War, but most of them move through a large segment of history with little focus on the actual existence of the Confederate government.

The literature on Southern culture and politics provides a useful inventory of the sorts of inventional resources Davis had available to him before, during, and after the Civil War. The literature points to a common stock of Southern perceptions that shaped the South as unique and, perhaps, unique enough to be a separate nation. In order for Davis to create a sense of national identity he was constrained and empowered by the recurring themes of Southern distinctiveness. This inventory of Southern arguments is important for any examination of the public discourse of Davis because it enables the critic to understand better the choices Davis made while justifying his vision of the Confederacy.

Jefferson Davis

Despite his position as a powerful agent of change, rhetorical studies have paid very little attention to Davis. An examination of the major journals reveals that there has been little sustained criticism of the speeches of Jefferson Davis. In fact, most of the published articles on Jefferson Davis are book reviews that highlight the potential for more research. For instance, a book review of an edited volume of the papers of Jefferson Davis in a 1967 *Quarterly Journal of Speech* argues that the papers of Jefferson Davis could serve as an important resource for communication scholars. Additionally, there is a review of a book that compares the intellectual ideas of Jefferson Davis and Abraham Lincoln from a 1962 *Quarterly Journal of Speech*. Outside of book reviews, there is a review of a film that portrays Jefferson Davis's resignation speech in a 1961 edition of *Speech Teacher*; however, the three-paragraph review gives no analysis of the actual speech. Finally, there is a 1957 *Quarterly Journal of Speech* article on

Jefferson Davis's failed speaking tour after the Civil War. An examination of communication journals reveals that few pages have been dedicated to Jefferson Davis.

Outside of communication journals there has been some work done on Jefferson Davis. In her edited book, *Doing Rhetorical History*, Kathleen Turner includes an essay by James Andrews that compares the inaugural addresses of Davis and Abraham Lincoln.[33] However, outside of chapters such as this, there are no book length examinations and few in-depth investigations of the public rhetoric of Jefferson Davis.

While communication scholars have overlooked Davis, historians and biographers have dedicated much intellectual energy to him. One of the first full-length biographies of Jefferson Davis was published in 1868 by the former editor of *The Southern Literary Messenger*, Frank H. Alfriend. His staunch support for Davis is clear in his concluding statement, "But the decision of this question, whatever it may be, can not recover the wager which the South gallantly staked and irretrievably lost. Time will show, however, the amount of truth in the prophecy of Jefferson Davis…"[34] One year after his death in 1889, Davis's wife Varina published a full-length biography in which she also argued that Davis was a valiant leader until the end.[35] These biographies share characteristics of many of the biographies in which Davis is either venerated as a misunderstood soldier who fought for the legacy of the South or castigated as an inept president who cost the Confederacy its independence.

The early works of the twentieth century showed an unabashed praise for Davis. In 1907, William Dodd published his biography of Davis which focused almost entirely on the war effort and called for supporting Davis's legacy as president.[36] In 1923, the State Historian of Mississippi, Dunbar Rowland, published a small essay entitled, "Jefferson Davis's Place in History: As Revealed in His Letters, Papers, and Speeches."[37] This short essay is a staunch

defense of Davis and argues that he, "…was one of the greatest American statesmen and orators…Summing up some of his great qualities about which there could be no controversy, he was a gallant soldier, a profound philosophical statesman and an accomplished scholar and author."[38] As the distance from Davis's death grew, so did the criticism.

The 1970s saw a revival of Davis scholarship with Clement Eaton's biography of Davis.[39] In his assessment of Davis, Eaton argues that he was unprepared for the difficulties of the war effort. Throughout his book, Eaton is careful to hedge his assessment of Davis, but nevertheless, this is one of the first biographies to examine critically Davis's reaction to the stresses of the Civil War. Eaton ends his biography with a summary that begins to define the majority of Davis's biographies to come: "Despite his own faults, and those of his society, he nonetheless displayed the strength and resolution to lead the Confederate nation in a four year struggle against desperate odds. This fact speaks eloquently for the quality of his leadership and for the indomitable spirit of the Southern people."[40] The strength of Jefferson Davis becomes the defining feature that many of his biographers would develop as their central themes. For instance, Cass Canfield's *The Iron Will of Jefferson Davis* is dedicated to tracing how Davis became so willing to stand up for his beliefs over the course of his life.[41]

From 1990 until today there has been an increased amount of scholarly attention and criticism paid to Davis. William C. Davis,[42] Felicity Allen,[43] William J. Cooper,[44] and Herman Hattaway and Richard Beringer[45] have all written biographies that make the same basic argument: Davis was well educated, experienced, but unprepared for the duties as president of the Confederacy. All echo Eaton's sentiment that Davis was persistent to the point of being arrogant with little regard for dissent. According to William Cooper, "There have been at least sixteen accounts of his life…Overall, Davis has not fared well in the estimation of historians."[46]

Cooper continues, “He is generally portrayed as an ideologue with poor political skills and as a second-rate leader with a bureaucratic mindset, who failed spectacularly in his star role, especially when compared to Abraham Lincoln.”[47] Stephen Woodworth does not consider his book, *Jefferson Davis and His Generals: The Failure of Confederate Command in the West* a biography, but it is an example of how some historians have studied his wartime leadership. Woodworth’s treatment of Davis is not much more sympathetic. He points to Davis’s refusal to appropriate the necessary resources and energy into the Western theater of combat and concludes, “had he [Davis] possessed certain other qualities, Davis might perhaps have achieved southern independence despite the failures of other southerners.”[48]

The various biographies of Davis demonstrate that from a strictly instrumental perspective, Davis can be considered a failure. He was persistent, but to the point of being dogmatic. He was intelligent, but not smart enough to recognize his own limits. However, the obvious gap in all of Davis’s biographies is the lack of sustained attention to Davis as a rhetor. This project may help move the assessment of Davis beyond the strict instrumental successes or failures to allow for a more complete understanding of such a complex man.

The literature on Davis’s life and leadership is useful when examining his public discourse. The varying perspectives demonstrate that Davis was a complex man who was lauded and vilified in life and death. This dissertation requires an understanding of his tumultuous relationship with the key members of the Confederate government and people. The literature on Davis’s life and leadership provides significant details into his credibility with his audiences, which is important for any examination of his public discourse.

A brief review of four sets of literature reveals that there is a unique space for a project that analyzes the public discourse of Jefferson Davis. This dissertation contributes to the broader

studies of nationalism by demonstrating a deeper connection to rhetoric. The sustained examination of Davis's public discourse during the most defining period in the South's history benefits the narrower studies of Southern culture, politics, and Confederate nationalism. Finally, a serious treatment of Davis as a powerful agent of change benefits the broader field of communication studies.

Critical Approach

This dissertation asks questions about the role of rhetoric in the creation of a specific imagined community. The question, thus, requires the merger of two theoretical approaches. On the one hand, the project calls for good rhetorical history. On the other hand, the project requires a view of rhetoric that is constitutive. In this section, I outline the merger of these perspectives and explain how I approached the public speeches of Jefferson Davis.

When Edwin Black eviscerated neo-Aristotelian approaches to rhetoric, he opened the door to a variety of critical approaches.[49] In the wake of this rupture, serious questions arose about the continuing relevance and use of traditional rhetorical methods as well as rhetorical history, including rhetorical biography. In response to these questions, some scholars such as Michael Leff and Gerald Morhmann turned to close textual analysis that reduced the role of contextual evidence in favor of an examination of the mastery of the text itself.[50] Others sought to redefine rhetorical history to create a balance between context and text. For instance, David Zarefsky has argued that good rhetorical history is the careful balance of interpretation and context without attempting to draw fine distinctions between the two concepts. He argues that rhetorical history has thus turned to examinations of the history of rhetoric, the rhetoric of history, the historical account of rhetorical artifacts, and the rhetorical account of historical events.[51] In this redefinition, a key issue that arose was the instrumental focus of criticism.

Studies in rhetorical history looked primarily at immediate audience and occasion, not at the larger contexts that framed rhetorical action—with the exception, generally, of genre and social movement studies. This instrumental approach is appropriate for some historical projects that center on a speaker in one particular context, but projects that examine a larger frame of discourse, such as nationalism, require the addition of a constitutive approach.

Constitutive approaches to rhetoric can be traced to Edwin Black's 1970 essay, "The Second Persona."[52] Black argues that instead of evaluating rhetors based on their speeches in a particular situation, critics should evaluate the audience that is implied by the speeches themselves. He argues that the critical distance established by looking at the implied audience allows for critics to make moral judgments about the speech: "The critic can see in the auditor implied by a discourse a model of what the rhetor would have his real auditor become…This condition makes moral judgment possible."[53] This idea that the critic could evaluate an implied audience set the foundation for constitutive approaches to rhetoric. Michael McGee and Maurice Charland further theorized the role of audience and publics by outlining a critical approach to rhetoric that looks at how discourse constructs subject positions for people. [54] From this approach, rhetorical scholars can move beyond looking to see if a speech actually resulted in a specific action and instead focus on how a rhetor's discourse constituted a subject position for a specific group of people.

The framework for studying nationalism that I have outlined here requires the addition of the constitutive approach because it relies on an imagined community created by the words and actions of Jefferson Davis. In order to outline fully how I approached Davis's texts, it is important to examine how scholars working with a constitutive orientation have engaged rhetorical history. The focus of Black, McGee, and Charland has been on constituting audiences,

but that is not the only work to be done. James Jasinski's essay, "Instrumentalism, Contextualism, and Interpretation in Rhetorical Criticism,"[55] demonstrates that constitutive approaches are also important for understanding how rhetors (re)construct powerful political and rhetorical principles as well.[56] Jasinski argues that the focus on rhetoric as completely instrumental has led to a context-dominated mode of scholarship that generates a truncated sense of history that focuses too much on the particular speaking event. He argues that, instead of looking at speeches at one particular moment, it is important to examine the relationship of the speech to the discourse of the period. In other words, Jasinski is calling for scholarship that moves beyond the specific particular context to force rhetoricians to examine how the speech is actually a part of a larger discourse, which would build a thicker analysis that creates conversations about intersecting speeches and discourses.

Jasinski's essay is a model for rhetoricians who are interested in using a constitutive frame for understanding the ways in which traditions energize rhetorical action. Drawing from intellectual historians like Pocock, Bailyn, and Wood, rhetoricians such as John Murphy,[57] Michael Pfau,[58] and others have examined how intellectual, cultural, and political traditions become sources of inventions for rhetors. Dominant traditions both constrain and enable speakers in the process of invention. Rhetoricians, therefore, must understand how the particular discourse they are studying functions within the larger traditions invoked by the speaker. This becomes particular important for the study of Davis as he sought to establish a Confederate identity, at least in part, as the true heirs of the Anglo-American political tradition. Thus, this project focuses on the ways in which Davis used history and tradition as sources of invention to constitute a new identity out of past practice.

Combining these theoretical perspectives works well because they are all necessary components of answering the central question posed here: what was the Confederacy according to Jefferson Davis? It is impossible to answer that question without examining the speeches of Davis within their context. In order to understand how the speeches coalesce, it is critical to move beyond the specific contexts to examine the larger discourses of Confederate nationalism. For instance, examining how Davis used the arguments for Southern distinctiveness to justify secession requires examining the larger context than the political struggles of 1860. Finally, in order to understand Davis's vision of the Confederacy, we must have an understanding of rhetoric's role in creating a community of people.

Chapter Outline

This dissertation centers around four case studies that examine the public discourse of Jefferson Davis before, during, and after the Civil War. The case studies are designed to contribute to the larger conversations regarding the role of nationalism in secession, the prosecution of the war, and the eventual defeat of the Confederacy, as well as to make rhetorical action central to these conversations. The first two case studies argue that Davis marked the Confederacy as different from the Union. Through his resignation from the Senate and his inaugural addresses, he justified the act of secession and marked out an independent space for the Confederacy based on key values he argued the Union had violated—the beliefs of the founders and the goals of the American Revolution. The second two case studies argue that Davis was effective at creating the justification for secession, but was unable to articulate successfully what the Confederacy would stand for on its own. In his defense of conscription (the first draft in American history) and conditional emancipation, Davis's national vision floundered. He argued for the sacrifice of individual rights, states' rights, and the institution of slavery without

articulating an identity for the Confederacy after these war policies were implemented. My dissertation thus engages the debate over the role of Confederate nationalism in the prosecution of the war and argues that Davis's rhetorical failure to create a national vision contributed to the decline of the Confederacy.

Chapter Two: The Mystic Chords of Separation- Jefferson Davis's Resignation from the Senate

Chapter two examines Davis's justifications for secession in his twelve paragraph speech of resignation from the United States Senate. Davis confronted three central dilemmas when delivering his resignation speech to the Senate. First, because Mississippi had already seceded, Davis was delivering his speech to a hostile audience who would likely become his enemy in the event of a war. Second, Davis was fearful that secession would trigger a conflagration in which the North would have an overwhelming military advantage. Third, despite the fact that he believed in the right to secede, Davis had attacked the prudence of secession and had encouraged his Southern colleagues not to act rashly. His subsequent vacillations on secession required that he justify a final position endorsing quick secession. There are few instances in United States history when a Senator has faced such a hostile audience, to deliver an address so bitterly opposed, all the while knowing that war was imminent.

In chapter two, I argue that viewed through the analytic lens of decorum, Davis's resignation was a model for the appropriate relationship between the sundered portions of the country based on the relationship he displayed and enacted with his former colleagues. This new relationship required that Davis define secession as a performative act that was beyond the realm of debate and deliberation. In doing so, Davis offered a skillful theory of the performative nature of language that enabled him to constitute the occasion as epideictic, circumventing the historical

debates over the constitutionality of secession while simultaneously thwarting the justifications for using force against seceding states.

Through his resignation, Davis modeled a strict conception of decorum because the deliberative Senate model dictated that factions would seek dialogue over conflict and that rationality would prevail over violence. Every scintilla of Davis's appearance and argument was governed by decorum. Davis's resignation sought to preserve the civility of existing institutions while establishing the legitimacy of Mississippi's actions. Decorum, for Davis, was not only being polite to the people who may become his enemy. Decorum, for Davis, was a model of interaction that he desperately needed his Union counterparts to follow if he was going to buy time for the burgeoning Confederacy. Davis's resignation sought to preserve the civility of existing institutions while establishing the legitimacy of the South's actions.

Davis sought to establish that his resignation and secession were the appropriate responses of civilized people. Through the lens of decorum, we see how Davis modeled civility and constructed a vision of the South as a people with honest disagreements from the Union. In twelve simple paragraphs, Davis said goodbye to the institution that he had grown to love and modeled a new civil relationship with his audience by gradually working through the role that secession demanded of him. Although Davis was unable to prevent the coming of the Civil War, the speech received widespread praises from Northern and Southern senators and newspapers across the nation.

Chapter Three: A Tale of Two Souths- Secession and Civic Republicanism in Jefferson Davis's Inaugural Address

Chapter three investigates the relationship between Davis's election, the civic republican tradition, and Davis's inaugural address. On February 18, 1861, the Confederate States of

America inaugurated Jefferson Davis as provisional president. In thirteen paragraphs, Davis delivered the first official presidential address of the newly constituted Confederate nation. It is difficult to underestimate the task that Davis had before him as he stood before the world. Without a separate Confederate declaration of independence, the responsibility for articulating the justification for secession, establishing legitimacy for the new Confederate government, establishing himself in the office, and outlining a vision for how the two nations could co-exist, fell squarely on the inaugural address. In short, Davis was responsible for introducing the content and character of Confederate identity to the world.

Although the speech is heralded as one of Davis's finest, a closer examination reveals that he struggled to reconcile the demands of the civic republican tradition with the radical act of secession. The conservative civic republican tradition that had helped him get elected constrained Davis at this defining moment in the Confederacy's history. Davis offered no vision for the Confederacy other than that of peaceful toiling farmers willing to go to war to protect free trade. Davis's struggle to resolve tensions at this key moment suggests limitations for the civic republican tradition and that the seeds of the South's troubles with nationalism may have been sown in the fertile soil of Montgomery, Alabama.

Chapter Four: A Wretched Enemy at the Gate: Amplification in Jefferson Davis's Defense of Conscription

Chapter four examines Davis's defense of the Conscription Act in Jackson, Mississippi on December 26, 1862. The Conscription Act, the first draft in American history, was passed at Davis's request and signaled a fundamental change in the character of the Confederate identity. Davis's earlier articulation of the Confederate nation as a peaceful agricultural people with a healthy respect for state sovereignty required considerable revision, given his wartime policies

that demanded a strong centralization of power in the Confederate government and an expanded vision of militarism. Davis's controversial policies required a re-articulation of Confederate values in the face of the increasing demands of war.

In this chapter, I argue that Davis turned to the rhetorical strategy of amplification to construct the Union as a barbarous enemy intent on destruction in an effort to unify the disparate factions of the Confederacy and justify his policy of conscription. This chapter, then, examines the context of the Conscription Act, outlines the basic features of Davis's December 26 address, and investigates Davis's deployment of amplification. I conclude that Davis's use of amplification legitimized the Conscription Act, but that the strategy was ineffective at generating a sustainable Confederate nationalism.

Chapter Five: War Rhetoric on the Brink of Destruction: Jefferson Davis and Conditional Emancipation

Chapter five examines one of Davis's final messages as president of the Confederacy. With military resources dwindling and Atlanta, one of the South's largest cities, in enemy hands, Davis issued a message to the Confederate Congress on November 7, 1864. Tenuously balanced between assertions of victory and explanations for defeat, the message was steeped in the languages of desperation and hope. Through forty-one paragraphs, Davis addressed the status of the Confederate fight for independence in an address that would be published and circulated throughout the North and the South. This chapter focuses on Davis's defense of a controversial proposal to emancipate slaves on the condition that they would fight for the Confederacy.

Chapter five outlines how the fruits of Davis's struggles with developing a Confederate identity blossomed into a pragmatic victory and total defeat. I argue that Davis's message was a remarkable rhetorical construction that utilized narrative and inductive argument to legitimize his

war policy. Where Davis failed, however, was in constructing an identity for the Confederacy, assuming that his policy was implemented. If the South agreed to sacrifice states' rights and the institution of slavery, what would they be fighting for? What would the Confederacy be? Why should they continue to die for it? Davis offered no new vision of the nation even as he undermined its previous identity. In the final moments of the Confederacy, Davis turned to an "Independence for independence sake" strategy that did not contain the inventional resources necessary to sustain the Confederate will to fight.

Chapter Six: Conclusion

In this conclusion, I situate this project within the larger debate over the collapse of the Confederacy, examine how Davis's public discourse continues to permeate the "lost cause" myth today, and analyze Jefferson Davis's success and failure as a rhetorical agent of change. I conclude that the speeches of Davis support the position that he was a skilled rhetor who achieved several instrumental successes, but he failed to articulate a vision of a Confederate national identity.

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CHAPTER 2

THE MYSTIC CHORDS OF SEPARATION:

JEFFERSON DAVIS'S RESIGNATION FROM THE SENATE

"They recognized in him (Lincoln) the representative of a party professing principles destructive to 'their peace, their prosperity, and their domestic tranquility.' The long-suppressed fire burst into frequent flame..."[1]

-Jefferson Davis

Prior to November 1860, the United States resembled a forest suffering from decades of drought. The debates over the expansion of slavery into the territories had sucked away the last drops of cooperation, leaving a once vibrant and powerful nation susceptible to complete destruction from the smallest spark. As Davis suggests, the unlikely election of a relatively obscure candidate from an increasingly aggressive party was more than enough to trigger calls for secession throughout the South. Within weeks of Lincoln's election, the nation found itself struggling to breathe through the toxic smoke of secession, wondering if the fire would confine itself to the relatively small corridors of South Carolina or engulf the entire South and suffocate a century's experiment with democracy. All eyes squinted through the smoldering embers to catch a glimpse of how the other Southern states would respond to South Carolina's reckless endeavor.

With the flames of secession fanning throughout the South, Davis found himself in a troubling situation. He was a senator from Mississippi who had risen to national prominence to become one of the central spokespersons for the South. He had gained this position by attacking Stephen Douglas's theory of popular sovereignty based on the uncompromising position that the Supreme Court's decision in *Dred Scott v. Sanford* had secured Southerners' rights to take slaves into the territories.[2] Douglas's theory of popular sovereignty allowed the possibility that a territory could elect to ban slavery, a position that was intolerable for Davis and other senators

from the cotton South. Although Davis's consistent attacks on Douglas elevated him to the role of the Southern spokesperson, the sectional divide simultaneously split the Democratic Party and helped ensure a Republican victory.[3] Davis had hoped to present a unified Democratic front in the presidential election of 1860, but could not support Douglas as the sole nominee of the party. Throughout September and November, Davis stumped for the Southern nominee for the Democratic Party, John Breckenridge. Breckenridge, the Vice President to James Buchanan, defended a pro-slavery platform in opposition to Stephen Douglas. Davis continued his attacks on Douglas's theory of popular sovereignty in his efforts to help Breckenridge win the election. Throughout the fall, Davis was increasingly confronted with questions regarding what the South should do if they did not secure the presidency. Davis spent his time supporting Breckinridge, all the while equivocating on the question of secession.[4]

Lincoln's Republican platform, which supported the prohibition on slavery in the new territories, was antithetical to Davis's position that slaves were property that could be taken anywhere. In the wake of the Republican victory, the South looked to Davis for guidance and the North looked to him to assess the likelihood of secession. The national spotlight turned on Davis as one of the spokespersons for the South.

Between Lincoln's election and his January resignation, Davis vacillated in his support for secession. In the period immediately following the election, Davis argued for reconciliation and compromise. Within days of the election, he told a leading secessionist from South Carolina, Robert Barnwell Rhett Jr., that he doubted that his state of Mississippi would consider secession, much less follow South Carolina's lead.[5] Davis was surprised when he found out how much support for secession existed within his own state and how fast conventions were being called throughout the South. He was more surprised at the attitude of his fellow representatives at a

special meeting called by the Governor of Mississippi, John Pettus. According to William C. Davis, "For the first time ever, he found himself consistently in the minority and consistently outvoted."[6] Davis opposed the governor's recommendation for an immediate special legislative session. Not only did the governor ignore Davis and call the session, but he also asked Davis to act as his envoy and represent his position in support for immediate secession.[7] Davis declined the Governor's request, but the message was clear—secession was coming whether Davis supported it or not.

Davis was not present for Mississippi's special legislative session because he was called back to Washington to assist President James Buchanan in constructing his last annual message to Congress. Before he left, Davis reiterated his objections to secession, but stated that he would follow the decision of the legislature.[8] Buchanan initially agreed with Davis's suggestions but later changed the address, thus making Davis's early trip back to Washington meaningless.[9] Despite the failure of Buchanan's address to satisfy the North or the South, the ensuing Senate debate over its publication generated a more aggressive response from Davis, who found himself increasingly upset at the provocations of his Northern counterparts. William C. Davis argues that he "abandoned the…cautious role he had been playing for the past few months and stepped forward at least into the second rank of the fire-eaters."[10] In the heat of argument, Davis declared, "Before a declaration of war is made against the State of which I am a citizen, I expect to be out of the Chamber; that when that declaration of war is made, the State of which I am a citizen will be found ready and quite willing to meet it."[11] Additionally, he publicly signed and supported a statement that declared that all hope for the Union was lost and that the Southern states should act in their own interests.[12]

Despite his heated remarks, Davis had not converted to the side of secession. Within a week of the debate, there was a proposal to create the Senate Committee of Thirteen. The committee would be charged with creating a compromise that would avert civil war. During discussion of the proposal, Davis opined that there had been too much anger in the chamber and admitted that he had contributed to the hostile atmosphere.[13] He called on his fellow senators to rise above the partisan debate. He passionately argued: "Men must look more deeply, must rise to a higher altitude; like patriots, they must confront the danger face to face, if they hope to relieve the evils which now disturb the peace of the land, and threaten the destruction of our political existence."[14] Despite his calls for restraint, he was more pessimistic than ever about the possibility of reconciliation. When the Committee of Thirteen was approved, he initially asked to be removed from consideration, but later agreed to serve, stating, "If I could see any means by which I could avert the catastrophe of a struggle between the sections of the Union, my past life, I hope, gives evidence of the readiness with which I would make the effort."[15]

Despite Davis's participation and the public call for compromise, the committee failed to reach any substantive agreement. News that South Carolina had passed an ordinance of secession complicated the committee's task, but South Carolina's actions did not deter the committee from meeting and arguing over a variety of proposals including constitutional amendments and a restoration of the Missouri Compromise. However, after ten days of intense debate, Davis voted for a resolution to adjourn the committee—they had failed to reach compromise.

The failure of the Committee of Thirteen contributed to Davis's growing assessment that compromise was impossible. At the outset of the meetings, Davis sponsored a procedural rule stating that the committee would only report items to the full Senate that had both a Democratic and Republican, in spite of the fact that his Democratic Party held a seven to five majority.[16]

This early olive branch did little to curry favor with the stalwart Republicans. According to William Cooper, despite a variety of proposals from Crittenden, Davis, Douglas, and Toombs, the Republicans "declined to move at all from their platform declaration against slavery in any territory."[17] Davis would later write, "With the failure of the Senate Committee of Thirteen to come to any agreement, the last reasonable hope of a pacific settlement of difficulties within the Union was extinguished."[18]

By January 4, 1861, Davis's indecisiveness had come to an end. He wrote Governor Pettus and made him aware of a force bill that was going to be introduced in the Senate. The bill would empower the Federal Government to act against any state that seceded.[19] The bill signaled an end to any thoughts Davis had for reconciliation. On January 8th, Davis wrote his friend Edwin De Leon and predicted, "We are advancing rapidly to the end of 'the Union'. The cotton states may now be regarded as having decided for secession. South Carolina is in a quasi war and the probabilities are that events will hasten her and her associates into general conflict with the forces of the federal government."[20] With no hope left, Davis joined a caucus of Southern senators who declared that their states should secede immediately. He would later write, "I was behind the general opinion of the people of the State as to the propriety of prompt secession."[21]

On January 9, 1861, Mississippi became the first state to follow South Carolina's lead in secession. Mississippi adopted its ordinance of secession while Jefferson Davis was still in Washington. He quickly heard the news, but waited in Washington until he received orders from Governor Pettus to leave. Davis had recommended to Pettus that he should remain in the Senate as long as possible to vote against hostile legislation, but that he would follow Pettus's orders.[22] Pettus's instructions arrived on January 19th and the message stated that Davis was to return to

Mississippi immediately.[23] That left Davis with one final task to perform—his resignation from the Senate.

Despite the order to leave, Davis could not travel because of his lifelong struggle with sickness. He was supposed to deliver his resignation on January 20, but was forced to delay because he was too sick to leave his bed.[24] When he finally delivered his speech, he wore a patch over his left eye because it was so sensitive to light. Jefferson Davis's wife, Varina, described the scene of Davis's resignation as follows:

> On the morning of the day he was to address his colleagues, the crowd began to move toward the Senate Chamber as early as seven o'clock. By nine there was hardly standing room within the galleries or in the passway behind the forum. . . ladies sat on the floor against the wall where they could not find seats. . . Mr. Davis, graceful, grave, and deliberate, amid profound silence, arose to address the Senate for the last time as a member of that body.[25]

Davis's Resignation: Baptism by Fire-eaters

Despite Davis's push for restraint and moderation, the people of Mississippi voted for secession, thrusting Davis into the national spotlight. Davis's resignation would mark his official transition from a senator who had graduated from West Point, fought in the Mexican war, and served as Secretary of War under Franklin Pierce to the man who led the attack against the Union. As James G. Blaine remarked, "no man gave up more than Mr. Davis," because "for several years he had been growing in favor with a powerful element in the Democracy of the free States, and, but for the exasperating quarrel of 1860, he might have been selected as the Presidential candidate of his party."[26] Given the scope of his national prominence and influence,

Davis's speech of resignation was discussed throughout the nation, thus making his speech more complicated than a simple goodbye.

Davis confronted three central dilemmas when delivering his resignation speech to the Senate. First, because Mississippi had already seceded, Davis was delivering his speech to a hostile audience who would likely become his enemy in the event of a war. Second, Davis was fearful that secession would trigger a war in which the North would have an overwhelming military advantage. Third, despite the fact that he believed in the right to secede, Davis had attacked the prudence of secession and had encouraged his Southern colleagues not to act rashly. His subsequent vacillations on secession required that he justify a final position endorsing quick secession. There are few instances in United States history when a senator has faced such a hostile audience, to deliver an address so bitterly opposed, all the while knowing that war was imminent.

Davis, his wife, and Governor Pettus were fearful that if he did not leave Washington immediately, he might be arrested. At the time of Davis's address, rumors circulated that the members of Congress who were retiring on behalf of seceded states were going to be seized before they could escape to their homes.[27] In addition, the Senate chamber was not exempt from physical violence. In a letter to a friend, Congressman James H. Hammond wrote, "I believe every man in both houses is armed with a revolver—some with two—and a bowie knife."[28] Davis was going to deliver his address to a hostile audience. Although physical violence and/or arrest were possible, the larger problem was that the audience at hand was hostile to Davis's act. Presidents may deliver a State of the Union addresses to audiences that are hostile towards their policies; rarely is the audience hostile to the genre. Davis, on the other hand, was going to deliver a speech of resignation which already engendered a negative response from his audience.

Davis's belief that the North would not allow the South to secede peacefully constituted the second dilemma that Davis faced in his resignation.[29] Writing on January 13, 1861 to Francis Perkins, Governor of South Carolina, Davis stated, "We are probably soon to be involved in the fiercest of human strife, a civil war. The temper of the Black Republicans is not to give us our rights in the Union, or allow us to go peaceable out of it."[30] In another letter to George Jones dated January 20th, Davis wrote, "To us it became a necessity to transfer our domestic institutions from hostile to friendly hands, & we have acted accordingly. There seems to be but little prospect that we will be permitted to do so peacefully. . ."[31] The threat of war was one of the central reasons that Davis participated in the Committee of Thirteen in an attempt to thwart secession. Davis walked into the Senate for the last time with a belief that secession could easily trigger a federal military response. Thus, Davis not only needed to deliver a justification for secession but also needed to denounce the Union argument for using violence against his home state.

Concomitant with his belief that secession would cause war was his fear that the South was not prepared for a conflict with the North. Davis, more than other Southern politicians, had intimate knowledge of how the Union could mobilize to generate war. Davis would later write, "The knowledge acquired by the administration of the War Department (under Franklin Pierce) for four years, and by the chairmanship of the Military Committee of the Senate at two different periods, still longer in combined duration, had shown me the entire lack of preparation for war in the South."[32] Davis was considered a hard worker and efficient as Secretary of War.[33] Under his leadership, the army had increased its numbers from 10,745 to 15,752 soldiers in his first three years.[34] The total number of soldiers seems insignificant when compared to the total number of soldiers killed during any one of the major battles during the Civil War; however, the rapid

increase demonstrated that the Union had the capacity and organization necessary to create armies.

Perhaps more important than the increased numbers of soldiers, Davis oversaw the transition to new weaponry. Davis introduced a variety of new innovations, including "improved rifle muskets and rifles, the use of Minie´ balls,…the substitution of iron for wood in gun carriages, an advanced system of infantry tactics, and the use of heavy guns and large grain powder in the coastal defenses."[35] For Davis, the Union held a strategic advantage because, according to his assessment, "The foundries and armories were in the Northern States, and there were stored all the new and improved weapons of war. In the arsenals of the Southern States were to be found only arms of old and rejected models. The South had no manufactories of powder, and no navy to protect our harbors, no merchant ships for foreign commerce."[36] Davis's intimate knowledge of the Union arsenals, however, did not put his mind at ease; instead, it made him more sensitive to the need for time. His caution was best demonstrated by his advice to South Carolina's governor, Francis Pickens, during the initial controversy over Fort Sumter. Davis wrote:

> The little garrison in its present position presses on nothing but a point of pride. . . I hope we shall soon have a Southern Confederacy, that shall be ready to do all which interest or even pride demands. . . We have much preparation to make, both in military and civil organization, and the time which serves for our preparation, by its moral effect tends also towards a peaceful solution.[37]

Davis's fear that secession would lead to a conflict that would put the South in danger of a quick military defeat was important. Davis needed to convince his audience that conquering the South through force would not be an easy endeavor and that it would involve a long protracted

conflict. Davis's belief that the South was not ready for conflict was a constraint because it required that he temper his remarks while simultaneously proclaiming Southern strength. He knew that the South would need time and resources to stand a chance against Union armies.

The final rhetorical dilemma was a culmination of the first two problems. Davis had not supported the quick and disorganized manner of secession. Instead, he wished to establish some form of centralized government and a strong military first.[38] He would later write, "Believing that secession would be the precursor of war between the States, I was consequently slower and more reluctant than others, who entertained a different opinion, to resort to that remedy."[39] Despite his early efforts at restraining secession, it spread throughout the South and by the time he rose to deliver his resignation from the Senate, Florida, Alabama, and Georgia had all seceded from the Union.

When Davis stood to deliver his final address in the Senate he faced a hostile audience that had already discussed using military force against any state that seceded from the Union. Davis was more than just a spokesman for Mississippi and the South; his intimate knowledge of the War Department made him acutely aware of the Union's capacity for military buildup and intervention. He understood better than most that a Civil War would involve devastation and personal loss. A day before his Senate resignation, Davis wrote his close friend, former President Franklin Pierce, stating, "Civil War has only horror for me. . ."[40] With the potential for war weighing heavy on his mind, Davis entered the Senate Chamber to accomplish his last task in Washington—resignation.

A Peaceful Separation: Davis and Decorum

In twelve paragraphs, Jefferson Davis officially resigned from the United States Senate. Hudson Strode considers the address, "one of the most moving and eloquent speeches in American history."[41] A cursory glance reveals that Davis was courteous, succinct, and passionate in his final address. The speech was delivered with a simple construction: an introduction that announced his resignation, a description of his obligation to the state of Mississippi, a concise explanation of the theory and legal arguments for secession, an elucidation of the complete and total sovereignty of Mississippi, and a plea for peaceful relations. However, the initial simplicity of the speech vanishes with a closer inspection of what Davis accomplished in light of his belief that Congress would not let Mississippi, or the rest of the South, leave peacefully. I argue that viewed through the analytic lens of decorum, Davis's resignation was a model for the appropriate relationship between the sundered portions of the country based on the relationship he displayed and enacted with his former colleagues. This new relationship required that Davis define secession as a performative act that was beyond the realm of debate and deliberation. In doing so, Davis embraced a performative view of language that enabled him to constitute the occasion as epideictic, circumventing the historical debates over the constitutionality of secession while simultaneously thwarting the justifications for using force against seceding states.

Decorum offers a critical concept that allows us to grapple with the specific demands of an occasion and the situated nature of rhetoric. Decorum in its most basic definition is speaking appropriately for a particular occasion.[42] As Michael Leff notes, traditional understandings of decorum trace back to Cicero and focus strictly on the stylistic features of a speech resulting in the subversion of the concept as a purely aesthetic consideration.[43] More recently, scholars have

begun to revive the utility of decorum through deeper investigations into the related concepts of *to prepon* (appropriateness) and *kairos* (opportune moments).[44] James Jasinski notes that the majority of the contemporary studies into decorum begin with a connection to Cicero's *Orator*, which contains the critical lines, "In an oration, as in life, nothing is harder than to determine what is appropriate. The Greeks call it *prepon*; let us call it *decorum* or 'propriety.'. . . The universal rule, in oratory as in life, is to consider propriety."[45] Through this connection, scholars have begun to move away from a strictly stylistic and technical understanding of decorum to what Leff describes as a "broad, non-technical (or even anti-technical) function."[46] This move toward a broader understanding of decorum has opened up space for investigations into how rhetors react to particular situations beyond surface examinations into stylistic choices. Leff argues that the non-technical understanding of decorum "represents the goal of rhetorical culture—the adaptation of all the available resources to encompass concrete situations. Since this goal must change in the face of changing situations, it cannot suffer reduction to formal rules. . ."[47] Leff emphasizes that the contemporary understanding of decorum requires sensitivity to the uniqueness of occasions, a theme that is echoed by many modern scholars of decorum.[48]

The primary benefit to working with the broader understanding of decorum is that it enables critics to consider the interaction between text and its context, rather than simply focusing on style.[49] When examining the external features of a text, the critic focuses on the ways the rhetor responded to the situational factors involved in the speaking event.[50] Although these situation factors are often overlooked in the narrow interpretation of decorum, Robert Hariman observes:

> Cicero makes the received system of rules into a means for thinking about how we coordinate worlds, thoughts, acts, and gestures to behave purposely in shifting

> social circumstances. The concept exemplifies the rhetorical sensibility that he articulated and defended throughout his treatises on rhetoric: the sensibility of an active mind attuned to its social environment.[51]

The connection Hariman draws from Cicero to the social circumstances surrounding a text demonstrates that the narrow definition of decorum does not cohere with the classical definition and that critics should be engaged in studying the rhetorical sensibilities that texts embody.

The primary disadvantage to working with the broader understanding of decorum is that the contingency infusing the definition resists the formal rules that would make judgment efficient. Rosteck and Leff demonstrate the problems with subjecting all texts to the traditional standards of decorum through their careful examination of the anarchist Voltairine de Cleyre's, "The Fruit of Sacrifice," oration.[52] They argue that, using traditional standards of criticism, the speech "must be regarded as inappropriate and an ineffective rhetorical effort."[53] Although they disagree with this assessment, they do not dismiss the importance of formal rules; instead, they argue that the "deficiency is the inability to connect relevant general categories of analysis with the symbolic action indigenous to the text itself; thus it encourages misrepresentation because it fails to comprehend the horizons that define the effort at rhetorical synthesis."[54] Without formal rules, the critic cannot simply rely on "principles of decorum" when assessing the internal and external features of a text. In contrast, Rosteck and Leff's case study demonstrates that decorum "demands situated, qualitative judgment, and its dynamics become real only when they are embodied in a discursive act."[55]

In order to help reconcile the tension between assessment and uniqueness, Jasinski suggests a set of variables that critics should consider when determining the decorous nature of a text.[56] With regard to the external features of a text, Jasinski suggests examining the occasion,

timing, language, and source as a means of explicating the rhetorical strategies present.[57] Following Jasinski's suggestion, let us now turn to examining these external features of Davis's farewell address to see how these critical concepts offered by decorum illuminate Davis's strategy for this particularly difficult situation.

Occasion

Understanding the relationship between the central message and the occasion that it occurs is a prerequisite to making any assessments about the decorous nature of a text. However, as Hariman argues, critics should not overlook the physical connection between the rhetor and the occasion. In the case of Jefferson Davis, it is important to begin by considering how his physical presence on the floor of the Senate reveals a rhetorical sensitivity to the demands of the occasion.

Despite the risks involved, Davis knew that a face to face interaction was a crucial component of any civil engagement. Although it would have been possible for Davis to leave and send a written statement of his resignation, his first lines signal an understanding of the formal structure of the occasion, "It has seemed to me proper, however, that I should appear in the Senate to announce that fact (Mississippi's secession) to my associates, and I will say but very little more."[58] From these opening lines, the audience glimpses Davis's overarching argument, based in propriety, that doing what is appropriate means subverting the urge to follow raw emotion. This is the rhetorical sensitivity that Cicero mentioned—it was propriety that made him willing to sacrifice the short term benefits of an immediate departure to the overall demands of the occasion.

The physical presence of Davis among his associates was also a powerful sign of his trust in the Senate to make rational choices based on deliberation. Davis's willingness to submit

himself to the demands of the occasion was a signal to his Northern counterparts that the potential rashness of war against a fellow state should be removed from the realm of possibility in such a decorous venue as the Senate chamber. If he had departed for Mississippi without facing the chamber, then he would have been delivering a message that was congruent with the treasonous charges being levied against the seceding states. His physical presence ensured that any action taken against Mississippi and the South would be simultaneously an act against one of their colleagues and associates. Davis announced that his presence in the chamber grew out of a sense of propriety, establishing the importance of the occasion for everyone involved. Davis's physical presence in the chamber was also critical to his primary rhetorical strategy—defining the occasion as epideictic.

Traditionally, epideictic rhetoric refers to speeches that are ceremonial in nature and include dimensions of audience judgment regarding the praise or blame of a subject. As Celeste Condit has noted, these simple definitions often result in a far more tumultuous debates than the definitions of Aristotle's two other forms of rhetoric: forensic and deliberative.[59] The process of investigating the varied approaches to epideictic rhetoric, however, has yielded two functions that are helpful in the study of Davis's address—definition/understanding and shaping/sharing of community.

Davis's opening lines established that the nature of the occasion was ceremonial and not deliberative or forensic. He began

> It has seemed to me proper, however, that I should appear in the Senate to announce that fact (Mississippi's secession) to my associates, and I will say but very little more. The occasion does not invite me to go into argument. . . .and yet

> it seems to become me to say something on the part of the State I here represent, on an occasion so solemn as this."[60]

According to Davis, the traditional argumentative forms that encourage debate and rejoinder were not appropriate for the occasion. As Condit argues, "In deliberative and legislative address, interests and individuals in the community openly compete. The inclusion of 'refutation' in these speeches is a content-sign of such competition. In epideictic, such a focus on partial interests is anathema."[61] What is intriguing is that Davis used his speech of resignation as a forum for arguing for the legitimacy of secession including specific rebuttals against arguments for equality, unification, and the use of force. The apparent contradiction is resolved by investigating one of the central functions of epideictic rhetoric—definition/understanding.

Condit notes that the power of epideictic rhetoric to explain a social world stems from the functional pair of definition and understanding.[62] She argues, "Audiences actively seek and invite speech that performs this epideictic function when some event, person, group, or object is confusing or troubling."[63] Secession in general and the specific resignation of one of the most powerful members of the Senate certainly fall within the purview of a troubling event. Davis seized the definitional authority provided to him by the social turmoil in his farewell address. The epideictic occasion did not allow him to engage in argument; however, the occasion did justify explanation.

The key benefit for Davis's use of epideictic rhetoric was that it gave him a forum to *define* the reasons why his state seceded without opening the discussion up for argument. His use of epideictic rhetoric was strategic because it provided him with the opportunity to explicate the various arguments that justified Mississippi's secession without having to share the chamber with anyone else or give his opposition equal opportunity for rejoinder. Through his address,

Davis addressed myriad Northern arguments and proclaimed his interpretation of compact theory and secession. If Davis had attempted such a speech on the Senate floor in the weeks after Lincoln's election, he would have had to deal with booing, hissing, potential violence, and certain response from a Northern senator. The appropriate response to a speech of resignation, however, was for his fellow senators to contemplate the rationale for such a radical action. Contemplation is the appropriate end of epideictic, not immediate argumentative rejoinder. This strategy demonstrates the power of Davis's use of epideictic rhetoric because it allowed him to make his arguments for secession while simultaneously arguing enthymematically that his Northern counterparts should treat him and the South with the appropriate respect for the occasion. The result was that Davis was able to utilize the relationship between his speech and the situation to justify secession as a decorous action that required a peaceful parting as the appropriate response.

In addition to definition and understanding, Condit argues that one of the central functions of epideictic rhetoric is the shaping and sharing of community.[64] Although forensic and deliberative rhetoric have the capacity to shape and share community, Condit argues, "…We create epideictic occasions, attending and giving ceremonial speeches, in order to have opportunities for expressing and reformulating our shared heritage."[65] Farewell addresses by definition require a reformulation of community because they entail the departure of persons from their positions of power. In the case of secession, the farewell addresses signaled a clear attack on the core of the American community as senators left the chamber precisely to become non-American. Unlike the other Senators' farewell addresses, Davis utilized the opportunity provided by his farewell address to transform the shared heritage between Mississippi and the United States to a new community based on mutual respect and non-interference.

A natural starting point for Davis's definition of community was to begin by assessing his role in the Senate. Davis began, "I have satisfactory evidence that the State of Mississippi . . . has declared her separation from the United States. Under these circumstances, of course my functions are terminated here."[66] Davis recognized that as a result of this announcement, he was no longer in a position of power to speak to legislation or propose a new policy to Congress; instead, he was reliant only on the power of his words to convince them to adopt a policy of peaceful separation.

In addition to announcing his official change in character, Davis made explicit overtures toward a reformulation of his personal relationship with his political enemies. Nowhere is this more evident than in the final moments of his resignation, "I feel no hostility to you, senators from the North. I am sure there is not one of you, whatever sharp discussion there may have been between us, to whom I cannot now say, in the presence of my God, I wish you well."[67] Davis continues, "Whatever offense I have given which has not been redressed, or for which satisfaction has not been demanded, I have, senators, in this hour of our parting, to offer you my apology for any pain which, in heat of discussion, I have inflicted."[68] Davis attempted to leave the Senate without the legacy of animosity that permeated the Congressional debates throughout his tenure in office and with a new peaceful relationship with his old colleagues.

After offering a change in his personal relationship to his Northern counterparts, Davis sought to establish that the shared history of the United States could provide a framework for a peaceful separation and a changed communal relationship. With respect to the importance of a shared history, Condit notes, "Whenever change intrudes into the community's life, the epideictic speaker will be called forth by the community to help discover what the event means to the community, and what the community will come to be in the face of the new event."[69]

Davis's farewell address attempted to answer what secession would mean to the community that once was the United States.

Establishing the legitimacy of secession based on a shared history was the starting point for Davis's articulation of a new community. After recycling old interpretations of the Constitution and compact theory, Davis argued that secession was legal based on critical moments in United States history. For example, Davis alluded to another important debate over slavery and stated, "I well remember an occasion when Massachusetts was arraigned before the bar of the Senate, and when then the doctrine of coercion was rife and to be applied against her because of the rescue of a fugitive slave in Boston."[70] After making the historical reference to a shared event, Davis argued for the legitimacy of secession by articulating his earlier position that

> My opinion then was the same that it is now. . . I then said, if Massachusetts, following her through a stated line of conduct, chooses to take the last step which separates her from the Union, it is her right to go, and I will neither vote one dollar nor one man (sic) to coerce her back; but will say to her, God speed, in memory of the kind associations which once existed between her and the other states.

Through this simple historical association, Davis signaled his central argument that the shared history of the community should dictate neutrality over war. His connection was clear; now that his state has seceded, the North should wish Mississippi God speed and allow it to leave peacefully in the same way that he was willing to let Massachusetts go. After using the shared history to justify secession, Davis turned to reformulating the community in the face of secession.

In the same manner that Davis sought a newly found personal relationship with his colleagues, Davis argued that secession was an opportunity to end the hostility between the sections. From Davis's perspective, secession would remove the central tensions between the states because they would no longer be competing for power in the Federal Government. In order to persuade his Northern counterparts that a peaceful relationship was still important, Davis once again turned to the shared history argument, "I therefore feel that I but express their (his constituents) desire when I say I hope, and they hope, for peaceful relations with you, though we must part. They may be mutually beneficial to us in the future, as they have been in the past, if you so will it."[71] Davis's description of a future based on the benefits of the past established the potential for community in the face of secession. Davis did not articulate the specific details of the benefits of the relationship; instead, he allowed the enthymematic argument to access his audience's concerns over trade, raw materials, familial connections and a wide range of other issues threatened by a complete collapse of the relationship.

Through two key functions of epideictic rhetoric, definition/understanding and shaping/sharing, Davis utilized the occasion of his farewell address to model a personal and sectional relationship that encouraged a peaceful separation. Varina Davis's description of the emotional fervor surrounding her husband's farewell address—"There was scarcely a dry eye in the multitude as he took his seat"—comports with the popular understanding of his speech as a ceremonial moment of profound sadness.[72] This was certainly not the case with the other Southern senators whose farewell addresses demonstrate the uniqueness of Davis's sensitivity to the occasion and his skillful use of epideictic rhetoric.

On January 21, 1861 four other senators resigned from their positions. In contrast to Davis's somber farewell, the other resignations included virulent attacks on their Northern

counterparts. All of the addresses explicated the various reasons that their states were justified in secession, but unlike Davis's explanation of state's rights, the other senators described in detail the oppression that their states had suffered at the hands of Northern senators. Alabama senator Clement Clay's resignation stands in stark contrast to Davis's amicable separation. According to Clay, the Northern anti-slavery spirit had

> Murdered southern men. . .invaded the borders of southern States, poisoned their wells, burnt their dwellings, and murdered their people. . .it exerted all the moral and physical agencies that human ingenuity can devise or diabolical malice can employ to heap odium and infamy upon us. . .No sentiment is more insulting or more hostile. . .than is contained in the declaration that our negroes are entitled to liberty.[73]

Clay dedicated the majority of his speech to this tone of condemnation based on his perception of the Northern conspiracy to destroy the institution of slavery in the South. The comparison between this vitriolic rhetoric and Davis's justification for Mississippi's secession based on a shared history reveals that Davis understood the relationship between his immediate occasion and the overall context of the danger of secession.

Robert Toombs's final address in the Senate highlights the uniqueness of Davis's attempt to construct a new peaceful community in the face of secession. Toombs's venomous language and arguments started with a pronouncement that "The Union, sir, is dissolved."[74] He then continued:

> While the perfidious authors of this mischief are showering down denunciations upon a large portion of the patriotic men of this country, those brave men are coolly and calmly voting what you call revolution—aye, sir, doing better than that: arming to defend it . . .

> now you see the glittering bayonet, and you hear the tramp of armed men from your capitol to the Rio Grande. It is a sight that gladdens the eyes and cheers the hearts of other millions ready to second them.[75]

These are not the words of a man who is seeking to reconstitute a peaceful relationship based on mutual benefits. Toombs's declaration that the "glittering bayonet(s). . . gladdens the eyes" does not perform the epideictic function of shaping and sharing community. Toombs's speech emphasizes how Davis's address must have sounded to the same Senate that had heard Clay, Toombs, and the other Southern senators who used the occasion to attack their Northern counterparts. Davis's strategic use of epideictic rhetoric to frame his occasion enabled him to model a peaceful interaction based on a shared history with the potential for mutual prosperity.

The first external variable, the occasion, signals the potential depth of the expanded notions of decorum. Moving from Davis's physical presence to the opportunities provided by the epideictic nature of farewell addresses to a comparison to his fellow Senate resignations demonstrates that Davis was acutely aware of the relationship between his speech and the specific circumstances in which he delivered it. As we have seen, this sensitivity was strategic and crucial to Davis's overall message that stressed the peaceful separation of the South. Fundamental to Davis's framing of the occasion was his understanding of time and the performative nature of language.

Timing

According to Bruce Gronbeck, "Perhaps since the writing of *Ecclesiastes* and certainly since the 5th-century B.C. Greeks speculated about *kairos, to prepon,* and rhetoric, men [sic] have believed that 'timing' is part of what makes rhetorical discourse 'appropriate' to an occasion and audience."[76] Studies of decorum have demonstrated that the relationship between

timing and propriety cannot be underestimated. In order to make better sense of this relationship, scholars have turned to two Greek concepts: *Kairos* and *to prepon*. In this section, I explore these concepts and investigate how Davis utilized time in his farewell address.

Kairos is often defined as the "opportune moment."[77] Janet Atwill argues that *Kairos* is best understood through a comparison with *Chronos* which concerns the abstract nature of time.[78] Unlike *Chronos, Kairos* is concerned with contingency and the ability to seize the perfect moment for an act of persuasion. Atwill notes that for the Greeks, "The opportune moment plays a critical role in the arts of medicine, sea navigation, and rhetoric."[79] For rhetoric, the propriety of a message depends on the speaker's ability to identify the opportune moment and deliver the appropriate message.[80]

Determining the appropriateness of a message involves the Greek concept of *to prepon*. Poulakos argues that the sophists offer rhetoricians the concept of *to prepon*, which he translates as "the appropriate."[81] Poulakos claims that, "*to prepon* points out that situations have formal characteristics, and demands that speaking as a response to a situation be suitable to those very characteristics."[82] Poulakos juxtaposes *to prepon* with *kairos* to demonstrate the importance of examining appropriateness in a given context. He argues, "*To prepon* requires that speech must take into account and be guided by the formal structure of the situation it addresses." He continues, "Like *kairos, to prepon* constitutes not only a guide to what must be said but also a standard of the value of speech. In distinction to *kairos*, which focuses on man's (sic) sense of time, *to prepon* emphasizes his (sic) sense of propriety."[83]

The combination of *kairos* and *to prepon* enables a critic to explore a rhetor's sense of timing and, thus, their grasp of one of the critical concepts of decorum. According to Poulakos, "Both the timeliness and appropriateness are rhetorical motifs whose essence cannot be

apprehended strictly cognitively and whose application cannot be learnt mechanically. . . Timeliness and appropriateness are similar qualities in the sense that they render an expression more persuasive."[84] An examination of Davis's use of time reveals his understanding of *kairos* and *to prepon* was tactical in his attempt to establish peaceful relations between the states.

Davis's message moves from the present, to the past, to the future through a structure that reveals his orientation toward the occasion as the opportune rhetorical moment. Davis began his speech by announcing that the state of Mississippi had passed its ordinance of secession and was no longer a member of the Union.[85] In doing so, Davis positioned secession as a kind of performative act in its most basic sense: when once a person announces it, it is done.[86] A performative view of language includes both the content of the discourse and the action in which it is delivered. The traditional example of a performative understanding of language is wedding vows. The act of saying "I do" commits the people involved to the relationship. In the same manner that saying "I do" marries a person, Davis began his speech by declaring Mississippi as independent. Davis oriented his audience toward a particular view of time that supplemented his epideictic frame. Thus, the question was not whether Mississippi should secede—that has already happened. The question became: how should his colleagues regard that act?

The immediate issue that Davis needed to negotiate was the potential that the Senate would vote to use force to bring Mississippi and the other seceded states back into the Union. In order to thwart this move, Davis needed to present secession as a decorous act worthy of a civilized people that transcended the decades of debate that had led to Mississippi's action. Time was a central component of Davis's rhetorical strategy. His speech moved his audience through the past while consistently putting his audience into the reality of the Mississippi's present condition as a seceded state.

Davis began his explanation of the past debates by differentiating between the history of secession and nullification. Through the life of John C. Calhoun, Davis argued that nullification was a theory of resistance designed to preserve the Union at all costs.[87] Secession, on the other hand, "belongs to a different class of remedies. It is to be justified upon the basis that the States are sovereign. There was a time when none denied it. I hope the time may come again." [88] By shifting the political theory from the past doctrine of nullification to the current doctrine of secession, Davis began the process of circumventing the Northern arguments for the use of force.

After highlighting the differences between nullification and secession, Davis again turned to the past to address the most famous example of federal government action against a state, "The phrase 'to execute the laws' was an expression which General Jackson applied to the case of a State refusing to obey the laws while yet a member of the Union."[89] By examining the history of Andrew Jackson's threat to use force against South Carolina, Davis responded to the clear connection between past and present, coalescing the two periods into a critical response at the opportune moment. It would have been inappropriate for Davis to attempt to engage in a lengthy debate over the legality of Jackson's actions; instead, Davis presumed that Jackson was justified precisely because at that moment in time South Carolina was a part of the Union.

With a seamless transition between this historical example and Mississippi's current position, Davis returned to his performative argument by declaring, "That is not the case which is now presented. The laws are to be executed over the United States and upon the people of the United States. They have no relation to any foreign country."[90] In one swift move, Davis subverted the empirical example that would justify force against the state of Mississippi by citing the *present* condition that was constituted in the opening lines of his address. He seized the moment to address John Calhoun and Andrew Jackson's theories of government by arguing that

they have no relevance to the present situation because secession transcends both historical examples. At any other time in his career in the Senate, it would have been difficult for Davis to entertain both Calhoun and Jackson's theories of government given their historic disagreements and contradictions.[91] At this particular moment, however, the contingent nature of *to prepon* becomes clear as he used Calhoun and Jackson for political protection by arguing that secession was beyond the scope of these debates. All had entered a new world.

A review of Davis's strategy demonstrates that he skillfully defined the times. He utilized history to present an argument in defense of Mississippi's present condition which he performed in the opening lines of his speech. In doing so, he changed the calculation for what was argumentatively appropriate, *to prepon*, in a way that subverted the primary justification for force against his state. As we have already learned, Davis was sensitive to the need for time in order to develop a stronger Confederacy and build military resources. From a rhetorical perspective, Davis utilized a performative understanding of time to reorient the discussion away from the potential for secession to a critical understanding of the appropriate response to secession.

Source

Jasinski asks critics to consider, "What role does the source choose to occupy?" when considering the decorous nature of a text.[92] This concept is closely related to persona and becomes more important to propriety when a critic considers the subject matter at hand. Jasinski suggests that certain tasks are best performed by rhetors occupying certain roles.[93] In order to model civility for his audience, Davis emphasized the propriety and rationality of a peaceful separation. In doing so, his resignation transformed the relationship between Davis and the Senate, and, in turn, between South and North. According to Davis, the demands of decorum and

propriety made it necessary for him to leave the Senate. He claimed that his respect for the will of his constituents and his understanding of the mandate of history, as embodied by the American Revolution, required that he step down from his position of power in the Senate. Through his resignation, however, Davis established that these same demands weighed on his Northern counterparts. According to Davis, they may not like the justifications given for secession, but they, too, should respect the requirements of propriety and let the South secede peacefully, as good sons or daughters leave their parents' home. The power of Davis's use of decorum rests in his ability to transform the propriety of the familial relationship. By the end of the speech, both Davis and the Senate are something different than they were at the beginning. Davis redefines his relationship with his colleagues, beginning with their shared institutional position.

In order to understand how Davis transforms himself and the audience through the speech, it is important to look at the different sources that he inhabits throughout his address. Davis moved seamlessly through the personae of a senator, a foreign diplomat, and a child of the American Revolution, enabling him to transform the Senate from an institution preparing to attack Mississippi to a deliberative body that should respect the sovereignty of a seceding state. Davis's evolving personae constructed a synecdoche for secession. Like Davis, the South and Mississippi were once part of the Union but were now called to a higher duty to continue the virtuous fight against tyranny in the name of the American Revolution.

In the beginning, Davis spoke from the position of a senator who has just been called on to speak on the floor of the chamber. He began as if he were addressing a resolution introduced by a fellow senator. This formal language demonstrated that Davis was positioning himself to use the credibility that he had achieved throughout his time in the chamber. He continued by

declaring that the specific reason that he was resigning was because he had, “satisfactory evidence that the State of Mississippi, has declared her separation from the United States.” Because he was an elected official, he was called to perform duties based on the will of the people. Davis was thus able to justify his resignation by citing the people as the ultimate authority for his decision without disclosing his personal beliefs on the subject of secession.

Davis later revealed his support for secession, but it was strategic for his initial persona to be that of a fellow senator responding to the will of the people. As a fellow senator, Davis forced his audience to consider what they would do in the same situation. His audience identification granted him credibility for his resignation because few senators would have argued that he should remain in the Senate after his state had seceded. Davis made this point explicitly, “Under these circumstances, of course, my functions are terminated here.”[94] This also allowed him to circumvent the rhetorical dilemma of his previous statements on secession. Davis was called to resign by the will of the people, and although he may not have always agreed with the will of the people, they were the ultimate authority. Thus, in two short sentences, Davis did everything necessary to announce his resignation.

Although his speech continued, his role as a senator ends when he stated, “my functions are terminated here.” The functions that he terminated in the opening lines of his speech were the functions that he had as a senator. In other words, Davis signaled that the rest of his speech was not going to be an attempt to support a particular legislative action because his functions as senator were done, which simultaneously marked his transition from senator to diplomat.

Once Davis declared that his functions as senator were terminated he could have sat down without any further explanation. However, propriety demanded explanation and that gave Davis the opportunity to speak as a leader from a sovereign state: “it seems to become me to say

something on the part of the state I here represent, on an occasion so solemn as this."[95] Notice that his sense of obligation did not stem from a personal interest. Instead, Davis declared that he felt obligated on behalf of the state he represented. In other words, he took the opportunity to speak as the ambassador for Mississippi and not as an old colleague who had dedicated years to the legislative process. Davis's obligation to the sovereign state of Mississippi provided him with a justification necessary for shifting to his persona to a diplomat on behalf of the people he represented.

The shift in persona to a foreign ambassador empowered Davis to use two of the basic functions of diplomacy: to encourage peace and to give strong warnings against actions that may start a war. Given Davis's belief that the Union would not let the Southern states secede peacefully, it is understandable that Davis focused more on the dangers of war than the possibility for peace. Throughout the address, Davis echoed James Buchanan's final message to Congress, when he declared that the Union has no legal authority to attack a state that had seceded.[96] Davis used Buchanan's prohibition on force in combination with his persona as a diplomat. He declared, "The laws are to be executed over the United States, and upon the people of the United States."[97] He continued, "They have no relation to any foreign country. It is a perversion of terms, at least it is a great misapprehension of the case, which cites that expression for application to a state which has withdrawn from the Union."[98] Thus, Davis declared the total sovereignty of the states that had seceded and argued that the laws of the United States did not apply.

As a diplomat, it was not enough to establish that the Union did not have legal authority to interfere with the states that had seceded. Davis needed to describe any interference as an act of war and to articulate the Southern response. Understanding that nations make war with other

nations, he argued, "You may make war on a foreign state. If it were your purpose of gentlemen, they may war against a state which has withdrawn from the Union…"[99] Davis conceded that the Union could declare war against the South, but in restating the status of seceded states as a foreign nations he eviscerated any legal justification for protecting the Union. In doing so, Davis redefined war itself as a sign of Southern independence.

In his conclusion, Davis returned to the diplomat persona to restate his warning against invasion and to propose peace. He started with his plea for peace, "…I hope, and they hope (people of Mississippi), for peaceful relations with you, though we must part. They may be mutually beneficial to us in the future, as they have been in the past…"[100] The call for peace was tempered by his final words, "The reverse may bring disaster on every portion of the country; and if you will have it thus, we will invoke the God of our fathers…and thus, putting our trust in God, and in our firm hearts and strong arms, we will vindicate the right as best we may."[101] Davis used the persona of a foreign diplomat to establish the sovereignty of Mississippi and other seceded states, to suggest the prospects for peace, and to warn against potential war.

Throughout the body of his resignation, Davis shifted between the diplomat persona and the final persona, that of a child of the American Revolution. In Gordon Wood's *Creation of the American Republic*, he argues that a peculiar relationship existed between the American revolutionaries and the British Constitution. He claims that the American revolutionaries cited the British Constitution as the foundation of their claims for independence. Wood argues that the American revolutionaries insisted "that they were the true guardians of the British Constitution, even enjoying it 'in greater purity and perfection' than Englishmen themselves…"[102] In fact, Wood isolates that the American revolutionaries did not think that they calling for anything radical. He argues, "They sincerely believed they were not creating new rights or new principles

prescribed only by what out to be, but saw themselves claiming 'only to keep their old privileges,' the traditional rights and principles of all Englishmen."[103]

In his resignation, Davis not only argued *from* the position of a child of the Revolution, but also *as* a child of the Revolution by citing the Constitution as the central justification for secession. Davis's arguments for Southern independence based in the United States Constitution were almost identical to the American Revolution's expositions based on the British Constitution. In his resignation, Davis defended the Southern interpretation of the Constitution as the true interpretation that the founders of the country fought and died to protect. Davis declared, "…we recur to the principles upon which our government was founded; when you deny them, and when you deny to us the right to withdraw from a government which, thus perverted, threatens to be destructive of our rights, we but tread in the paths of our fathers when we proclaim our independence."[104]

Once Davis established that secession was justified based on the tyranny of the Union, he took on the persona of a child of the revolution. He used that persona to deploy some of the most powerful lines of the address. Davis proclaimed that secession "is done not in hostility to others, not to injure any section of the country, not even for our own pecuniary benefit; but from the high and solemn motive of defending and protecting the rights we inherited, and which it is our sacred duty to transmit unshorn to our children."[105] Thus, Davis and the South were constructed as soldiers in the American Revolution who had used secession to combat the tyranny of the Union and preserve precious freedom for the future children of the South.

Davis's evolving personae are important to understanding his navigation of the complex rhetorical situation. Davis began as a senator, generating a connection with the audience and justifying his act of resignation. He then oscillated between a foreign diplomat and a child of the

revolution. The result was that Davis's evolving personae constructed a synecdoche for secession. Like Davis, Mississippi and the South were once part of the Union but were now called to a higher duty to continue the virtuous fight against tyranny in the name of the American Revolution. What is important to note is that Davis used the personae to justify a change in the actions of the Senate undermining the arguments for the use of force against the South. Instead of being obstinate sore losers, the South, through Davis, became a victim of tyranny who would fight to the death to defend liberty and justice.

Conclusion

Jefferson Davis faced several problems when he rose to resign from the senate on January 21, 1861. He faced an audience hostile to his speech in every way possible. He believed that the South's secession guaranteed a conflict and that the Union had a vast military advantage. Finally, he had publicly chastised the fire-eaters who were pushing for fast and unorganized secession throughout the South. Instead of retreating from these obstacles and heading home to Mississippi, Davis struggled to his feet and delivered a speech of resignation to the Senate.

Through his resignation, Davis modeled a strict conception of decorum because the deliberative Senate model dictated that factions would seek dialogue over conflict and that rationality would prevail over violence. Every scintilla of Davis's appearance and argument was governed by decorum. Davis's resignation sought to preserve the civility of existing institutions while establishing the legitimacy of Mississippi's actions. Decorum, for Davis, was not just being polite to the people who may become his enemy. Decorum, for Davis, was a model of interaction that he desperately needed his Union counterparts to follow if he was going to buy time for the burgeoning Confederacy. Davis's resignation sought to preserve the civility of existing institutions while establishing the legitimacy of the South's actions.

Davis sought to establish that his resignation and secession were the appropriate responses of civilized people. Through the lens of decorum, we see how Davis modeled civility and constructed a vision of the South as a people with honest disagreements from the Union who should simply be left alone. In twelve simple paragraphs, Davis said goodbye to the institution that he had grown to love and modeled a new civil relationship with his audience by gradually working through the role that secession demanded of him. Although Davis was unable to prevent the coming of the Civil War, the speech received widespread praises from Northern and Southern senators and newspapers across the nation.

Chapter Two Endnotes

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[60] Davis, "Farewell Address," 487.

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[69] Celeste Condit, "The Functions of Epideictic," 289.

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[73] Clement Clay, "Farewell Address," *The Congressional Globe* 2nd Session 36th Congress (1860-1861): 486.

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[91] See Calhoun's famous speech, "On the Force Bill," delivered in response to Jackson's threat of military force against South Carolina.

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CHAPTER 3

A TALE OF TWO SOUTHS:

SECESSION AND CIVIC REPUBLICANISM IN DAVIS'S INAUGURAL ADDRESS

"The audience was large and brilliant upon my weary heart was showered smiles plaudits and flowers, but beyond them I saw troubles and thorns innumerable."[1]

- Jefferson Davis

On February 18, 1861, the Confederate States of America inaugurated Jefferson Davis as provisional president. Sworn in on the front portico of the state capitol in Montgomery, Alabama, it is estimated that some 10,000 people witnessed the event.[2] In thirteen paragraphs, Davis delivered the first official presidential address of the newly constituted Confederate nation. It is difficult to underestimate the task that Davis had before him as he stood before the world. Without a separate Confederate declaration of independence, the responsibility for articulating the justification for secession, establishing legitimacy for the new Confederate government, establishing himself in the office, and outlining a vision for how the two nations could co-exist, fell squarely on the inaugural address. In short, Davis was responsible for introducing the content and character of the Confederate identity to the world.

Although the task was difficult, Davis did not work in isolation. The whirlwind of secessionist discourse generated complex contradictory political voices urging the new nation in different directions. The secessionists had won their initial charge, sending the first wave of Southern states out of the Union, but they had lost ground to moderation as the need to establish a responsible government grew. Moderate voices pushed for fidelity to the South's philosophical connection to the tenets of civic republicanism, but that conservative tradition was inconsistent with the radical nature of secession. Within this sea of voices, a strong current pushed for

unanimity from both sides, but at which extreme? Davis's inaugural address operated within the demands and constraints of this turbulent cultural milieu. Historian William Davis argues: "In many ways, under-less-than-favorable circumstances, it was one of the finest addresses of his life. . ."[3] Although the speech may have been one of Davis's finest, a closer examination reveals that Davis struggled to reconcile the demands of the civic republican tradition with the radical act of secession. This chapter, then, examines Davis's election, the connection of the early Confederacy to the civic republican tradition, and Davis's inaugural address. Davis's struggle to resolve tensions at this key moment suggests limitations for the civic republican tradition and that the seeds of the South's troubles with nationalism may have been sown in the fertile soil of Montgomery, Alabama.

Davis's Election

After resigning from the Senate, Davis traveled back to his home state of Mississippi. He arrived in Vicksburg on February 1 to discover that he had been elected Major General of the Mississippi militia. He accepted the position and contemplated his return to military service as he traveled back to his home at the Brierfield plantation. After the cathartic release that came with leaving Washington, Davis enjoyed his return to the simple life. In a letter to his friend, John Callan, Davis wrote, "I feel the strongest desire to pass the remainder of my days in the peaceful useful toil of my little cotton field."[4] Despite Davis's public desire to remain at the plantation, he knew that his fate was being decided in the adjoining state of Alabama.

While Davis enjoyed working on his plantation, delegates from the first seven states of the Confederacy were hard at work laying the foundation for the Confederate government in Montgomery, Alabama.[5] Montgomery was chosen by Robert Barnwell Rhett, Sr. before Alabama had even seceded. A fierce secessionist from South Carolina, Rhett included the

provision that delegates should meet in Montgomery to create the Confederacy as a part of South Carolina's Ordinance of Secession. The "South Carolina Program" was designed to have the Confederate government in place before Lincoln's inauguration.[6] Howell Cobb, a prominent politician from Georgia, served as the president of the convention which began on February 4. It was charged with writing a constitution, electing a provisional president and vice president, and passing whatever legislation was necessary for the establishment of a working government.[7]

On February 9, 1861, the delegates voted unanimously to elect Davis as the provisional president and Alexander Stephens of Georgia the provisional vice president of Confederate States of America. The process took less than thirty minutes. The next day, Davis was clipping roses in his garden when a messenger approached him with an urgent telegram. According to his wife, "when reading the telegram he looked so grieved that I feared some evil had befallen our family. After a few minutes of painful silence he told me, as a man might speak of a sentence of death. As he neither desired nor expected the position, he was more deeply depressed than before."[8] After Davis's Senate resignation, everyone in the South (including Davis) believed that he would be appointed the Secretary of War in the Confederacy. In addition to having publicly opposed immediate secession, he was a West Point graduate, a celebrated war hero, and had served as the Secretary of War under Franklin Pierce. In fact, Davis reaffirmed his desire to be a military commander in his letter to John Callan, "I think I could perform the functions of genl. If the Executive did not cripple me in my operations by acts of commission or omission."[9]

On February 11, 1861, Jefferson Davis set out for Montgomery as the president elect of the newly formed Confederate States of America. In the next four days he would give over 25 speeches in cities across the South before finally reaching the Confederate capital. The inefficient railroad path that took him to Atlanta through Tennessee before returning westward to

Montgomery gave Davis an opportunity to tour the Southeast while experiencing firsthand the problems with transportation and infrastructure that he would confront as president. He arrived at Montgomery late on the evening of February 16 and delivered one last impromptu speech from his hotel balcony. Because the next day was a Sunday, he had the opportunity to rest and prepare his inaugural address, which he delivered on the morning of February 18, 1861.

Despite the delegates' best attempt to show a unified front, Davis's election happened as a series of compromises that hardly represented the unanimity the delegates proclaimed. While Davis prepared to serve in a military capacity, several of the strongest proponents of secession lined up to fill the top political positions. Edmund Ruffin, Robert Barnwell Rhett, and William Lowndes Yancey had already proven their loyalty to the Confederacy through their fierce defenses of secession, but many believed that Robert Toombs was the logical choice for the presidency. He was a revered senator from Georgia who had made a name for himself defending slavery, attacking Lincoln, and pushing for immediate secession. In his famous debate against Alexander Stephens at Georgia's convention on secession in Milledgeville, Toombs responded to Stephens's call to wait until a Lincoln provocation by encouraging his audience to, "strike while it is yet today. Withdraw your sons from the army, from the navy, and every department of the Federal public service. Keep your own taxes in your own coffers - buy arms with them and throw the bloody spear into this den of incendiaries and assassins, and let God defend the right."[10] Toombs possessed the name recognition throughout the South necessary to bolster the new presidency. According to Herman Hattaway and Richard Beringer, "The initial preference of a majority of the Montgomery delegates for Confederate president probably was Robert Toombs. . ."[11] How, then, was Davis elected and Toombs relegated to the position of Secretary of State (a position he grudgingly accepted and soon left)?

The traditional answer? The delegates found moderation when confronted with the task of constructing a nation that would require legitimacy and potential international recognition. Emory Thomas, for example, argues:

> Secession was the nova—that stage in the life of a star when it burns most brightly before rapid extinction—of the Southern fire-eaters. The radicals had no sooner set the revolution in motion than they lost control of it. . . The time for eating fire had passed; moderation prevailed. The Southern leadership at Montgomery sought to present a unified front to still-dubious Southerners, to the Union, and to the world.[12]

Thomas's description of the Montgomery delegates finding moderation is supported by the empirical evidence that Davis and Alexander Stephens were elected despite their earlier opposition to immediate secession. Perhaps, however, while material factors supporting Davis's election were at work, ideological ones were as well. A more comprehensive explanation may lie in the connection between the definition of leadership animate in the Confederate states and the intense fascination that the political elite in the South had with the American Revolution and civic republicanism.

Civic Republicanism: A (Southern) Performative Tradition

Nearly every historian and rhetorician who has examined the public discourse of the Southern political leaders during secession has noted the consistent appeals to the American Revolution. Southern leaders from across the political spectrum pointed to the American Revolution during the debates over states's rights, slavery, and secession. Jefferson Davis pointed out that his father had fought in the American Revolution while Alexander Stephens attempted to thwart immediate secession by pointing to the success of the founders in

constructing a republic with checks and balances that could prevent Lincoln from engaging in radical actions against the South.[13] Thomas summarizes the Southern connection to the American Revolution: "Southerners perceived their political circumstances as being parallel to those of the Founding Fathers: both sets of revolutionaries believed that they were dissolving Lockean compacts—the British Empire and the United States of America."[14]

Although the South's belief that they were the true heirs of the American Revolution is apparent in the political discourse, it is important to consider the political philosophies that the American Revolution produced and their relationship to the foundation of the Confederacy. When examining the American Revolution, scholars have noted that a fundamental shift occurred in the political discourse and philosophy surrounding the nation's founding as multiple idioms became increasingly important in defining the revolution's identity. Two of the dominant idioms—Liberalism and Republicanism, competed for ideological control as the new nation struggled to define itself outside of the British monarchy. According to Issac Kramnick, "Liberalism, at its origin, is an ideology of work. It attributes virtue to people who are industrious and diligent and condemns as corrupt privileged aristocrats and leisured gentlefolk."[15] Liberalism was a Lockean inspired vision of society that Jefferson and Calhoun revised and infused in the public justifications for secession. Republicanism, on the other hand, was borne out of dissolving Lockean contracts. The two were often in tension, even philosophically. The subordination of the individual to the common good (Civic Republicanism) contrasts sharply with the elevation of the mobile, working individual (Liberalism). Despite the fact that both of these forces were at work in secession and Davis's speech, Civic Republicanism provided the dominant rhetorical frame for Davis's inauguration. It is only by examining the fundamental tenets of republicanism that we can begin to see how the delegates at Montgomery,

and, in turn Davis, were empowered and constrained in their efforts to constitute a new nation based on the experience of the American Revolution.

Historians such as Gordon Wood, Bernard Bailyn, and J.G.A. Pocock have set the groundwork for rhetoricians to examine how concepts such as liberty, equality, and virtue were deployed as topoi in a new American identity based on a unique mix of antiquarian ideals and cautious Whig idealism.[16] The ideological underpinnings of this political philosophy, "Republicanism" were not new at all, but the recitation of ancient appeals within modern political structures resulted in a uniquely American vision of government. As Wood notes, "Republicanism meant more for Americans than simply the elimination of a king and the institution of an elective system. It added a moral dimension, a utopian depth, to the political separation from England—a depth that involved the very character of their society."[17] Rhetoricians such as James Jasinski, Stephen Browne, John Murphy, Robert Hariman, Jennifer Mercieca, James Aune, Stephen Hartnett, and more have begun the work of tracing out the implications of Republicanism for the political discourse surrounding the American Revolution and subsequent moments in American history. Their work has begun to develop the notion of civic republicanism as a performative tradition.[18]

Civic republicanism centers on the ontological assumption that people obtain the "greatest moral fulfillment by participating in a self-governing republic."[19] In the ancient ideal, there was little role for government because every individual would be virtuous, honest, and altruistic. The founders, however, believed that political structures built around the balance between political participation and restraints on decision-making were crucial to the evolution of republicanism.[20] These political structures would be guided by a strict adherence to enacting policies that were beneficial to the common good. Public participation, therefore, was essential

because, “in a free government the public good was identical with the people’s welfare. . . (and) the best way of realizing it. . . was to allow the people a maximum voice in the government.”[21] In Wood’s terms, the republican government “By definition. . .had no other end than the welfare of the people: *res publica*, the public affairs, or the public good.”[22]

To ensure that political institutions served the public good, republicanism demanded that elected officials be dispassionate decision makers who would set aside personal interest for the good of the community. Wood quotes Thomas Paine: “The representatives of the people would not act as spokesmen for private and partial interests, but all would be ‘disinterested men, who could have no interest of their own to seek,’ and ‘would employ their whole time for public good’.”[23] In addition to making dispassionate decisions, leaders modeled virtue and character to help create a virtuous people capable of rational judgment.[24]

The republican vision of government, therefore, relied on a virtuous citizenry capable of making sacrifices in order to preserve the common good. Political leaders would serve the vital role of ensuring that institutions were free of corruption so that the common good would prevail. Thus, self-sacrifice in the name of the common good became the focal point of the new nation’s political discourses as it struggled through one of the greatest political experiments in world history. The fundamental tenets of republicanism shaped the foundation of America and generated a performative tradition that has vestiges in today’s modern political discourse.[25]

As Murphy explains, perhaps one of the reasons for the republican tradition’s pervasive influence is its potential to serve as, “an interpretive framework, one offered by speakers to audiences in concrete rhetorical situations as members of the community struggle to make sense of events and to render political judgments.”[26] It is the interpretive framework offered by republicanism that both empowered and constrained the delegates in Montgomery. Although the

traditional narrative that moderate voices prevailed in the Montgomery convention is certainly accurate, reexamining the justifications for Davis's election through the interpretive framework of civic republicanism offers a supplemental perspective based on the South's perceived connection to the American Revolution. The "moderation" discovered at the Montgomery convention is consistent with the fundamental tenets of the political ideology that helped to guide the same American Revolution.

The Montgomery delegates held the power to choose a leader for their new nation. Unlike most political situations where parties nominate a few candidates and the total number of available choices is restricted, the delegates had the opportunity to choose from a wide array of candidates who had served in a variety of public offices and military positions. According to William Davis, the initial pool of candidates included a large number of names, but the presumption was that a candidate from South Carolina or Georgia would be chosen because of those states's connection to secession and the relative power of their officials.[27] Each of the states would have a vote and the winner would have to carry at least four states.

In an effort to ensure unanimity and present a strong position to the world, the delegates from each of the states canvassed each other to determine if there was a clear candidate. When Toombs heard the initial reports that Davis was leading several states, he "staggered from incredulous surprise"[28] and asked for a final confirmation. "When the news came back to Georgia of the feeling elsewhere, it left Toombs mortified but helpless."[29] Georgia encouraged the other states to support Alexander Stephens for vice-president and Davis's election became inevitable.

As the delegates understood, there were many reasons to pick Davis. He possessed military and government experience; he was popular and respected throughout the South.

According to Hattaway and Beringer, "Davis had been on virtually everyone's short list, because of his great prominence as a political leader and his image as a moderate who could appeal to the Upper South."[30] Toombs, on the other hand, had angered many Southern Democrats because of his conversion to a Constitutional Unionist.[31] However, almost every Davis biography and Confederate history characterizes Davis's election as a surprise because he had been an outspoken critic of immediate secession. Davis's election, however, is not a surprise when considered through the lens of civic republicanism.

After reviewing the role of leaders in the republican vision of government, it is clearer why Davis would be chosen over Toombs or any of the other fire-eating secessionists. Unlike Davis, the fire-eaters violated the first principle of leadership—dispassionate judgment that privileged rationality over commitment. It was the pronounced public hatred of the Union that made these men unfit for leadership, "A man racked by the selfish passions of greed, envy, and hate lost his conception of order; 'his sense of a connection with the *general* system—his benevolence—his desire and freedom of *doing good*, ceased'."[32] The ferocious attacks that helped propel the South into secession now marred these candidates because they suggested the potential for a radical disjunct with the rest of the larger public and thus the common good. Civic republicans would look for a candidate who had considered both sides of the issue of secession instead of an ideologue.

In addition to being dispassionate, Davis followed the republican tradition of publicly renouncing any motivation to become president. As early as January 30, Davis sent a letter to his friend and Montgomery delegate Alex Clayton asking to be removed from consideration for the office:

> I have said enough to justify me in stating that with the limited knowledge I now possess it is not possible to decide as to what it is best to do in relation to the position I should occupy. The post of Presdt. of the provisional government is one of great responsibility and difficulty, I have no confidence in my capacity to meet its requirements. . . I write as one thinking on paper and say to *you* who will understand me that I would prefer not to have either place, but in this hour of my country's severest trial will accept any place to which my fellow citizens may assign me.[33]

Davis's letter to Clayton follows the republican script perfectly: Davis was not confident in his abilities to accept a position with such responsibility and preferred not to have it, but if the office sought him then he would grudgingly sacrifice his cotton fields to serve his nation. Toombs, by contrast, made his intentions well known at the convention.

Unlike the fire-eaters who celebrated the opportunity to be part of the Montgomery delegation, Davis stayed at home, content to let the delegation decide his fate. Thus, Davis embodied the classic republican tradition of leaders who do not seek the office, but respond to the will of the people when asked to serve the larger public good. Candidates who "sought" the office sought power. They would be unable to put the common good first. In juxtaposition, candidates "called" to the office fulfilled their civic obligations to give up personal interests for the greater good. The notion that leaders would be called to their offices serves as a defining characteristic of the republican tradition.

Robert Toombs may have been well served to follow Davis's example and stay away from the convention for another reason; the republican tradition emphasized the importance of virtue. Wood explains that virtue was the cornerstone of the republican tradition, "Because virtue

was truly the lifeblood of the republic, the thoughts and hopes surrounding this concept of public spirit gave the Revolution its socially radical character—an expected alteration in the very behavior of the people."[34] Although personal character was not necessarily a key factor, it mattered. Several accounts, including two from his fellow Georgians Alexander Stephens and Howell Cobb, recorded Toombs's repetitive public drunkenness throughout the convention. According to Stephens, Toombs was drunk and boisterous every night by dinner. Stephens described one occasion where Toombs was "tighter than I ever saw him." Stephens continued, "too tight for his character and reputation by far."[35] Stephens went on to say that he believed that Toombs's behavior that night removed him from serious consideration with his fellow delegates.[36] The strong republican tradition in the South required its first president to be a virtuous person who would be considered an equal when meeting with the leaders of a foreign country and an example for the people of the Confederacy.

The American Revolution produced a political philosophy that required leaders to be dispassionate judges and virtuous citizens. The Montgomery delegates believed that they followed in the footsteps of the founders and chose Davis over a host of powerful fire-eating secessionists who had been far more instrumental in creating the conditions necessary for their new nation. The basis for the "moderation" that permeated the Montgomery convention may have stemmed from the republican rhetorical tradition that had been passed down from the American Revolution. Civic republicanism helped form the core of the antebellum Southern identity which centered on honor and virtue, traits that Davis wore on his sleeve but that the fire-eaters had extinguished in themselves.

Although the republican tradition may have helped Davis get elected, it generated unique constraints for his inaugural address. The tensions produced by the radical act of secession and

the conservative nature of the republican tradition are apparent when the address is considered within the context of the specific situation.

Davis's Inaugural Address: Civic Republicanism in the Age of Secession

The people of the South and the nation at large had experienced inaugural addresses, but the first inaugural address of the first president of the Confederacy carried special importance. Most of the traditional functions of an inaugural address were amplified given the circumstances surrounding the event. As Karlyn Kohrs Campbell and Kathleen Jamieson note, the importance of inaugural addresses rests in their symbolic function. Inaugural addresses "are an essential element in a ritual of transition in which the covenant between the citizenry and their leaders is renewed."[37] Davis's inaugural address represented a rupture in the peaceful ritual transition that marked the American democratic experiment. Instead of giving Lincoln the opportunity to mend the nation, the seven states represented at the Montgomery convention seceded. Davis represented the end of the democratic experiment for the United States and the beginning of a new experiment for the Confederacy. For the South, Davis's inaugural address was the essential element in demonstrating that secession could be a peaceful transition away from the Union with a new covenant between the citizenry and their leaders. For the North, Davis's inaugural address was a mockery of the democratic system that had constitutionally elected Lincoln. From either perspective, Davis's inaugural address would be read with close attention.

Despite the unanimous vote for the presidency, Davis's inaugural address was constructed within a set of complex political discourses. The tension that produced Davis as a candidate in Montgomery represented a larger set of contradictory forces throughout the South. On one end, secessionists had already achieved a radical action in convincing seven states to abandon the Union. The fire-eaters had lost their bid to control the Confederate government, but

they still represented a powerful constituency of Southerners. When rumors started circulating that Davis supported compromise and return to the Union, Thomas Cobb of Georgia wrote, "Many are regretting already his election. . . If he does not come out boldly in his inaugural against this suicidal policy we shall have an explosion here."[38]

On the other end, the model of the American Revolution prescribed cautious conservatism when constructing a nation. The moderate delegates had elected a candidate who had the best potential to negotiate these forces. Davis was not a fire-eater, but he would not acquiesce to Union economic or military pressure. Davis's inaugural address, then, would have to assure the radical Southerners that he would not advocate reconciliation and would be willing to go to war to preserve secession while simultaneously operating within the performative tradition of civic republicanism which demanded dis-passionate judgment with an eye for the common good. The result was an inaugural address that fulfilled the demands of civic republicanism by obscuring the truth of secession and thus sowing the seeds of discontent that would blossom when the pragmatic demands of war pressured Davis to return to radical action to sustain the Confederacy.

Even a cursory glance reveals Davis's debt to the republican tradition. The address is organized around three fundamental topoi of the tradition: humble leadership, virtuous actions, and enlightened people. A closer examination, however, reveals a deep ideological tension between the tenets of civic republicanism and the justifications for secession based on Lockean contracts. In order to understand how Davis negotiated these tensions it is necessary to examine the text.

As the clouds parted and the sun shone down, Davis rose to address the large audience that had come to see him deliver his inaugural address. The first words out of Davis's mouth demonstrated his fidelity to the republican tradition:

> Called to the difficult and responsible station of Chief Executive of the Provisional Government which you have instituted, I approach the discharge of the duties assigned to me with an humble distrust of my abilities, but with a sustaining confidence in the wisdom of those who are to guide and to aid me in the administration of public affairs, and an abiding faith in the virtue and patriotism of the people.[39]

These opening lines accomplish three vital tasks in Davis's fulfillment of the republican tradition. First, Davis is "called" to serve. As James Andrews argues, "Washington, Jefferson, Madison, Monroe, John Quincy Adams were all 'called' by their 'country' or the 'voice of their country' or some unnamed higher power—by implication the 'people'."[40] The problem, as Andrew highlights, is that Davis was not elected by the people of the Confederacy. In the republican tradition, the participation of the people was vital to establishing the common good. As Murphy notes, the early republican debates often centered on issues of representation, "The Federalists, in particular, were consumed with the issue of the appropriate amount of *distance* between a leader and the people. If the distance was too far, tyranny could result. If the distance was too little, faction and confusion would doom the republic."[41]

Radical action gave birth to the representation that established Davis's presidency. The Montgomery convention represented only seven of the eleven states that would make up the Confederacy. Within those seven states, secession conventions, not the people, appointed the delegates. Secession and Davis's election were hurried to ensure a functioning government

before Lincoln took office. This radical approach helped to undermine the very tradition that Davis sought to reconstitute. The Constitutional struggle over representation was designed to ensure reasonable deliberation.[42] The unanimous election of Davis in under a half hour may have shown the world Confederate resolve, but it did not reveal Confederate deliberation. Thus, Davis may have been "called" to the position, but his inference that the people of the Confederacy did the "calling" was presumptuous at best.

The second task Davis accomplished in his opening lines was to ground the Confederate government in three god terms of the republican tradition: wisdom, virtue, and patriotism. Davis effectively deployed these terms by leaving their slippery meaning intact. By starting his address with an emphasis on these terms, he set the interpretive framework for judgment of the Confederacy. The move was strategic and critical to Davis's later narrative of the virtuous and honorable nature of secession. By connecting the principles of the new Confederate government to god terms connected to the political discourses of the American Revolution, Davis began the work of establishing a vision for the Confederacy based on the earliest days of the American Revolution.

Although Davis strategically deployed wisdom, virtue, and patriotism, his ambiguous use of the terms required a particular perspective on the concepts in order to support their connection to the Confederacy. In other words, a Northern senator would surely see great irony in the president of a group of rebellious states founding his nation on the principles of virtue and patriotism. Terms that had described dedication to the Union by its founders were now being used to rip it asunder. Unlike the British Monarchy, the Union embraced the same concepts. It now fell to Davis to demonstrate Union infidelity to those ideals.

The final task Davis accomplished in his opening was to reduce his agency and shift responsibility for the success or failure of the Confederacy to the people. The republican tradition celebrated leaders who proclaimed a distrust of their abilities because it meant that they would seek counsel and deliberation—two qualities rarely ascribed to Davis the President. The republican tradition balked at leaders who expressed confidence in their own abilities because it meant that they were not reliant on the people for establishing the common good. In addition to expressing his humble distrust of his abilities, Davis grounds his faith in the virtuous nature of the people. Later Davis would increase his reliance on religious rhetoric, but here, Davis builds the Confederate identity on the people.

The active role of the citizenry provided an additional benefit to the republican tradition. The increased participation of the virtuous citizenry provided a cover for Davis in the event that the Confederacy struggled. Davis's deployment of the republican tradition allowed him to remind his audience that the success or failure of the new nation rested on their virtuous actions and not on his. The same problem existed for this component of his opening as in the first; the people had not elected Davis. It was difficult for Davis to have faith in the patriotism of the people when they had not had a voice in his election. Moreover, the radical nature of secession and the risks involved demanded a leader with some vision for the future and the success of the government, not a leader who needed the consultation of the people to determine the appropriate course of action from here. After establishing his loyalty to the tenets of the republican tradition, Davis turned to the task of justifying secession and found himself mired in tensions stemming from the political ideology that supported secession.

Absent a Confederate declaration of independence, Davis needed to articulate the argument for secession early in his inaugural address. The intellectual history surrounding

secession, however, rested on Lockean principles of contracts rearticulated through Thomas Jefferson and John C. Calhoun's compact theory. In 1798, Thomas Jefferson wrote a set of resolutions to respond to the Federalist Alien and Sedition Acts. He argued that the states had voluntarily agreed to participate in the Union; therefore, it was a compact. The implication was that, "…as in all other cases of compact among parties having no common Judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress."[44] The Kentucky legislature later adopted Jefferson's resolutions and they became known as the Kentucky Resolutions. Thomas points out, "Southerners eventually appropriated Jefferson's position that the Union was a compact of sovereign states and reasoned that the ultimate 'mode and measure of redress' was secession, withdrawal from the compact."[45]

Perhaps no person better articulated the Southern understanding of states' rights than John C. Calhoun. Calhoun, once vice-president under Andrew Jackson, adapted Jefferson's position to develop his theory of nullification. According to Calhoun, a state could declare a federal law null and void without leaving the Union.[46] He saw his position as a compromise between tyranny and secession.[47] In 1832, South Carolina tested Calhoun's theory by declaring the tariffs of 1828 and 1832 as null and void within the state. Andrew Jackson's "Force Bill" signaled that he would send troops to enforce the federal law.[48] Henry Clay negotiated a compromise tariff, but the debate over states' rights went unresolved.[49] Calhoun resigned as vice-president and became a powerful Southern senator (from South Carolina) and proponent of states' rights.[50] Calhoun dedicated the rest of his life to the states' rights doctrine. When he died in 1850, there were many Southern politicians who adopted his theory without any of the Unionist sentiments; instead they preferred the threat of secession as the ultimate defense of the Southern way of life.[51]

As the political conflict over slavery escalated, Southern politicians depended on states' rights to provide protection from critiques of slavery. In his post-war apologia, Jefferson Davis argued that the South seceded because of states' rights. He wrote, "The question of the right or wrong of the institution of slavery was in no wise involved in the sectional controversies."[52] He continued, "They were essentially struggles for sectional equality or ascendancy—for the maintenance or the destruction of that balance of power or equipoise between North and South, which was early recognized as a cardinal principle in our Federal system."[53] This post-war sentiment demonstrates how states' rights became a sophisticated legal argument that provided political cover for slavery. According to Thomas, "It was a political habit of mind so long and so articulately used to defend the Southern way of life that finally it became inseparable from that way of life."[54]

Given the history of the South's intellectual, emotional, and political devotion to states' rights, Davis could not articulate a justification for secession without the compact theory. The problem, however, was that there was little room for arguments concerning the national common good in this intellectual tradition that posited that states had voluntarily joined the compact of the United States and had the right to leave the compact whenever they determined that their individual interests were better served outside the Union. Thus, a "national good" was only established if it was beneficial for every participant in the compact. Thus, Davis attempted to negotiate the justification for secession through Jefferson and Calhoun within the constraints of the civic republican tradition.

Davis's second paragraph was dedicated to secession. He argued

> Our present condition, achieved in a manner unprecedented in the history of nations, illustrates the American idea that governments rest upon the consent of

> the governed, and that it is the right of the people to alter or abolish governments whenever they become destructive of the ends for which they were established. The declared purposes of the compact of Union from which we have withdrawn were to establish justice, insure domestic tranquility, to provide for the common defence (sic), to promote the general welfare, and to secure the blessings of liberty for ourselves and our posterity; and when in the judgment of the sovereign States now compromising this Confederacy it had been perverted from the purposes for which it was ordained, and had ceased to answer the ends for which it was established, an appeal to the ballot box declared that so far as they were concerned the government created by that compact should cease to exist. [43]

With clear references to the Declaration of Independence and the Constitution, Davis argued that secession was honorable because the Union had become destructive to the common good of the individual states that made up the Confederacy. As the republican tradition suggests, the will of the people established the common good discernible through the peaceful appeal to the ballot box. Davis's negotiation became clear: secession was legitimate because it was the will of the people.

Davis's attempt to secure Jefferson's justification for secession within the republican tradition generated two fundamental problems for Davis's vision of the Confederacy. First, secession had not occurred through the peaceful appeal to the ballot box. Second, Jefferson's insistence on the complete sovereignty of the individual states legitimated future acts of secession away from the central government of the Confederacy.

Political Participation and Civic Republicanism

As William Davis argues, the withdrawal of the seven states "had been decided by just 854 men in the several state secession conventions—157 of whom had voted against secession—all of them had been selected by their legislatures. Without the ballot box ever being used by the population at large, the destiny of 9 million had been decided by 697."[44] Individual states making decisions for their citizens did not represent a problem for the Jeffersonian tradition because he believed that the states were the perfect reflection of the people.[45] Civic republicanism, however, demanded political participation at every level of government. Despite Davis's best attempt to describe secession in terms of the civic republican demand for fuller political participation there was never a "peaceful appeal to the ballot-box." Davis's assertion that it was the will of the people to destroy the Union is equally deceptive. Perhaps more deceptive was Davis's later assertion that, "if I mistake not the judgment and will of the people, a reunion with the States from which we have separated is neither practicable nor desirable."[46] Davis obscured the reality of secession in order to sustain his connection to the republican tradition because the political participation of the common person tried to prevent the very type of action that secession represented—a rash emotional policy that served the interest of a small minority by putting the larger national common good in jeopardy.

The tension between Davis's narrative of secession and the reality of the privilege of secession would later generate one of the largest schisms in the Confederacy. As William Davis notes, "However much Davis might hope to make it look like a popular movement, the fact is that this political revolution, like the one in 1776 which he looked on as a model, was a revolution by a middle-and upper-class minority over issues of property that only mattered to the privileged."[47] The result of this schism would not become manifest until later in the war when

Davis would deal with the label "rich man's war," but fractures appeared in the opening lines of Davis's inaugural address.

State Sovereignty: The Slippery Slope of Secession

It is no surprise that two weeks after Davis's inaugural, Abraham Lincoln would declare in his inaugural address that, "If a minority in such case will secede rather than acquiesce, they make a precedent which in turn will divide and ruin them, for a minority of their own will secede from them whenever a majority refuses to be controlled by such minority."[48] Speaking directly of the Confederacy, Lincoln declared, "Why may not any portion of a new confederacy a year or two hence arbitrarily secede again, precisely as portions of the present Union now claim to secede from it? All who cherish disunion sentiments are now being educated to the exact temper of doing this."[49] Lincoln's sentiment that total state sovereignty legitimated further secession struck at the core of Davis's continued allusions to Jefferson's ideological position: power to the states invites national dissention.

Jefferson believed in state sovereignty because he saw the road to tyranny paved by a strong national government. James Read summarizes:

> In Jefferson's synthesis energetic national government meant government in the interest of the few, while defense of liberty and popular sovereignty somehow turned naturally into endorsement of an extreme version of state sovereignty. For every important political contest is essentially between the principle of power and the principle of liberty; if the national government represents power, then state sovereignty becomes for practical purposes the embodiment of the principle of liberty.[50]

Civic republicanism, on the other hand, requires sacrifice for the larger good. The two positions could only be reconciled by empowering the individual states to continue to make critical decisions regarding troop and resource commitments based on what they believed to be their best interest. Given the relative homogeneity of the Southern slave states, this tension may not have produced much anxiety during a time of peace. During war, however, the pragmatic demands required sacrifice on everyone's part for the preservation of the national government.

Similar to the problem with political participation, the slippery slope tension came to fruition in the years after the inaugural address. Throughout the Civil War, Davis found himself embroiled in battles with state governors over the power of the national government. The Confederacy's ever shrinking supply of resources required Davis to conscript property, slaves, and soldiers under the republican banner of sacrifice for the national good. In his inaugural address, however, Davis laid the foundation for the governors' resentment by justifying secession based on the discourse of extreme state sovereignty that had permeated Southern politics for decades. He coached them to interpret each request for sacrifice as an encroachment on liberty.

After Davis had justified secession through the will of the people, he turned to his vision for the Confederacy. Once again, however, the republican tradition constrained Davis's invention. At a time when Davis needed to articulate the future and identity of the Confederacy, the conservative nature of the republican tradition prevented Davis from moving beyond the status quo.

Simple Farmers: Davis's Vision of the Confederacy

Inaugural addresses are symbolic sites of rhetorical construction. There was a strong expectation that Davis would outline the character and content of the Confederacy for multiple

audiences including the Union, the nations of the world, the Border States, and the people of the Confederacy. Davis would need a variety of inventional resources given the demands of the occasion. Unfortunately for Davis, civic republicanism as a performative tradition creates restraints on the available discourses to describe the people and government in question. As Murphy argues, "republicanism is a conservative approach to politics."[51] He explains that the republican tradition is focused on preservation, "The cardinal virtues of the republic are threatened. The concern is not to move forward, but rather to conserve what has been given to us in the face of dangerous passions."[52] Davis's explanation of the future of the Confederacy followed Murphy's description perfectly:

> Looking forward to the speedy establishment of a permanent government to take the place of this, and which by its greater moral and physical power will be better able to combat with the many difficulties which arise from the conflicting interests of separate nations, I enter upon the duties of the office which I have been chosen with the hope that the beginning of our career as a Confederacy may not be obstructed by hostile opposition to our enjoyment of the separate existence and independence which we have asserted, and, with the blessing of Providence, intend to maintain.[53]

Davis's vision of the Confederacy was preservation of the status quo. The new government would preserve the current government from the inevitable difficulties that would arise from two nations on one continent. The threat to the cardinal virtues would come from the "hostile opposition" the Union represented. Davis's language choices demonstrated that the newly minted nation was his vision of the Confederacy. According to Davis, the Confederacy had already "asserted" its independence and he intended to maintain the current state of affairs. There was no

grand vision for the future in Davis's inaugural. Instead, future actions would preserve the act of secession. Despite the fact that the Confederate government had only been in existence for hours, Davis spoke of it as a fact of history. But who were the people of the Confederacy? According to Davis, the answer rested in the connection between the South's agricultural economy and the civic republican tradition.

Without mentioning slavery, Davis articulated a vision of the Confederacy based on the agricultural roots of the Southern economy. According to Isaac Kramnick, "The republican tradition had, to be sure, always extolled economy over luxury. From Aristotle and Cicero through Harrington and the eighteenth-century opposition to Walpole, republican rhetoric linked a virtuous republican order to frugal abstention from extravagance and luxury."[54] The apparent contradiction between the decadence of Southern plantations and the rejection of extravagant living was lost in Davis's description. The combination of the civic republican argument for preservation and the status of the Southern economy's dependence on free trade provided Davis with the opportunity to articulate the people of the South within the official policy of the Confederacy. Davis argues:

> There can be no cause to doubt the courage and patriotism of the people of the Confederate States will be found equal to any measure of defence (sic) which may be required for their security. Devoted to agricultural pursuits, their chief interest is the export of a commodity required in every manufacturing country. Our policy is peace, and the freest trade our necessities will permit.[55]

In order to preserve the Southern way of life, Davis defended the preservation of free trade as one of the primary functions of the Confederate government. This staunch defense echoed the connection between civic republicanism and free trade. As Drew McCoy observes, "Despite

persistent fears about the corrupting influence of foreign trade, commerce had always played an integral role in the republican vision."[56] McCoy continues, "Productive farmers had to rely on foreign markets to absorb the prodigious fruits of their republican labor and thereby support sustained industry in agriculture beyond the labor necessary for mere subsistence. To this degree, America depended on foreign commerce to maintain its moral character."[57] The connection between free trade and republicanism provided Davis the opportunity to articulate a policy of preservation while simultaneously constituting the people of the Confederacy as peaceful, productive farmers. But what about the other slave states that had not seceded yet? Davis utilized the republican tradition's emphasis on agriculture and free trade to generate a connection with the other slave states that might also secede. He justified their secession based on the concept of homogeneity.

The republican tradition has long heralded the importance of a homogeneous population to avoid factions within government. Davis echoed this theme in his inaugural address when referencing the other slave states still a part of the Union. According to Davis, other states should be motivated to join the Confederacy: ". . . it is not unreasonable to expect that States from which we have recently parted may seek to unite their fortunes with ours under the government which we have instituted."[58] The new states, however, would have to unite in the common Confederate identity and subordinate their individual interests to the common good, "To increase the power, develop the resources, and promote the happiness of a confederacy, it is requisite that there should be so much homogeneity that the welfare of every portion shall be the aim of the whole. Where this does not exist, antagonisms are engendered which must and should result in separation."[59] Davis's call for homogeneity is situated within his construction of the Confederacy as a peaceful farming people. In the end, four more slaves states would join the

Confederacy, but the pragmatic demands of war would validate Davis's concern over factions as he was constantly criticized for not investing enough resources in the western theater of the Confederacy.

After establishing that the Confederacy incarnated simplicity and peace, Davis turned to war. He ended any question regarding reconciliation when he declared that the South intended to maintain the independence it had asserted. Later, Davis would reaffirm the threat that the Union posed and his willingness to meet it directly: "If, however, passion or the lust of dominion should cloud the judgment or inflame the ambition of those States, we must prepare to meet the emergency and to maintain, by the final arbitrament of the sword, the position which we have assumed among the nations of the earth."[60] Once again, he would defend the status quo. The Confederacy faced the "passion or the lust of dominion" of the Union. If it would turn to virtue, the Confederacy could achieve its dreams of simplicity and peace. Unfortunately, even Davis understood that that was unlikely. Although the republican tradition helped to thwart the fears of the radical coalition, there were was a fundamental problem with Davis's continued deployment of the conservative republican tradition. Simple farmers rarely won wars.

As Stephen Browne notes of Thomas Jefferson's inaugural address, the republican tradition emphasizes the virtue of simplicity.[61] Davis's address is similar to Jefferson's because they both espoused a vision of simplicity that could not sustain a nation at war. Peaceful, agricultural nations cannot make the sort of total war effort required by the Civil War. The War of 1812 demonstrated that Madison could not sustain Jefferson's vision of simplicity, and the Civil War demonstrated that Davis could not sustain a vision of the Confederacy as a peaceful agricultural people. War requires organization, industrialization, and resource depletion. Davis's early constructions of the Confederacy as a peaceful agricultural people maintained fidelity to

the Civic Republican tradition, but historically, that tradition was not ideal for fighting a sustained war.

Conclusion

The immediate reaction to Davis's inaugural address was extremely positive. William Davis documents, "Responses to the inaugural proved to be almost universally positive. Even Thomas Cobb, never disposed to like Davis, found that it removed many of his doubts. 'The inaugural pleased everybody,' he wrote that night, 'and the manner in President Davis took the oath was impressive'."[62] Louis Wigfall wrote Davis from Washington D.C. and said, "Your speech was telegraphed & gives great satisfaction. It has the ring of true metal."[63] Beverly Tucker wrote Davis from Paris, France and said:

> I cannot control the impulse of congratulating you upon your splendid inaugural! It produced a profound sensation abroad, and has done great good to our cause. . . I wish I could send you some of the notices of the Press, but I am required by the medium through which this is sent to make my package very minute. The London Herald, said among other complimentary things, that 'it was just such a paper as Washington himself might have penned'! And so it was.[64]

Such positive reviews, however, are tempered by distance and time. A closer examination reveals that Davis's inaugural address was rife with the same tensions that produced his candidacy. Davis's election is often referred to as a surprise because other candidates, like Robert Toombs, had more instrumental roles in the movement toward secession and the creation of the Confederate government. However, when viewed through the analytical lens of civic republicanism, Davis's election makes better sense because he had a reputation as virtuous man who preferred rational deliberation to impulsive action. The South was deeply indebted to the

civic republican tradition and the fact that Davis had not rushed to support secession became a benefit to Davis's candidacy because his election would signal that the Confederacy was utilizing the rational and deliberative tenets of the republican tradition to choose an effective leader for the new nation. Like all performative traditions, however, rhetors are both empowered and constrained by the inventional resources available through the tradition. The civic republican tradition that had helped Davis get elected, presented a unique set of constraints for Davis's inaugural address. Davis was forced to reconcile the radical act of secession with the conservative tenets of the republican tradition. The result was an inaugural address that laid the seeds for disunion.

On the one hand, Davis rehearsed the Lockean doctrines that had supported states's rights for decades. These Lockean principles, echoed through Jefferson and Calhoun, posited the primacy of state sovereignty because the states were supposed to be the perfect reflection of the people. On the other hand, Davis continued to posit the importance of sacrifice in the name of a common national good, which required individual states to subvert their interests in order for the Confederate Government to prosecute the war. The result was a tension that manifested itself when the pragmatic demands of war required Davis to eliminate states's rights in the name of the Confederate war effort—triggering a national debate over the justifications for secession.

Additionally, as a result of the conservative nature of the republican tradition, Davis had no vision for the Confederacy other than peaceful toiling farmers willing to go to war to protect free trade. Now that the states had acted on the persuasive appeal to the compact theory that undergirded secession, Davis was unable to articulate a comprehensive vision for the Confederacy outside of the simple agricultural people because the constraints of the republican tradition prevented him from seeing something beyond the common good which was arrived at

through cautious deliberation. Since secession had been a radical act carried out by a small minority, Davis had no inventional resources to draw on for a greater common good that would unite the people of the Confederacy.

Despite having the opportunity in his first inaugural address to begin to articulate a Confederate identity that could sustain the nation through the struggles of the Civil War, Davis's fidelity to the republican tradition left him trying to justify the potential for war by inserting a strict adherence to state sovereignty within the republican tradition. Davis struggled to appease both the moderate and radical voices in the Confederacy through the rhetorical tradition passed down through civic republicanism. The result was an inaugural address that obscured the truth of secession and presented an incoherent view of the future of the Confederacy. It would not be until Davis began to call on his citizens to sacrifice their lives, property, and ideology that the true failure of his inaugural address would be evident.

Chapter Three Endnotes

[1] Jefferson Davis to Varina Davis, Feb. 20, 1861, *The Papers of Jefferson Davis,* vol. VII, ed. Lynda Crist and Mary Dix, (Baton Rouge: Louisiana State University Press, 1992) 52-53.

[2] Emory Thomas, *The Confederate Nation: 1861-1865* (New York: Harper & Row, 1979), 62.

[3] William C. Davis, *Jefferson Davis: The Man and His Hour,* (New York: Harper Collins Publishers, 1991), 310.

[4] Jefferson Davis to John Callan, Feb. 7, 1861, *The Papers of Jefferson Davis,* vol. VII, ed. Lynda Crist and Mary Dix, (Baton Rouge: Louisiana State University Press, 1992) 52-53.

[5] South Carolina, Mississippi, Alabama, Louisiana, Florida, and Georgia were present throughout the entire convention. Texas was the only state that held a public referendum on secession, and as a result, was delayed in coming to Montgomery.

[6] Emory Thomas, *The Confederate Nation,* 43.

[7] William Cooper Jr., *Jefferson Davis,* 326.

[8] Varina Davis, *Jefferson Davis: Ex-President of the Confederate States of America. A Memoir by his Wife,* vol. II (New York: Belford Company Publishers, 1890), 18-19.

[9] Jefferson Davis to Alexander Clayton, Jan. 30. 1861, *The Papers of Jefferson Davis*, vol. VII, ed. Lynda Crist and Mary Dix, (Baton Rouge: Louisiana State University Press, 1992), 27.

[10] Robert Toombs, Milledgeville, November 13, 1860.

[11] Herman Hattaway and Richard Beringer, *Jefferson Davis: Confederate President* (Lawrence: University Press of Kansas, 2002), 19.

[12] Emory Thomas, *The Confederacy As A Revolutionary Experience* (Columbia: University of South Carolina Press, 1971), 38-39.

[13] Alexander Stephens, Milledgeville, November 14, 1860.

[14] Emory Thomas, *The Confederate Nation*, 37.

[15] Issac Kramnick, *Republicanism and Bourgeois Radicalism: Political Ideology in Late Eighteenth Century England and America* (Ithaca: Cornell University Press, 1990), 1.

[16] See Gordon Wood, *The Creation of the American Republic: 1776-1787* (Chapel Hill: University of North Carolina Press, 1969); Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge: Belknap Press of Harvard University Press, 1967); J.G.A. Pocock, *Politics, Language, And Time; Essays On Political Thought And History* (New York: Atheneum, 1971).

[17] Gordon Wood, *The Creation of the American Republic*, 47

[18] For an extended discussion of performative traditions see James Jasinski, "Instrumentalism, Contextualism, and Interpretation in Rhetorical Criticism," in *Rhetorical Hermeneutics: Invention and Interpretation in the Age of Science*, ed. Alan G. Gross and William M. Keith (Albany: State University of New York Press, 1997), 197; James Jasinski, "The Forms and Limits of Prudence in Henry Clay's (1850) Defense of the Compromise Measures," *Quarterly Journal of Speech* 81 (1995): 455.

[19] Gordon Wood, *The Radicalism of the American Revolution* (New York: Alfred Knopf, 1991), 104.

[20] John Murphy, "Civic Republicanism in the Modern Age: Adlai Stevenson in the 1952 Presidential Campaign," *Quarterly Journal of Speech*, 80, (1994): 314.

[21] Wood, *The Creation of the American Republic*, 56.

[22] Wood, *The Creation of the American Republic*, 55.

[23] Wood, *The Creation of the American Republic*, 59.

[24] Murphy, "Civic Republicanism in the Modern Age," 315.

[25] See Murphy, "Civic Republicanism in the Modern Age."

[26] Murphy, "Civic Republicanism in the Modern Age," 316.

[27] William C. Davis, *Jefferson Davis: The Man and His Hour*, 302.

[28] William C. Davis, *Jefferson Davis: The Man and His Hour*, 302.

[29] William C. Davis, *Jefferson Davis: The Man and His Hour*, 303.

[30] Hattaway and Beringer, *Jefferson Davis: Confederate President*, 20.

[31] Hattaway and Beringer, *Jefferson Davis: Confederate President*, 19.

[32] Wood, *The Creation of the American Republic*, 69.

[33] Jefferson Davis to Alex Clayton, Jan. 30. *The Papers of Jefferson Davis*, vol. VII, ed. Lynda Crist and Mary Dix, (Baton Rouge: Louisiana State University Press, 1992) 27-28.

[34] Wood, *The Creation of the American Republic*, 68.

[35] Alexander Stephens

[36] Use Stephens account and Howell Cobb papers.

[37] Karyln Kohrs Campbell and Kathleen Jamieson, *Deeds Done in Words: Presidential Rhetoric and the Genres of Governance* (Chicago: University of Chicago Press, 1990), 14.

[38] Thomas Cobb, quoted in William C. Davis, *Jefferson Davis: The Man and His Hour*, 303.

[39] Jefferson Davis, "Inaugural Address," *The Papers of Jefferson Davis*, vol. VII, ed. Lynda Crist and Mary Dix, (Baton Rouge: Louisiana State University Press, 1992) 52-53.

[40] James R. Andrews, "Oaths Registered in Heaven: Rhetorical and Historical Legitimacy in the Inaugural Addresses of Jefferson Davis and Abraham Lincoln," *Doing Rhetorical History: Concepts and Cases*. Ed. Kathleen J. Turner (Tuscaloosa: The University of Alabama Press, 1998), 107.

[41] Murphy, "Civic Republicanism in the Modern Age," 315.

[42] Murphy, "Civic Republicanism in the Modern Age," 315.

[43] Jefferson Davis, "Inaugural Address,"

[44] William C. Davis, *Jefferson Davis: The Man and His Hour*, 308.

[45] James Read, *Power Versus Liberty: Madison, Hamilton, Wilson, and Jefferson* (Charlottesville: University Press of Virginia, 2000), 145.

[46] Jefferson Davis, "Inaugural Address,"

[47] William C. Davis, *Jefferson Davis: The Man and His Hour*, 308.

[48] Abraham Lincoln, "Inaugural Adress,"

[49] Abraham Lincoln, "Inaugural Adress,"

[50] James Read, *Power Versus Liberty*, 121.

[51] Murphy, "Civic Republicanism in the Modern Age," 326.

[52] Murphy, "Civic Republicanism in the Modern Age," 326.

[53] Jefferson Davis, "Inaugural Address,"

[54] Issac Kramnick, *Republicanism and Bourgeois Radicalism*, 275.

[55] Jefferson Davis, "Inaugural Address,"

[56] Drew McCoy, *The Elusive Republic: Political Economy in Jeffersonian America* (Chapel Hill, The University of North Carolina Press, 1980), 237.

[57] Drew McCoy, *The Elusive Republic*, 237.

[58] Jefferson Davis, "Inaugural Address,"

[59] Jefferson Davis, "Inaugural Address,"

[60] Jefferson Davis, "Inaugural Address,"

[61] Stephen Browne, " 'The Circle of Our Felicities': Thomas Jefferson's First Inaugural Address and the Rhetoric of Nationhood," *Rhetoric and Public Affairs* Vol. 5 Number 3 (2002), 432.

[62] William C. Davis, *Jefferson Davis: The Man and His Hour*, 308.

[63] Louis Wigfall to Jefferson Davis, Feb. 18, 1861. *The Papers of Jefferson Davis*, vol. VII, ed. Lynda Crist and Mary Dix, (Baton Rouge: Louisiana State University Press, 1992), 51.

[64] Beverly Tucker to Jefferson Davis, Mar. 20, 1862 *The Papers of Jefferson Davis,* vol. VIII, ed. Lynda Crist and Mary Dix, (Baton Rouge: Louisiana State University Press, 1995) 108-109.

CHAPTER 4

A WRETCHED ENEMY AT THE GATE:

AMPLIFICATION IN DAVIS'S DEFENSE OF CONSCRIPTION

"You have been involved in a war waged for the gratification of the lust of power and of aggrandizement, for your conquest and your subjugation, with a malignant ferocity and with a disregard and a contempt of the usages of civilization, entirely unequalled in history."

-Jefferson Davis
December 26, 1862

In Jefferson Davis's February 18, 1861 inaugural address, he called for peaceful relations and free trade between the Confederacy and the Union. Less than two months later, at 4:30 A.M. on April 12, 1861, the prospects for peace vanished when forty-three Confederate guns opened fire on Fort Sumter, initiating the bloodiest war in American history. Although optimists on both sides argued that the war would be short, by Christmas of 1862 the battlefield horrors suggested a long sustained conflict with immense losses and few decisive victories. Often on the defensive (and almost always outnumbered), the Confederates had fought the first two years of the Civil War against increasingly difficult odds. To counter the increasing resource disparity, the Confederate government handed down a series of wartime policies designed to improve the chances for winning independence. The policies, which varied in effectiveness, eroded the political doctrines that had provided public justification for secession—particularly state sovereignty. As the pragmatic demands of war increased and the Confederate armies suffered greater losses, Davis found his policies under attack from a wide variety of audiences. The military objected to his policy of choosing officers, the public objected to a military strategy which appeared too defensive, and several public officials objected to the increased centralization of power in the Confederate government. Throughout these public criticisms,

Davis remained silent with the exception of private correspondence with officials who objected to his plans. As the losses and criticism grew, the unity that had once propelled the Confederacy into secession was replaced with factionalization that threatened Confederate resolve.

Athough Davis was publicly silent, he remained sensitive to his role as commander-in-chief and the power of the institution of the presidency. At the end of 1862, Davis agreed to tour portions of the western army after being implored by John Pettus, governor of his home state of Mississippi: "You have visited the army of Virginia …at this critical juncture could you not visit the army of the west …something must be done to inspire confidence…a week spent in Mississippi would greatly improve our situation."[1] Davis began his trip on December 9, 1862 and visited Tennessee, Alabama, and Mississippi. On December 20, 1862 he received an invitation to speak at the Mississippi State House of Representatives. Davis replied, "that he had come to work, not to speak; but that he would do in Mississippi what he would not anywhere else."[2] The result was a ninety minute speech delivered on December 26, 1862. It was Davis's first major public speech since the passage of his major war policies.[3] In the address, he defended a wide range of controversial war decisions, including the defensive nature of the Confederate military strategy and the consistent erosion of the states's rights doctrine. The most controversial decision Davis defended, however, was the passage of the Conscription Act.

The Conscription Act, the first draft in American history, was passed at Davis's request and signaled a fundamental change in the character of the Confederate identity. Davis's earlier articulation of the Confederate nation as a peaceful agricultural people with a healthy respect for state sovereignty required considerable revision, given wartime policies that demanded a strong centralization of power in the Confederate government and an expanded vision of militarism. Davis's controversial policies required a re-articulation of Confederate values in the face of the

increasing demands of war. In this chapter, I argue that Davis turned to the rhetorical strategy of amplification to construct the Union as a barbarous enemy intent on destruction in an effort to unify the disparate factions of the Confederacy and justify his policy of conscription. This chapter, then, examines the context of the Conscription Act, outlines the basic features of Davis's December 26 address, and investigates Davis's deployment of amplification. I conclude that Davis's use of amplification legitimized the Conscription Act, but that the strategy was ineffective at generating a sustainable Confederate nationalism.

Conscription and Confederate Desperation

In contrast to the opening months of the war, 1862 was a difficult period for the Confederacy. By the end of 1861, the Confederacy had taken Fort Sumter and achieved victory at the first battle of Manassas. As Albert Moore argues, the victories in 1861 "produced a wonderfully thrilling sensation throughout the Confederacy, so that the *esprit de corps* of the masses in the summer of 1861 has rarely, if ever, been excelled."[4] By Christmas of 1862, however, the resource disparities between the Union and the Confederacy were beginning to have a more noticeable impact on the battlefield. William C. Davis notes that 1862 had been a tumultuous year for the Confederate Government because of the:

> inability to follow up Manassas . . . the losses at Forts Henry and Donelson, Shiloh, and New Orleans, the failure of diplomatic efforts to achieve speedy European recognition, the exhaustion of the Confederacy's initial financial base, and worst of all the near loss of Richmond and the death of Sidney Johnston.[5]

Given the tremendous losses, it is difficult to find an optimistic perspective of the Confederacy's experience in 1862, but Emory Thomas offers one view: "Every day the war lasted was one more day of Southern independence, and Southerners believed they could win

independence, and Southerners believed they could win independence by enduring, by outlasting their enemy's will to conquer them."[6] Thomas's depictions of the Southern will to fight helps put the 1862 losses in perspective, but it presumes one fundamental ingredient that the Confederacy was finding increasingly scarce—soldiers. The Confederacy could not outlast the Northern will to fight if it did not have sufficient soldiers to defend its territory.

As the end of the first year of the war approached, Davis became increasingly concerned that the Confederacy needed more soldiers. Early in the war, the Confederate Army was so overwhelmed with volunteers that the government rejected them for service.[7] The early victories at Fort Sumter and Manassas led to a widespread Southern belief that the war would be won "by a grand march of the Confederate forces to Washington."[8] The opportunity to participate in a quick war for independence attracted many Southern men who were invested in the Southern virtues of honor and patriotism. As Moore argues, "While enthusiasm was running high, the recruiting of the army caused the Confederate authorities no deep concern. The training and equipping of men, particularly the latter, constituted the really difficult military problem."[9] What changed so dramatically over the course of one year that required Davis to initiate the first draft in American history? The answer lies in the military strategies adopted by both sides in the wake of the Napoleonic wars.

Until the Civil War, Americans fought wars with small armies that were supplemented by volunteers recruited by governors.[10] According to Thomas, "The Civil War changed all this. Under the influence of Napoleonic military thinking, American generals accepted the need for mass and employed armies much larger than ever before."[11] This shift in military strategy resulted in bigger battles that required more soldiers. This overall strategy required sacrificing thousands of soldiers' lives in a matter of minutes. For example, the famous Confederate

blunder, Pickett's Charge, resulted in 1,123 Confederates dead and 4,019 wounded in an action that lasted only 50 minutes.[12] The successful Confederate military leaders, such as Robert E. Lee and Stonewall Jackson, demonstrated that a smaller force could be effective against a much larger force, but the Confederate Army still needed vast numbers of soldiers if it was to outlast the Northern will to fight.

In addition to the change in military strategy, the length of the war required an increase in the number of soldiers on both sides. Despite the early optimism on both sides, the battles of 1861 did not result in a decisive victory that left one side unable or unwilling to continue to fight. In fact, Civil War textbooks refer to 1861 as "Amateurs Going to War," signifying the relative inexperience of both sides early in the conflict.[13] As the conflict escalated in 1862, it became clear that there would not be a quick military resolution for the Confederacy. Thomas argues that the Napoleonic strategy combined with a longer war demanded more soldiers: "Short-term volunteers, commanded ultimately by governors of individual states, might prove adequate for adventures in Mexico, but military men on both sides of the Potomac realized that if the war continued long, they must have armies which were more than mere amalgams of state militia units."[14] The demand for more soldiers and the length of the war generated a unique policy problem for the Confederate government by the end of the first year of the war.

Against Davis's wishes, the early Provisional Confederate Congress enacted a policy of a twelve-month enlistments for the first volunteers into the Confederate Army.[15] By March 1862, with McClellan's army on the outskirts of Richmond, the Confederate Congress agreed that the timing for the expiration of the twelve-month enlistments could not have been worse. In addition to the threat from McClellan's forces, the defenses of the upper Mississippi disappeared with the fall of forts Henry and Donelson and the defenses of the Southern Mississippi, including New

Orleans, had been captured. Despite the gravity of the situation, few volunteers were entering the Confederate Army, while the twelve-month enlistees were planning to retire from the military.[16] As Moore explains:

> Absence from home, the privations of camp life, and the arduous duties; they had become painful realities to many persons. The war had not closed, nor had Washington been reached . . .Contemplating a short war, they had rushed off madly to the battlefront without making provisions for the care of their families. . . many of them felt that it was only just that they should retire and let those who had not yet served have their turn.[17]

With the potential of one-third of the entire Confederate Army retiring during the military crisis, the Confederate government moved into action to try to persuade the enlisted soldiers to stay. Initially, the Confederate Congress tried inducement strategies such as offering $50 and a sixty day furlough to soldiers who would reenlist.[18] The horrors of the battlefield and the idea of going home weighed more heavily on the soldiers' minds and the inducements failed. The failure resulted in a barrage of congressional legislation designed to improve retention and recruiting. Protecting states's rights, however, was often a secondary consideration as the Confederate Congress moved to adapt to the demands of prosecuting the war.[19] The various pieces of legislation created a patchwork of regulations that made it difficult to determine what the exact policy was at any given time.[20] By March 1862, the situation was dire. Davis turned to mandatory military service for the first time on American soil.

On March 28, 1862, Davis issued a message to the Confederate Congress requesting:

> The passage of a law declaring that all persons residing within the Confederate States, between the ages of eighteen and thirty-five years, and rightfully subject to

> military duty, shall be held to be in military service of the Confederate States, and that some plain and simple method be adopted for their prompt enrollment and organization, repealing all the legislation heretofore enacted which would conflict with the system proposed.[21]

Congress responded by passing the first Conscription Act on April 16, 1862, nearly one month before the end of the 148 regiments of twelve-month men. Soldiers already serving would have a three year enlistment, calculated from their original enlistment date. The Confederate Congress kept the furlough and bounty incentives and even allowed the soldiers already serving to reorganize and elect their own officers.[22] To encourage people to enlist without the stigma of conscription, the Congress granted a one month delay before the enforcement of the act to allow people to enlist voluntarily. There is little evidence that the Confederate government had a formal review to determine the reaction of the soldiers affected by the Conscription Act. As Thomas points out, there were nearly 1,000,000 white men in the Confederate population who fit the basic parameters of the Conscription Acts. Of those, 750,000 were Confederate soldiers at one time or another. The remaining 250,000 are almost all accounted for through the civilian services exempted by the Conscription Acts.[23] In other words, the Confederate government was able to utilize the Conscription Acts to ensure that the large majority of its eligible male population fought during the war or served in the civilian sectors supporting the war effort.

The political reaction to the Conscription Act varied and generated fractures across traditional political lines. Despite the fact that almost all Confederate newspapers supported the legislation, some proponents of states's rights, including Governor Joseph Brown of Georgia and Vice President Alexander Stephens fiercely attacked the policy as an unconstitutional usurpation of power.[24] Other states's rights proponents, such as Robert Barnwell Rhett, William Yancey,

and Louis Wigfall, supported the act as a legitimate power invested in the Congress of the Confederacy. Other influential leaders, such as Hershel Johnson of Georgia, thought the military necessity was more important than the constitutional debate.[25] In the end, few denied the dire situation the Confederacy faced if it did not retain the service of the twelve month soldiers and fewer yet had a serious counterproposal for review. As William C. Davis summarizes:

> For more than a generation, Southern politicians had grown up in the mold, not of policy makers, but of policy critics. Like Davis in the Senate, they proposed little significant legislation themselves. Rather, they followed a course of condemning the congressional acts of others. . . Southern politicians, in effect, had evolved into professional adversaries."[26]

It is perhaps this unproductive adversarial process that encouraged Davis to forego serious consultation in his push for the Conscription Act. As William Cooper notes, "He did not launch a great public campaign pointing out the sharp divergence between the country's need and the citizens' willingness to meet it. In contrast, he acted almost stealthily, albeit resolutely."[27] Without an alternate solution to the problem, Davis's opponents were forced to attack his wartime decisions, but accede to his proposal.

Although the act had far reaching implications for all of Southern society, the Confederate Congress added two exemptions to the Act that generated a public controversy that struck at the core of the Confederate identity. First, the Conscription Act continued a substitution policy which allowed wealthy Southerners to hire a person not liable for service to become a substitute soldier eligible for the draft. Second, the Conscription Act created an overseers exemption for any person who owned twenty or more slaves. Both policies reinforced the antebellum class hierarchy and precipitated the claim that the war was a "Rich Man's War, Poor

Man's Fight." Despite the fact that the substitution policy was later abolished and that the historical record shows a relatively few number of people escaped induction through the Overseers exemption, the damage to Confederate nationalism was difficult to underestimate. The Confederate Government squandered an opportunity to demonstrate that individual sacrifice for the common good extended beyond the words of Davis's inaugural address. Instead, the exemptions helped reinforce the perception that secession was merely an issue of property rights for a small minority of people who were not willing to risk their lives for their cause.

Davis's decision to speak at the Mississippi State House of Representatives provided the Confederate nation, the Union, and the world a rare opportunity to hear Davis's interpretation of the dramatic events of 1862 and his defense of the Conscription Act. He had been bold enough to take the radical action of drafting soldiers to fight, but not radical enough to challenge the antebellum class system that forced the poor to bear the burden. The military began the war with symbolic victories that inspired Confederate confidence and resolve, but lost the strategic edge in a series of battles that put the Confederacy on the defensive. Throughout the public controversy, Davis's administration had been the central subject of the criticism with little public response. At noon on December 26, 1862, Davis addressed the Mississippi State House of Representatives and delivered a ninety minute speech that defended his administration's actions. In order to better examine how Davis defended the Conscription Act, it is important to look more closely at the text.

Davis's Defense of Conscription: Combining Policy and Value Arguments

After nearly two years as President of the Confederacy, Jefferson Davis returned to his home state of Mississippi to help inspire confidence in the Confederate cause. In addition to his address, Davis brought troops from Tennessee to support the Mississippi military cause. The

world had changed in immeasurable ways since the last time he took the stage in Jackson. During his last visit, he was passing through on the way to Montgomery, Alabama to accept the position of provisional president of the recently formed Confederate nation. On December 26, 1862, Davis approached the same audience in the same place, but he was a different man. Now, Davis held the position of a president of a struggling nation. In less than two years, he had helped organize the basic functions of a government while conducting a war predominately fought on his own territory. He had made controversial decisions that affected the daily lives of everyone in the Confederacy, including the people of Jackson. After months of public discussion, he had chosen his home state as the appropriate place to engage in his defense of his administration's policies. In twenty-four extended paragraphs, Davis addressed some of the most controversial aspects of his administration, including the Conscription Act.

Davis's introduction reestablished his connection to the state of Mississippi and declared that he always worked to serve his home state in every aspect of his public life. In order to reconcile his position as president of the Confederacy with that of a native son, he announced, "I now, for the first time in my career, find myself the representative of a wider circle of interest; but a circle in which the interests of Mississippi are still embraced."[28] Davis's opening reminded the audience that he was still a Mississippian and invested in their futures.

Davis's strategy of ingratiation had an additional benefit because it established an authenticity for all the audiences who might read it. According to Davis, speaking to the people of Mississippi, his people, inspired him to the openness with which he had always spoken to them—in a sense, he announced that he was home. Davis proclaimed, "speaking to you with that frankness and that confidence with which I have always spoken to you, and which partakes of the nature of thinking aloud, I can say with my heart, that whatever I have done, has been done

with the sincere purpose of promoting the noble cause in which we are engaged."[29] This sentence represented an important textual clue of the authenticity of Davis's address and his willingness to break out of traditional constraints on official messages and duties. Davis utilized the hand over heart imagery to establish that these were his unvarnished thoughts. Davis's, introduction, then, helped reestablish a connection to his immediate audience while simultaneously generating an authenticity for his secondary audiences.

After the relatively informal beginning, Davis constructed a framework for evaluating the policies of his administration. Davis returned to the civic republican tradition to remind his audience that he was called to the office of the presidency as a servant of the common good. According to Davis, he would have preferred to "lead Mississippians in the field, and to be with them where danger was to be braved and glory won," but he was called to the office of the presidency where he now endeavored to help the entire Confederacy.[30] This subtle reminder that he would have volunteered for military duty because it was a virtuous act was well placed in his introduction because it served to establish that from his perspective, he possessed the qualities found in a military commander—bravery, decision, and prudence. Davis's return to the civic republican tradition allowed him to dismiss his critics, "I was called to another sphere of action. How, in that sphere, I have discharged the duties and obligations imposed on me, it does not become me to constitute myself the judge. It is for others to decide that question."[31] He did not dismiss them because their perspectives were irrelevant; on the contrary, he dismissed them because he was too self interested to judge his own actions.

How, then, should the audience judge his actions? Davis's answer returned to his strength as a candidate; he was virtuous and, by extension, so were his actions. Davis declared, "I can say with my hand upon my heart, that whatever I have done, has been done with the sincere purpose

of promoting the noble cause in which we are engaged."[32] The framework for evaluating his policies became clearer. For Davis, his actions derived from his attempt to secure the virtuous cause of the Confederacy. The policy implications of his actions would follow his virtuous intent, but if, for some reason, a policy was not as effective as it could have been, the critic should consider Davis's declared interest in advancing the Confederate cause before attacking his actions. With this combination of policy and value arguments in mind, Davis turned toward explaining some of his administration's wartime policies.

Davis defended conscription on two grounds. First, the North's actions were so evil that the Confederacy needed to take radical actions to prosecute the war. I discuss Davis's strategy of amplification later in the chapter, but at this point, I want to highlight how Davis relied on the evil character of the Union to frame the sacrifices required by the Conscription Act. According to Davis, the Union planned on total and complete destruction of the people of the Confederacy. Davis, therefore, had to resort to unanticipated tactics to preserve it. From a policy perspective, then, the ferocity of the enemy justified conscription.

Second, conscription distributed the burden to everyone who benefited from the virtuous cause. Despite stating that, "It is no disgrace to be brought into the army by conscription," Davis declared that one of the benefits of the conscription policy was that it forced, "the men who had stayed at home—who had thus far been sluggards in the cause…to meet the enemy."[33] From a value perspective, then, sharing the burden for shared rewards justified conscription.

After establishing the justification for conscription, Davis turned to addressing the controversy surrounding the overseer exemption. Similar to his defense of conscription, Davis turned to both policy and values for his defense of the overseer exemption.[34] First, from a policy perspective, Davis argued that rich people were just as invested as poor people in the success of

the Confederacy. He asked his audience to "Look through the army; cast your eyes upon the maimed heroes of the war whom you meet in the streets and in the hospitals; remember the martyrs of the conflict; and I am sure you will find among them more than a fair proportion drawn from the ranks of men of property."[35] According to Davis, the empirical evidence supported the exemption because wealthy men were fighting alongside poorer men in great battles. Second, the intent of the overseer exemption, according to Davis, was to constitute a "policy force, sufficient to keep our negroes in control."[36] If that policy had the effect of allowing more wealthy people to avoid conscription, then that was an unintended consequence but not the intent of the policy, "Had it been otherwise, it would never have received my signature."[37] For Davis, the intent of the policy was where virtue was identifiable and the intent was to preserve peace at home. From this level of analysis, the unintended class consequences were subservient to the virtuous intent of the policy.

After his defense of the Conscription Act, Davis discussed a range of issues confronting the Confederate nation, including the lackluster prospects for foreign recognition, the defenses of Vicksburg and Richmond, his appointment of John C. Pemberton to defend Mississippi, and his overall confidence in the Confederate Army. Throughout the address, Davis defended his controversial decisions through a narrative that is typical of war rhetoric—the enemy is evil and going to war is a virtuous response. John Murphy surveys the war rhetoric theorists and argues the common theme is that "We go to war because it is a practical act and an honorable choice."[38] Robert Ivie highlights the consistent use of savagery imagery as a *topos* of war rhetoric that establishes the morality of the cause and the evil of the enemy.[39] Davis defends the particulars of his war policies, but in a larger sense, he constructs a narrative of an evil enemy to provide a different basis for the war—it is now a struggle for survival against an absolutely evil foe. In

order to examine how Davis utilized the savage enemy narrative to justify his conscription policy, we must turn to a discussion of amplification and its connection to Confederate nationalism.

Amplification: Making the Enemy Stronger

A cursory comparison of Davis's early speeches to his December 26, 1862 speech reveals an important shift in Davis's tone and argument style. In his early addresses, Davis strove to embody the civic republican tradition of dispassionate argument and rationality. In his December 26 address, Davis made passionate appeals to emotion based on hyperbolic exaggerations of the Union forces. According to William C. Davis, "Gone was the high-flown rhetoric, with barely more than a slim handful of literary or classical allusions or quotes. Though the speech was delivered to legislators, the president clearly aimed it at the people and the soldiery."[40] The difference that William Davis alludes to is a change in argument style and type. In his December address, Davis relied on a rhetorical strategy that constructed the Union as a wicked enemy that would stop at nothing to destroy the Confederacy. This rhetorical strategy is best understood through the lens of amplification.

According to Richard Lanham, amplification (Greek, *Auxesis)* is a rhetorical concept that explains when and why a speaker uses a "heightened word in place of an ordinary one."[41] Using a heightened word can take on many forms, giving the speaker a wide range of options. In fact, according to Kenneth Burke, "Of all rhetorical devices, the most thoroughgoing is amplification. It seems to cover a wide range of meanings, since one can amplify by extension, by intensification, and by dignification."[42] The flexibility that Burke identifies is supplemented by Giambattista Vico's description of the advantages of using amplification in an argumentative setting, " 'Amplification' is a certain type of a more elaborate affirmation which, by means of

moving the spirits, wins credibility in what must be said. Thus, amplification differs from argumentation because amplification wins credibility by arousing the spirit in addition."[43] Amplification, thus, is an important rhetorical concept because it affords the critic the opportunity to identify how rhetors negotiate the process of invention. As rhetors combine thoughts and language, they generate a discourse with points of emphasis that manifest themselves in the text. In Davis's December 26 address, amplification centers on his descriptions of the Confederacy's and Union's character, intentions, and resources.

The Character of the Union

Perhaps no portion of Davis's speech is more hyperbolic than his assessment of the character of the people that constitute the Union. According to Davis:

> There is indeed a difference between the two peoples. Let no man hug the delusion that there can be renewed association between them. Our enemies are a traditionless and a homeless race; from the time of Cromwell to the present moment they have been disturbers of the peace of the world. Gathered together by Cromwell from the bogs and fens of North of Ireland and of England, they commenced by disturbing the peace of their own country; they disturbed Holland, to which they fled, and they disturbed England on their return. They persecuted Catholics in England, and they hung Quakers and witches in America.[44]

In this passage, Davis deployed the amplification by extension form referenced by Burke. For Davis, it is an ethnic lineage that created a literal difference between the people of the North and South. The Northerners were the heirs of Cromwell and were genetically predetermined to replicate their injustices on the people of the South. Davis constituted them as a roaming "homeless" group of conquerors looking for their next prey. Amplification by extension was

critical to Davis's overall argument because if he could create a rhetorical connection between Lincoln and Cromwell, then he could constitute the Confederate response in terms of the historical battle between good and evil. The Confederacy, by extension, became the heroic agent in a worldwide struggle for peace.

The Character of the Confederacy

Throughout the address, the character of the people of the Confederacy is juxtaposed to the evil of Northerners who took advantage of Southerners through their participation in the original United States. There are two principal descriptions of the people of the Confederacy. First, Davis defends the Confederacy as an honorable people born of the honorable act of secession. As Davis argues, "We have chosen to exercise an indisputable right—the right to separate from those with whom we conceived association to be no longer possible, and to establish a government of our own."[45] Davis's description of secession as an "indisputable right" is an example of amplification, because the debate over states's rights had raged from the foundation of the country through Davis's career in the Senate making Davis's assertion that secession was indisputable hyperbole. Additionally, Davis returned to civil republican tradition to describe the decision to secede as a cohesive decision to exercise a right, rather than a radical action by a small minority. For Davis, then, the Confederacy was a nation of honorable people who had simply tried to exercise an indisputable right.

Second, Davis described the people of the Confederacy as trusting naive participants in a corrupt system. According to Davis, "After what has happened during the last two years, my only wonder is that we consented to live for so long a time in association with such miscreants, and have loved so much a government rotten to the core. Were it ever to be proposed again to enter into a Union with such a people, I could no more consent to do it than to trust myself in a

den of thieves."[46] For Davis, the central weakness of Southern people was their willingness to trust the Northerners and their overwhelming love and dedication to the United States. The juxtaposition between the scheming Northerners is resolved through Davis's hypothetical rejection of another Union because of the inherent evil that the people of the North embody. The combination of Davis's two descriptions was a nation founded by an honorable people who finally realized they were suffering at the hands of their enemies and were attacked when they attempted to remove themselves from the situation. What, then, was the goal of the Union given its Cromwellian nature? The answer is found in Davis's descriptions of the intentions of the Union and the Confederacy.

The Intentions of the Union

After establishing that the people of the Union were violent, Davis turned to framing the events of 1862 in relationship to the Union's overall intentions in the war. According to Davis, the Union was not fighting to reconstitute the United States. Instead, the Union used the Civil War as an opportunity to conquer and subjugate the people of the South, "You have been involved in a war waged for the gratification of the lust of power and of aggrandizement, for your conquest and your subjugation, with a malignant ferocity and with a disregard and a contempt of the usages of civilization."[47] In this passage, Davis deployed the amplification by intensification form referenced by Burke. Davis combines a set of synonyms with increasing intensity (a strategy of amplification referred to as *synonymia),* culminating in a declaration that the Union's thirst for power is unparalleled in the history of the world.

The conquest of the South was central to Davis's defense of conscription because it constituted a worst case apocalyptic scenario for his audience. Davis made the choice explicit, "The issue before us is one of no ordinary character. We are not engaged in a conflict for

conquest, or for aggrandizement, or for the settlement of a point of international law. The question for you to decide is, 'will you be slaves or will you be independent'?"[48] Davis repeated the question "will you be slaves?" again in the address. This type of repetition is an important strategy of amplification (Greek, *exergasia*) and helped Davis frame the sacrifices required by conscription as secondary concerns in the grand scheme of Union intentions. In isolation, conscription may have appeared like a tyrannical policy handed down from an overly centralized government, but when compared to the prospect of the enslavement of an entire nation of people, conscription became a necessarily wartime policy to prevent a worst case scenario.

The Intentions of the Confederacy

Davis's central articulation of the Confederate goal for prosecuting the war became independence through survival. Survival, however, required soldiers. Davis used the story of a Mississippi soldier as a focal point for the sacrifices necessary for the survival of the Confederate nation. He described a sixteen year old boy who was shot twice and kept returning to the front line to fight. When the boy was struck a third time

> . . . and the life-blood flowed in a crimson stream from his breast. His brother came to him to minister to his wants; but the noble boy said 'brother, you cannot do me any good now; go where you can do the Yankees most harm.' Even then, while lying on the ground, his young life fast ebbing away, he cocked his rifle and aimed it to take one last shot at the enemy. And so he died, a hero and a martyr.[49]

The visual depiction of a young boy taking his final shot before death is a process of amplification that Perelman and Obrechts-Tyteca call presence. They argue that presence, "acts directly on our sensibility. As Piaget shows, it is a psychological datum operative already at the level of perception . . . The thing that is present to the consciousness assumes thus an importance

that the theory and practice of argumentation must take into consideration."[50] Presence puts the death of the boy before everyone's eyes to arouse his audience and force them to consider the cause for which he died. The answer was the survival of the Confederacy. The Conscription Act enabled Davis to locate more heroes who would help win Confederate independence, which was the central goal of his administration, "The great end and aim of the government is to make our struggle successful."[51] Davis, like the soldier, intended to do everything in his power to turn back the Yankee invasion to win Confederate independence. Conscription was one way that Davis could ensure that everyone was making sacrifices for the cause. According to Davis, the primary reason that the South was having to make so many sacrifices compared to the Union was the vast resource disparity.

Resources of the Union

Although the Union possessed a substantial resource advantage over the Confederacy, Davis's speech combined the character and intentions of the Union to construct the Union as a nation built for war: "They had at their command all the accumulated wealth of seventy years—the military stores which had been laid up during that time. They had grown rich from taxes wrung from you for the establishing and supporting their manufacturing institutions. We have entered upon a conflict with a nation . . . vastly superior to us in numbers."[52] In this short description, Davis attributes the Union successes to their longstanding policy of robbing the South of its material resources to support a strong manufacturing base. The Union military successes support Davis's amplification of the Union's evil character and intentions because the victories stemmed from the accumulation of vast military supplies. From Davis's perspective, the military supplies were stored with the intention of using them against the South.

According to Davis, the military stores demonstrated the Union's longstanding goal of subduing the South, but it was the Union's military preparations made during the war that demonstrated their true dedication to the total destruction of the Confederacy: "In considering the manner in which the war has been conducted by the enemy, nothing arrests the attention more than the magnitude of the preparations made for our subjugation. Immense navies have been constructed, vast armies have been accumulated, for the purpose of crushing out the rebellion." Davis amplified the Union's resources by combining a set of hyperbolic synonyms (immense and vast) with a declaration that the Union sought to crush the rebellion. Davis's depiction of the Union as the ultimate enemy became complete—with tremendous resources at their disposal and a goal of subjugating the entire South because they were the descendents of a violent race of people, the Union was truly a wicked enemy at the gate.

Resources of the South

Unlike Davis's argument concerning the character and intentions of the Union, his binary of good and evil was not easily adapted to his discussion of material resources. The union had a strategic advantage that the South could only begin to meet if the people were willing to make tremendous sacrifices. Davis's amplification concerning the character and intentions of the Union served to bolster his justification for conscription, but he did not provide a clear policy concerning how the Confederacy could ever make up the resource differential that plagued the nation in 1862. He did argue, "Our troops have become disciplined and instructed . . . Thus, in all respects, moral as well as physical, we are better prepared than we were a year ago," but discipline and training was not the same thing as weapons and food.[53] Instead, Davis turned to Confederate victories to substantiate his argument that the survival of the nation depended on having soldiers ready for battle.

According to Davis, when the Confederacy fielded decent numbers, the moral character of the South helped ensure victory. He argued, "We have often whipped them three to one, and in the eventful battle of Antietam, Lee whipped them four to one. But do not understand me as saying that this will always be the case."[54] Davis's use of strategic deception here is telling because his description of Antietam as a clear Confederate victory is far from the truth, but fits well within the functions of war rhetoric and the strategy of amplification.[55] According to Davis's narrative, Lee was victorious at Antietam against four to one odds, but the people should not assume that the Confederacy can continue being victorious against those odds. The primary reason that Davis cited was the depletion of soldiers: "A brigade which may consist of only twelve hundred men is expected to do the work of four thousand. Humanity demands that these depleted regiments be filled up. A mere skeleton cannot reasonably be expected to perform the labor of a body with all its flesh and muscle on it."[56] The metaphor of a starving body may have struck home to the hungry soldiers and Southerners. Davis's description of the Confederacy was complete—survival depended on the Confederacy continuing the honorable act of supplying soldiers for war. Conscription, then, was the *crucial* element in Confederate survival.

In three critical areas of the war effort: character, intentions, and resources, Davis used amplification to construct the Union as a threat to all aspects of the virtuous Confederate nation. As a result of this strategy, Davis was able frame the Conscription Act as an essential element in a larger battle between good and evil that required very little sacrifice when compared to the dangers of Union domination.

Conclusion: Amplification and Confederate Identity

Davis's Jackson Address is an important speech delivered at a crucial moment in the Civil War. After weeks of public argument that challenged Davis's wartime decisions, he chose

his home state of Mississippi to respond to his critics. With an emphasis on the rhetorical strategy of amplification, Davis accomplished three tasks in the address: first, he created a new basis for the war; second, he created a new basis for evaluating his wartime policies; and third, he reconstituted the nation as virtuous warriors.

William Davis argues that, "Only one thing united Confederates—their regional hostility to the old Union."[57] It appears as though Davis's December 26, 1862 address was designed with this constraint in mind. Davis's address centered on a depiction of the Union as a violent aggressor born from a race of violent aggressors. According to Davis, the people of the North had long waited for the opportunity to abandon their constitutional obligations and subjugate the people of the South. The resources that the Union had accumulated at the hands of Southerners were finally being put to their intended use, attacking the South with the intention of complete and total destruction. This narrative that described the Union as a wicked enemy at the gate became the new basis for the Confederate cause. According to Paul Escott:

> Davis's contention that the Confederacy was the antithesis of the North also implied that independence and not states' rights was the primary goal of the Confederacy. The hostility of the enemy, Davis argued, proved the indispensable need for independence and provided additional reasons to resist.[58]

This new basis, which expounded a vision of the Union engaging in total war two years before Sherman is credited with that, required sacrifice in the name of survival.

In order to sustain the new basis for the war for his audience, Davis turned to several components of the rhetorical concept of amplification. Amplification enabled Davis to create a heightened sense of urgency that made the sacrifices required by the Conscription Act a natural progression of warfare, given the depravity of the enemy. Davis framed the Confederate losses of

1862 by arguing that the virtuous nature of the Confederate soldiers was enough to win the early Confederate battles, but the shortage of soldiers removed the Confederate edge. In order to prosecute the new basis of the war, the Confederate government took actions to ensure that the young soldiers dying in battle would not perish with able bodied soldiers waiting at home. How, though, should the Confederate people evaluate Davis's wartime policies?

The second task that Davis accomplished was the elevation of virtue over expediency when judging war policies. Through a return to civic republicanism, Davis argued that the Confederacy was born of virtuous actions and that virtue should guide the nation during its time of war. The Conscription Act was a virtuous policy because it distributed the burden while maintaining law and order at home. Virtue, then, became the central framework for evaluating Davis's policies. As Murphy notes of George W. Bush's September 20, 2001 speech, the danger of elevating virtue is that it can displace effectiveness or expediency—if intentions and character are the key measure, then Davis's failures should not be held against him.[59] The return to the civic republican tradition was helpful for Davis's appeal to virtue, but it was inconsistent with his new basis for the Confederate war strategy. His inaugural address outlined how the civic republican tradition constructed the Confederacy as a peaceful agricultural people, but now Davis needed a vision of the people that included a warrior mentality. The result was a new Confederate identity. Instead of peaceful farmers, the people of the Confederacy were now virtuous warriors.

Davis's third task required him to articulate his audience as virtuous warriors and describe their roles within the Confederacy's prosecution of the war. Amplification helped Davis prepare his audience for the sacrifices that a long sustained conflict demanded. According to

Escott, Davis's decision to focus on the barbarism of the Union was important for preparing his audience for the realities of the Civil War:

> The stress on northern barbarity was appropriate to the changed circumstances of the Confederacy and had a direct relevance to southerners' state of mind in the second year of the war. . . Despite their expectations, southerners faced protracted war, and Davis sought a way to gird their morale for the long pull and strengthen their determination to resist.[60]

As Escott notes, Davis's strategy prepared his audience for an extended conflict. Davis's address went so far as to declare that war was an inevitable component of the Confederate existence: "Cast your eyes forward to that time at the end of the war, when peace shall nominally be proclaimed—for peace between us and our hated enemy will be liable to be broken at short intervals for many years to come—cast your eyes forward to that time, and you will see the necessity for continued preparation and unceasing watchfulness."[61] This was the official transition from the peaceful agricultural people who sought free trade in Davis's inaugural address to the new Confederate identity in his Jackson address—virtuous heroes prepared for a perpetual state of war. In the end, Davis proclaimed that the Conscription Act was a moral policy that should be supported by a virtuous people because there was a wicked enemy at the gate that threatened the survival of the Confederacy.

Chapter Four Endnotes

[1] John Pettus to Jefferson Davis, Dec. 1, 1862, *The Papers of Jefferson Davis*, vol. VIII, ed. Lynda Crist and Mary Dix, (Baton Rouge: Louisiana State University Press, 1995), 525.

[2] Lynda Crist and Mary Dix, *The Papers of Jefferson Davis*, vol. VIII (Baton Rouge: Louisiana State University Press, 1995), 565.

[3] William C. Davis, *Jefferson Davis: The Man and His Hour* (New York: Harper Collins Publishers, 1991), 485.

[4] Albert Moore, *Conscription and Conflict in the Confederacy* (Atlanta: The MacMillan Company, 1924), 5.

[5] Davis, *Jefferson Davis*, 454. Albert Sidney Johnston was a close friend of Jefferson Davis who considered him one of the Confederacy's best generals. He was killed at the battle of Shiloh.

[6] Emory Thomas, *The Confederate Nation: 1861-1865* (New York : Harper & Row, 1979), 165.

[7] Albert Moore, *Conscription and Conflict in the Confederacy*, 4.

[8] Albert Moore, *Conscription and Conflict in the Confederacy*, 4.

[9] Albert Moore, *Conscription and Conflict in the Confederacy*, 6.

[10] Emory Thomas, *The Confederacy As A Revolutionary Experience* (Columbia: South Carolina Press, 1971), 61.

[11] Thomas, *The Confederacy As A Revolutionary Experience*, 60.

[12] Earl Hess, *Pickett's Charge—The Last Attack at Gettysburg* (Chapel Hill: University

of North Carolina Press, 2001).

[13] Michael Fellman, Lesley Gordon, and Daniel Sutherland, *This Terrible War: The Civil War and its Aftermath* (New York: Pearson Education, 2003).

[14] Thomas, *The Confederacy As A Revolutionary Experience*, 61.

[15] Clement Eaton, *Jefferson Davis* (New York: MacMillan Publishing Co, Inc., 1977), 141.

[16] Albert Moore, *Conscription and Conflict in the Confederacy*, 12.

[17] Albert Moore, *Conscription and Conflict in the Confederacy*, 12.

[18] Albert Moore, *Conscription and Conflict in the Confederacy*, 7.

[19] Albert Moore, *Conscription and Conflict in the Confederacy*, 8.

[20] Albert Moore, *Conscription and Conflict in the Confederacy*, 9.

[21] Jefferson Davis, Message to the Confederate Congress, Mar. 28, 1862, *The Messages and Papers of Jefferson Davis and the Confederacy: Including Diplomatic Correspondence 1861-1865*, vol. I, ed. James Richardson (New York: R.R. Bowker, 1966), 205-206.

[22] Albert Moore, *Conscription and Conflict in the Confederacy*, 14.

[23] Thomas, *The Confederate Nation,* 155.

[24] Herman Hattaway and Richard Beringer, *Jefferson Davis: Confederate President* (Lawrence: University Press of Kansas, 2002), 162.

[25] Albert Moore, *Conscription and Conflict in the Confederacy*, 26.

[26] Davis, *Jefferson Davis*, 436.

[27] William Cooper Jr., *Jefferson Davis, American*, (New York: Alfred A. Knopf, 2000), 384.

[28] Jefferson Davis, *Speech at Jackson, Mississippi,* Dec. 26, 1862, *The Papers of*

Jefferson Davis, vol. VIII, ed. Lynda Crist and Mary Dix, (Baton Rouge: Louisiana State University Press, 1995), 565.

[29] Davis, *Speech at Jackson, Mississippi*, 566.

[30] Davis, *Speech at Jackson, Mississippi*, 566

[31] Davis, *Speech at Jackson, Mississippi*, 566

[32] Davis, *Speech at Jackson, Mississippi*, 566

[33] Davis, *Speech at Jackson, Mississippi*, 566

[34] He did not address the substitution policy directly, but he did state, "The exemption act, passed by the last Congress, will probably be made the subject of revision and amendment." This is important because in 1863, the Confederate Congress abolished the substitution exemption.

[35] Davis, *Speech at Jackson, Mississippi*, 566

[36] Davis, *Speech at Jackson, Mississippi*, 566

[37] Davis, *Speech at Jackson, Mississippi*, 566

[38] John M. Murphy, "Our Mission and Our Moment": George W. Bush and September 11th, *Rhetoric and Public Affairs* 6.4 (2003) 609.

[39] Robert L. Ivie, "Images of Savagery in American Justifications for War," *Communication Monographs* 47 (1980): 279-94.

[40] Davis, *Jefferson Davis*, 488.

[41] Richard Lanham, *A Handlist of Rhetorical Terms* (Berkeley: University of California Press, 1991), 26.

[42] Kenneth Burke, A Rhetoric of Motives (Berkeley: University of California Press, 1969), 69.

[43] Giambattista Vico, *The Art of Rhetoric: Institutiones Oratoriae, 1711-1741* translated

by Giorgio Pinton and Arthur Shippee (Atlanta: Rodopi, 1984), 95.

[44] Davis, *Speech at Jackson, Mississippi*, 566

[45] Davis, *Speech at Jackson, Mississippi*, 566

[46] Davis, *Speech at Jackson, Mississippi*, 566

[47] Davis, *Speech at Jackson, Mississippi*, 566

[48] Davis, *Speech at Jackson, Mississippi*, 566

[49] Davis, *Speech at Jackson, Mississippi*, 566

[50] Chaim Perelman and L. Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation*, translated by John Wilkinson and Purcell Weaver (Notre Dame: Notre Dame University Press, 1969), 116.

[51] Davis, *Speech at Jackson, Mississippi*, 566

[52] Davis, *Speech at Jackson, Mississippi*, 566

[53] Davis, *Speech at Jackson, Mississippi*, 566

[54] Davis, *Speech at Jackson, Mississippi*, 566

[55] See Campbell and Jamieson's discussion of strategic misrepresentation in their outline of the basic themes of war rhetoric in *Deeds Done in Words*.

[56] Davis, *Speech at Jackson, Mississippi*, 566

[57] Davis, *Jefferson Davis*, 444.

[58] Paul Escott, *After Secession: Jefferson Davis and the Failure of Confederate Nationalism* (Baton Rouge: Louisiana State University Press, 1978), 180.

[59] Murphy, *Our Mission Our Moment*, 625.

[60] Paul Escott, *After Secession,* 180.

[61] Davis, *Speech at Jackson, Mississippi*, 566

CHAPTER 5

WAR RHETORIC ON THE BRINK OF DESTRUCTION:

DAVIS AND CONDITIONAL EMANCIPATION

"Should the alternative ever be presented of subjugation or of the employment of the slave as a soldier, there seems no reason to doubt what should then be our decision."

-Jefferson Davis
November 7, 1864

In the two years following Davis's Jackson, Mississippi address, the Confederate States of America suffered major setbacks in its campaign for independence. Despite Jefferson Davis's controversial conscription policies designed to increase the number of soldiers in the Confederate ranks, the Union had a decisive troop advantage: 850,000 soldiers fought for the Confederacy compared to the Union's 2,100,000 soldiers. By 1864, the Union was also reaping the benefits of war industrialization including increased iron production, a burgeoning firearms industry, and astounding increases in overall manufacturing.[1] The South, by contrast, was suffering from devastating resource shortages and the damaging effects of having the majority of the war fought on its territory. Additionally, the Union invasions had destroyed almost all of the South's industries, killed one-quarter of their white men, killed two-fifths of southern livestock, demolished half of the machinery for agriculture, and rendered thousands of miles of railroad useless.[2]

With military resources dwindling and Atlanta, one of the South's largest cities, in enemy hands, Davis issued a message to the Confederate Congress on November 7, 1864. Tenuously balanced between assertions of victory and explanations for defeat, the message was steeped in the languages of desperation and hope. Throughout forty-one paragraphs, Davis

addressed the status of the Confederate fight for independence in a speech that would be published and circulated throughout the North and the South. He dedicated the majority of his message to the status of the military campaigns in the East and West, foreign relations with England and France, finances, reorganization of the Department of War, negotiations for peace, and the "Employment of Slaves."[3]

Davis's November 1864 address, like his Jackson, Mississippi address, focused on gaining legitimacy for controversial war policies. Unlike the Jackson speech, however, Davis's November 1864 address was delivered in the final moments of the Confederate war effort, making it a unique case study in war rhetoric. [4] The majority of scholarship on war rhetoric has generally looked at the rhetorical strategies that leaders deploy to justify initiating military action. In this instance, however, I explore the appeals Davis used to maintain support for the Confederate military commitment. In particular, I argue that the November 1864 message provides an opportunity to examine how Davis negotiated the tension between the pragmatic demands of war and the ideals which shaped the Confederate nation's identity.

In order to investigate the relationship between Davis's war rhetoric and Confederate nationalism, this chapter moves in three stages. First, I discuss the rhetorical significance of Davis's address. Second, I review the current literature on war rhetoric to highlight how Davis's address conforms to some aspects our traditional understandings of the genre while simultaneously pushing us to consider war rhetoric beyond the initiation of a conflict. Third, I turn my attention to the strategies that Davis used to gain legitimation for his war proposals that threatened the core identity of the Confederacy. In particular, I examine his struggle for legitimation of conditional emancipation for Confederate slaves. I argue that Davis's message was a remarkable rhetorical construction that utilized narrative and inductive argument to

legitimize conditional emancipation. Davis failed, however, in constructing an identity for the Confederacy in light of his policy that undermined states's rights and the institution of slavery. If the South agreed to sacrifice these institutions, what would they be fighting for? What would the Confederacy be? Why should they continue to die for it? Davis offered no new vision of the nation even as he undermined its previous identity.

Rhetorical Significance: Desperation in the Final Days of the Confederacy

Although Davis's message covered a wide variety of topics, his section on the "Employment of Slaves" makes this a unique speech in the corpus of Davis wartime addresses. In this section, Davis proposed "a radical modification in the theory of the law."[5] The modification that Davis forwarded was a policy of conditional emancipation that would grant freedom to 40,000 slaves after they had helped to secure a Confederate victory through faithful service to the Confederate military effort. Given the significance of slavery and states' rights in the foundation of the Confederacy, Davis's November 1864 address is an opportunity to examine how Davis finally reconciled the pragmatic demands of war with policies that undermined the identity of the Confederacy.

In addition to the subject of the address, Davis's status as a political leader facing defeat on American soil is unique in our nation's history. Presidents rarely face defeat, and never on American soil. With the exception of the Civil War, the United States has not had to deal with a long protracted conflict on its own territory. As a result, most of our presidential addresses on war focus on justifications for deploying United States soldiers to other places in the world. Thus, the American public has been removed from the horrors of a major ground war. The people of the South, in contrast, needed only to look out their windows at the smoke and flames rising from Atlanta or listen to the shells falling over Vicksburg to understand that defeat was

literally on their doorstep. There are certainly other examples of political leaders who were forced to justify failing war policies (e.g. Johnson and Nixon on Vietnam and George W. Bush on Iraq), but because the war was a fight for independence and predominately taking place in the territory of the South, Davis was unable to withdraw his troops and declare victory. Defeat for the Confederacy would mean an end to the nation.

In summary, Davis's November 1864 address offers a final case study in Davis's rhetoric of war because of the timing, location, and subject of the text. He was facing defeat, the defeat was on American soil, and he was desperate enough to call for a reversal of the Confederacy's position on slavery and states' rights through conditional emancipation. Davis's address provides us with an opportunity to examine how rhetors deploy war rhetoric to justify war policies that threaten the values that constitute the national identity. Given these grounds for the importance of the address, it is next appropriate to consider the current approaches to investigating war rhetoric and nationalism.

Current Approaches to War Rhetoric: Initiation and Legitimation

John Murphy identifies two major streams of war rhetoric research—"the president's justification for war,"[6] and, "…studies of presidential rationale for military actions short of war—international crises."[7] After reviewing the scholarship of David Birdsell, Karlyn Kohrs Campbell and Kathleen Hall Jamieson, Richard Cherwitz and Kenneth Zagacki, Bonnie Dow, Robert Ivie, and Theodore Windt, Murphy argues that (despite differing approaches) the majority of war rhetoric research reaches similar conclusions.[8] He identifies Campbell and Jamieson's generic outline of war rhetoric as the set of unifying themes that exist throughout the majority of war rhetoric scholarship.[9] According to this outline, presidents typically engage in five rhetorical processes during war rhetoric:

> (1) every element in it proclaims that the momentous decision to resort to force is deliberate, the product of thoughtful consideration; (2) forceful intervention is justified through a chronicle or narrative form which argumentative claims are drawn, (3) the audience is exhorted to unanimity of purpose and total commitment; (4) the rhetoric not only justifies the use of force but also seeks to legitimate presidential assumption of the extraordinary powers of the commander in chief; and as a function of these other characteristics, (5) strategic misrepresentations play an unusually significant role in its appeals.[10]

Although there are a few instances where scholars deviate from this basic outline to discuss presidential actions during a conflict, the vast majority of war rhetoric research focuses on the initial decision to intervene rather than the maintenance of political support.[11] Despite the fact that their generic outline focuses on initiation, Campbell and Jamieson articulate the central component of war rhetoric in their discussion of legitimation. Using Davis's discussion of conditional emancipation, we can better understand how legitimation works in the advanced stages of a conflict which requires rhetors to balance conceptions of national identity with pragmatic war decisions.

The goal of gaining legitimation for presidential actions is critical to Campbell and Jamieson's analysis of war rhetoric. They argue, "What is central to war rhetoric: the need for the public and the congress to legitimate presidential use of war powers for an end that has been justified. Each war message has this legitimation as its central persuasive purpose."[12] For Campbell and Jamieson, legitimation is intimately tied to a president's attempt at gaining consent to use the powers of the commander and chief to initiate a conflict. While Davis demonstrates that legitimacy is also central throughout a conflict, his address requires us to consider the role of

nationalism in gaining and sustaining legitimation. In order to understand how Davis navigated nationalism and legitimation, it is important to examine the controversy surrounding his proposal for conditional emancipation.

Context of the Emancipation Debate

Jefferson Davis's address was not the first time that emancipation had been proposed in the South. Robert F. Durden and Bruce Levine detail several early proposals for emancipation.[12] Most of the early proposals came from the Confederate Army. One of the most powerful proposals came from Patrick Cleburne of the Army of Tennessee.[13] On January 2, 1864, Cleburne wrote a memorandum that included one major-general, three brigadier-generals, four colonels, two lieutenant-colonels, one captain, and one major pushing for emancipation if the slaves would fight for the Confederacy. The officers argued that there were several military and political benefits. They stated, "The immediate effect of the emancipation and enrollment of negroes on the military strength of the South would be: To enable us to have armies numerically superior to those of the North, and a reserve of any size we might think necessary; to enable us to take the offensive, move forward, and forage on the enemy."[14] As chapter four addressed, the Confederacy, at Davis's behest, had already implemented a policy of conscription. Despite the implementation of this policy, the officers argued that the Union was still at a numerical advantage that threatened the Confederate armies. The officers further claimed that the move "would instantly remove all the vulnerability, embarrassment, and inherent weakness which result from slavery."[15] The officers also noted that the policy would also have political benefits. They wrote, "The very magnitude of the sacrifice itself, such as no nation has ever voluntarily made before, would appal[l] our enemies, destroy his spirit and his finances, and fill our hearts with a pride and singleness of purpose which would clothe us with new strength in battle."[16]

Cleburne's proposal for change, however, did not reach the public or the Confederate Congress. The official policy of the Confederacy, until November 1864, had been to use slaves for support positions such as cooking, building fortifications, and manual labor.[17] The problem was that by 1864, the numbers of white soldiers that the Confederacy could count on to fight was quickly dwindling and the slaves were becoming force multipliers for the Union. When the Union armies drew near to Confederate cities or armies, the slaves would escape and provide intelligence to the Union. Cleburne's memo demonstrates that the shrinking numbers of soldiers and the Union's use of slaves as spies was a severe problem in early 1864. According to Levine, by 1863, Cleburne's army was battling 5,500 black soldiers from Arkansas and over 20,000 black soldiers from Tennessee.[18] Cleburne argued that, "every soldier in our army already knows and feels our numerical inferiority to the enemy…Our single source of supply is that portion of our white men fit for duty and not now in the ranks."[19] He continued, "All along the lines slavery is comparatively valueless to us for labor, but of great and increasing worth to the enemy for information. It is an omnipresent spy system, pointing out our valuable men to the enemy, revealing secretly that there is no means to guard against it."[20]

Despite support by key military figures for conditional emancipation, the role of slaves in the Confederate Army was extremely divisive for two central reasons. First, the Confederacy had clearly designated black people as mentally, physically, and spiritually unfit for citizenry. Second, forced emancipation would necessitate a violation of states' rights which was the Southern justification for secession. In the next two sections I examine the discourses surrounding each of these rhetorical obstacles.

Slavery and the Confederacy

The history of slavery in the South dates back to 1619 when the first black people came to the Virginia colony in bonds.[21] Although the majority of slaves were black, it was not until the mid-seventeenth century that the white majority started making essentialist claims that fixed all black people as slaves.[22] However, the argument that black people were naturally inferior soon engulfed the elite aristocratic Southern thinkers. Even enlightenment thinkers such as Thomas Jefferson argued, "as a suspicion only, that blacks, whether originally a distinct race or made distinct by time and circumstances, are inferior to the whites in the endowments both of body and mind."[23] While this racist thinking was pervasive throughout the country, the cotton boom in the South generated a demand for slave labor that established a new relationship between the South and the institution of slavery. Emory Thomas argues, "By the end of the first quarter of the nineteenth century, Southern thought had crystallized on the subject . . . slavery changed from a 'necessary evil' to a 'positive good'."[24]

With a firm "defense" of slavery, the South entered into nineteenth century politics with the goal of preserving and expanding the institution of slavery. Although states's rights may have provided the legal justification, it was slavery that provided the political impulse for secession. As Robert Durden summarizes, "The South had spent forty or so years convincing itself that slavery was ordained by God as the best, indeed the only, solution to the problem posed by the massive presence of the Negro."[25] As a result of this perspective, any potential threat to slavery was treated as a threat to the southern way of life. Thomas makes the final connection between the southern way of life, slavery, and the Civil War. He argues, "If the South seceded and went to war to defend her way of life against threats real and imagined, surely the 'peculiar institution' was the most threatened portion of Southernism, and thus in this context the

'cause' of the Civil War."[26] The question remains, however: Did the national identity of the Confederacy truly rest on preserving slavery or was it merely the motivation for secession?

The recognition of the inferiority of black people was *the* defining characteristic of the Confederacy, according to Vice President Alexander Stephens. In a speech in Savannah, Georgia on March 21, 1861, he argued, "Our new government is founded upon exactly the opposite idea; its foundations are laid, its corner-stone rests upon the great truth, that the negro is not equal to the white man; that slavery—subordination to the superior race—is his natural and normal condition."[37] The cornerstone of the Confederacy, according to Stephens, was the Confederacy's recognition of the legitimacy of the institution of slavery and the inferiority of black people.

Not surprisingly, several newspaper editorials supported Stephens' view that emancipation would threaten the core of Southern society. Many feared that conditional emancipation would result in complete equality for black people. The newspaper *The Republican* summarized this position on November 2, 1864, stating, "if the negro is made to fight our battles of 'freedom' then he must be governed by the same laws of war, and he must stand upon the same footing of the white man after the war."[28] The editorial clarified, "In other words, the South is to be converted by this war into an abolitionized colony of free negroes, instead of a land of white freemen…If they are to be armed like the master, then they *are in fact* equal to the master…"[29]

The threat of potential equality for slaves was supplemented by charges that slaves would not make adequate soldiers. A Confederate soldier wrote an editorial in the Memphis *Appeal,* on November 3, 1864, rejecting the idea that slaves would make good soldiers. He wrote, "The Yankees for eighteen months have had negroes in their armies; and from what they say, got very

little good fighting out of them. Would it be any better if they were in our armies? I think not, and if it is ever tried disaster and defeat will follow in its train."[30]

Other editorials argued that the Confederacy seceded in order to preserve slavery and, therefore, to emancipate the slaves would make the fight meaningless. An editorial published in the *Enquirer* argued, "What has embittered the feelings of the two sections of the old Union? What has gradually driven them to the final separation? What is it that has made two nationalities of them, if it is not slavery?"[31] The editorial continues: "It was slavery that caused them to denounce us [as] inferiors; it was slavery that made the difference in our Congressional representatives; it was slavery which made the difference in our pursuits, in our interests…it is slavery which now makes of us two people, as widely antagonistic and diverse as any two people can be…"[32] The editorial established the link between slavery and separate national identities. The maintenance and expansion of the institution of slavery had become the central reason that the South needed its own nation. Since the seventeenth century, the South had a special relationship to slavery. By the 1860s, that relationship had grown into a central defining characteristic of the South.

States' Rights and the Confederacy

In Chapter Three, I reviewed the importance of states's rights to the foundation of the Confederacy. In his inaugural address, Davis struggled with the civic republican tradition and the Lockean principles of contracts passed down through Thomas Jefferson and John C. Calhoun. Given the intellectual connection between states's rights and the Confederacy, Davis was forced to put a primacy on state sovereignty in his inaugural address. In his November 1864 address, however, Davis needed to justify violating the rights of the Confederate States in order to conscript slaves into the Confederate Army.

The conscription of slaves to fight for the Confederate Army was perceived as a great violation of states' rights because slaves were viewed as property. The Charleston *Mercury* published a staff editorial that summarized this argument on November 3, 1864. The editorial argued, "Now, if there was any single proposition that we thought was unquestionable in the Confederacy it was this—that the States, and the States alone, have the *exclusive* jurisdiction and mastery over their slaves."[33] It continued, "To suppose that any slaveholding country (i.e., state) would voluntarily leave it to any other power than its own, to emancipate its slaves, is such an absurdity, that we do not believe a single intelligent man in the Confederacy could entertain it."[34] Davis's proposal required the exercise of national power over the states. As Thomas summarizes, "Southern politicians had raised the doctrine of state rights to the level of an article of faith. And as such, state rights seemed to some Southerners the very cornerstone of their way of life."[35]

An examination of the public discourse published before Jefferson Davis's address reveals several constraints if he were going to be successful in gaining popular and congressional legitimation for his proposal to emancipate 40,000 slaves. Although he had several pockets of support, Davis was entering a hostile debate that challenged not only his specific proposal but also his institutional authority as commander-in-chief. Thus, Davis was addressing the people of the Confederacy at a time of great peril and asking them to sacrifice two of the strongest community values that tied the Confederacy together—slavery and states' rights.

Davis's Credibility

Davis's struggle for legitimation for conditional emancipation was compounded by his wartime credibility. Despite the success of his defense of conscription, Davis had come under increasing attack from within the Confederacy. Throughout the war, Davis's military decisions had angered various groups throughout the Confederacy. Davis was accused of focusing too

much on the battles in the East to the detriment of the military leaders in the West. The accusation generated a "Western Concentration bloc" that was staunchly opposed to Davis's policies.[36] Additionally, Davis had already begun to violate states' rights with his policies concerning conscription of property and his military draft.[37] Unfortunately for Davis, these unpopular policies were not turning the tide of the war.

Historian William Davis argues, "By the winter of 1864-1865 certainly no one needed a clairvoyant to sense that the South was all but on its knees. The war appeared to start well…, but numbers and resources and time all worked against Jefferson Davis and his cause."[38] As the South's vision of complete independence began to slip away, Davis's war policies came under attack from prominent Confederate voices including Vice President Alexander Stephens, Robert Toombs, Robert Barnwell Rhett, General P.G.T. Beauregard, and General Joseph Johnston.[39] Stephens was convinced that the Confederate states needed to exert more independence to resist Davis's policies while others advocated more radical solutions including an open call from Rhett to overthrow Davis and install Robert E. Lee as leader.[40] Toombs, who also advocated using violence to overthrow Davis, summarized the opposition's position when he roared, "Begone Davis!" [41]

If Davis was going to be successful in gaining legitimacy for his policy of conditional emancipation, he needed to overcome the criticism of his war policies from the other prominent Confederate voices. Davis, thus, entered into his November 1864 message facing three streams of discourse that constrained his rhetorical invention: pro-slavery advocates, states' rights advocates, and political opposition.

Rhetorical Strategies for Legitimation

Four years into the most destructive war in United States history, Jefferson Davis proposed a radical change in the way the Confederacy should prosecute the war. The change required sacrificing the two core values that constituted the Confederate national identity at a time when his credibility as commander-in-chief was dwindling. In an effort to gain legitimation for his policy of conditional emancipation, Davis delivered an address to the Confederate Congress that deployed three rhetorical strategies. First, in a move similar to his defense of conscription, Davis carefully constructed a narrative of military operations that established his credibility as a wartime leader while simultaneously isolating troop resources as the central impediment to more Confederate victories. Second, Davis constructed his audience as the persecuted chosen people in order to frame the meaning of the Confederate military losses. Finally, Davis used the unanimity of purpose of his audience to propose his radical policy change. Despite the fact that Davis's message was carefully constructed to justify his radical war policies, he ended his message without establishing a vision of the Confederacy after his policy.

Narrative and Inductive Argument

Davis began his quest for legitimation by constructing a narrative of Confederate battles from the past year.[42] He began by dividing the Confederacy along the Mississippi river into the West and the East. In the West, he argued that Texas, Louisiana, Arkansas, and Missouri had all been sites of large Confederate military successes. He proclaimed, "Our forces have penetrated into central Missouri, affording to our oppressed brethren in that State an opportunity…of striking for liberation from the tyranny to which they have been subjected."[43] Davis was just as exuberant about the status of Confederate forces in the East. Again he listed the Confederate victories in Alabama, Mississippi, and Tennessee. Davis's use of the broad geographic markers

"West" and "East" ensured that everyone in the Confederacy could celebrate the military successes. Davis's narrative of Confederate victories restored his credibility because, according to the narrative, the Confederacy was winning crucial battles and he was orchestrating the charge.[44]

Although Davis's explanation of Confederate victories was clear and concise, a closer examination of the narrative reveals a more nuanced argumentative structure. Davis's narrative is tenuously balanced between assertions of victory and explanations for defeat. Within this balance, the difference between victory and defeat was the resource that Davis would later ask for—soldiers. Davis utilized the soldier argument through a similar pattern found in his Jackson, Mississippi address on conscription. The inductive argument that Davis used from the beginning of the message was that the number of soldiers on the field dictated the Confederacies chances at winning battles. Davis continually emphasized the overwhelming force of the Union to prepare his audience for the introduction of his plan for conditional emancipation. Davis characterized the conflict in terms of resources and soldiers early in the message when he described the status of the Union and Confederate war efforts. When describing the Union, Davis sounded in awe of "the magnitude of the preparations made by the enemy, the number of his forces, the accumulation of his warlike supplies"[45] In contrast, the Confederacy, Davis argued, deserved to be applauded for its successes given "the numbers and means at our disposal for resistance."[46] Davis continued to develop a pattern of description that consistently emphasized the number of soldiers for both Union and Confederate armies. For instance, when describing three separate battles, Davis put a primacy on the size of the armies involved: "In northwestern Louisiana a large and well-appointed army,"[47] "The enemy hoped to effect during the present year, by concentration of forces,"[48] and "after constant repulse of repeated assaults on our defensive lines,

is, with the aid of heavy reinforcements"[49] In these three examples, Davis used the number of soldiers available for assaults, defensive lines, and reinforcements to paint a picture of valiant Confederate forces being overrun by a sea of Union soldiers. Davis's references to the numbers of soldiers involved in battles remains consistent throughout his narrative of the Confederate victories and losses.

In order to further his argument for conditional emancipation, Davis needed to position the Confederacy in a unique space. At the outset, he needed to construct a narrative that the South could still win independence with sufficient troop resources. However, given the grave sacrifice that he proposed, Davis needed also to dismiss any other potential solution to the imminent Southern defeat. Davis carefully constructed this narrative by pointing to the recent Confederate victories, arguing that soldiers made the difference, while highlighting that the Confederacy was quickly running out of soldiers.

Despite his exultation of Confederate victories, Davis was faced with a significant rhetorical problem that is unique to advanced stages of a conflict—his side had lost major battles and faced defeat. In order for his narrative to remain cohesive, Davis needed to create a framework of meaning for the wide resource disparity and recent military losses. Davis turned to a second rhetorical strategy of constructing his audience as the persecuted chosen people.

Davis and the Persecuted Chosen People

Religion played a critical role in Davis's narrative from the very beginning of the message. In his earlier addresses, Davis relied on the civic republican notions of virtue to defend his policies. In his November 1864 address, however, Davis redefined virtue through the frame of religion. He began by reiterating his amplification of Northern evil and Southern heroism constituting the North as an evil enemy who was willing to pour all of its resources into ensuring

the destruction of the South. This opening portion of Davis's speech is closely related to Campbell and Jamieson's description of the narrative forms in war rhetoric that justify military response to an evil opponent.[50] However, the distinction between the initial stages of a conflict and the advanced stages of a conflict becomes clearer when Davis attempts to reconcile the recent military losses.

Instead of using strategic misrepresentations to dismiss the claims that the Union had a strategic advantage over the Confederacy, Davis used the continued survival of the Confederacy in the face of the Union's resource advantage as evidence of divine intervention. Unlike his Jackson address, Davis embraced the vast resources of the Union and highlighted the structural disadvantages of the Confederacy. Although this introduction would seem problematic for leaders attempting to gain legitimacy from their people, Davis used the Union's overwhelming advantage to demonstrate that the South was truly God's chosen people—a rhetorical frame that was new to Davis's wartime addresses.

He began by examining the Union's strength. Davis once again asked his audience to consider "the magnitude of the preparations made by the enemy, the number of his forces, the accumulation of his warlike supplies, and the prodigality with which his vast resources have been lavished in the attempt to render success assured."[51] He then compared the Union's resources to the Confederacy. He explained: "When we contrast the numbers and means at our disposal for resistance, and when we contemplate the results of a struggle apparently so unequal, we cannot fail…to perceive that a power higher than man has willed our deliverance." [52] He concluded that the people should be grateful, "to recognize the protection of a kind Providence in enabling us successfully to withstand the utmost efforts of the enemy for our subjugation."[53] Davis used the persistence of his audience as evidence of God's intervention. Their continuing

existence demonstrated a divine intervention because they still lived outside the control of the Union. However, Davis continued to point to the Union's troop advantage as a way of cautioning his audience. In Davis's narrative, the enemy would continually pour troops onto the battlefield in an effort to conquer the South. Divine intervention had helped them survive on fewer resources, but it was up to the people of the South to ensure that they were doing all that they could to sacrifice for the cause. At some point, they must recognize that God helps those who help themselves.

Davis also used the wisdom of God to frame the recent Confederate losses. He once again began by emphasizing how much more powerful the Union armies have been in comparison to the Confederate armies. He proclaimed, "If we now turn to the results accomplished by the two great armies, so confidently relied on by the invaders as sufficient to secure the subversion of our Government and the subjugation of our people to foreign domination, we have still greater cause for devout gratitude to Divine Power."[54] Davis's introduction ensured that the audience was always considering how much worse things could have been as he addressed the specific instances of Union victories.

The capture of Atlanta was front and center in Davis's message. He argued, "The army of General Sherman, although succeeding at the end of the summer in obtaining possession of Atlanta, has been unable to secure any ultimate advantage from this success."[55] Davis continued, "The same general, who in February last marched a large army from Vicksburg to Meridian with no other result than being forced to march back again, was able, by the aid of greatly increased numbers and after much delay, to force a passage from Chattanooga to Atlanta…"[56] Davis did not simply call the army a Union army, but instead personalized the discussion by naming General Sherman. Naming Sherman directly helped substantiate his argument that the Union was

not the chosen people and allowed Davis to assert that General Sherman commanded a wide array of power with no divine wisdom. According to Davis, without divine wisdom, General Sherman was a military failure. Davis turned to Sherman's personal history to emphasize this point. He argued that Sherman had a history of having control of powerful armies, but not having the wisdom to know what to do with them. Davis suggested that it was the sheer number of Sherman's troops that led to Atlanta's fall, but that it took Sherman a long time to capture such a defenseless city. Davis used Sherman to create a synecdoche wherein the ignorant leader represented the whole of the Union army. In doing so, Davis was able to frame the Confederate losses as a result of brute power and not brilliant military strategy.

Davis used the capture of Atlanta to frame the entirety of the Confederate losses. He argued that Sherman lacked wisdom and therefore had gained no military advantage from his victory. Davis used this as a transition point for discussing all of the Confederate cities that could be captured. He argued, "The lessons afforded by the history of this war are fraught with instruction and encouragement. Repeatedly during the war have formidable expeditions been directed by the enemy against points ignorantly supposed to be of a vital importance to the Confederacy."[57] Davis argued that there were no cities that the Union could capture that would break the Confederacy. The people of the Confederacy were the chosen people which meant that should continue to fight for their divine right to independence. Davis's narrative was now complete; the only structural disadvantage inhibiting Confederate Independence was the sheer magnitude of the Union armies and he had a proposal for that very problem.

Davis Proposes Emancipation

Davis's section on the conditional emancipation was entitled, "Employment of Slaves."[58] In this section, Davis asked the Confederate Congress to conscript 40,000 slaves and train them

to fight for the Confederacy. Given the tremendous sacrifice that his proposal required, Davis could not merely rely on his earlier inductive argument and narrative. In this section Davis addressed the states' rights advocates and pro-slavery advocates who would be staunchly opposed to his proposal.

Davis began by reviewing the various roles played by slaves in the Confederate war effort. He reminded the audience that the Confederate Congress had already conscripted 20,000 slaves for use in non-combat positions. After establishing that a legal precedent had already been set for the Confederate government to conscript slaves into service for the war effort, Davis proposed his "radical modification in the theory of the law."[59]

In order to circumvent the states' rights argument, Davis proposed that slaves have two distinct relationships to any governing institution. The first relationship was that of property. Davis had already established that the Confederate government had the power to confiscate property if it was necessary for the war effort. He acknowledged that this was traditionally a states' rights domain. However, the second relationship involved the connection that *all* people had to their governing institutions. He argued, "The slave, however, bears another relation to the State—that of a person. The law of last February contemplates only the relation of the slave to the master and limits the impressment to a certain term of service."[60] In this radical move, Davis asserted that the slaves were not only property, but instead people who could aid in the war effort. If they were only property, then they would clearly fall under the domain of the master and the states, but as people, the Confederate government could conscript them to perform the duties of a soldier. The only question was whether the right to private property would outweigh the right of the Confederate government to use the "personhood" of the slaves for the war effort.

Davis immediately argued that the "personhood" of slaves was more important than their status as property. He argued, "In this respect the relation of person predominates so far as to render it doubtful whether the private right of property can consistently and beneficially be continued, and it would seem proper to acquire for the public service the entire property in the labor of the slave…"[61] Although Davis quickly argued that the slave owners should have been fully compensated for their loss of property, Davis proposed that the war effort was ultimately more important than individual's property and states' rights because the need for the slaves' "personhood" was more beneficial to the Confederacy than their status as property.

Davis's justification for emancipation centered on the need for loyalty among soldiers, which is a distinctly human quality. Davis used loyalty to answer the argument that the slaves should have been conscripted to fight without giving them their freedom. He argued, "The permission would doubtless be more readily accorded as a reward for past faithful service…their freedom and the gratification of the local attachment which is so marked a characteristic of the negro, and forms so powerful an incentive to his action." [62] Davis continues, "The policy of engaging to liberate the negro on his discharge after service seems to me preferable to that of granting immediate manumission, or that of retaining him in servitude."[63] Davis, thus, used racial stereotypes to justify conditional emancipation. He argued that "local attachment" was a characteristic of slaves that made them more willing to fight for the Confederacy if they were offered their freedom and the ability to stay in the South. He attempted to assuage the fears of immediate emancipation by arguing that faithful execution of duties would be a condition of freedom. The condition helped Davis answer the equality argument that opponents had been making throughout the debate. Slaves would never be equal to white people; however, if they

were willing to die for the Confederacy then they should be given the opportunity to fight for their freedom.

After setting out his legal precedent for conscription, Davis turned to his last rhetorical strategy—using the unanimity of purpose to justify radical actions. Davis attempted to situate himself in the middle of the debate by arguing that slaves should only be used when the Confederate resources were in dire straits. The presumption against using the slaves was important because Davis used the survival of the Confederacy as a trump argument for conditional emancipation. As we saw earlier, Davis constructed his audience as the persecuted chosen people who were willing to make any sacrifices to achieve independence. Davis used the unanimity of purpose to argue that all people in the Confederacy should be willing to make sacrifices for independence. He used a worst case scenario to argue that "should the alternative ever be presented of subjugation or of the employment of the slave as a soldier, there seems no reason to doubt what should then be our decision."[64] He continued, "The appalling demoralization, suffering, disease, and death which have been caused by partially substituting the invader's system of police for the kind relation previously subsisting between the master and slave have been a sufficient demonstration that external interference with our institution of domestic slavery is productive of evil only."[65]

Davis used the unanimity of purpose to establish that survival of the Confederacy should have been the ultimate goal of anyone making sacrifices for the Confederacy. Then, he forwarded the debate by arguing that it would have been better for the Confederacy to make the changes to the institution of slavery than for the Union to interfere with the institution, resulting in death, disease, and demoralization. In essence, Davis denied the ability of his opponents to

continue arguing for the “good old days” by highlighting the inevitability of change for the institution of slavery.

Conclusion

Jefferson Davis’s message to the Confederate Congress on November 7, 1864 provides us with unique insight into his struggle with war rhetoric on the brink of destruction. I have argued that Davis’s message reaffirms and extends the generic outline of war rhetoric provided by Campbell and Jamieson and used by many scholars of war rhetoric today. By focusing on war rhetoric that occurs later in a conflict we open up an avenue to new research that focuses on how rhetors navigate the rhetorical dilemmas created by war itself. Besides serving as a case study for later stage war rhetoric, the analysis of Davis’s message directs us toward two tentative conclusions. First, Davis’s message was a pragmatically effective speech. Second, while effective, Davis’s failure to offer a new vision of the Confederacy demonstrates the critical attention that leaders must give to balancing both the pragmatic demands of war and the struggle to maintaining a strong national identity.

Given the tumultuous context of the emancipation debate and the power of the slavery and state’s rights, it is difficult to conclude that his address was anything but an exemplary model for negotiating the pragmatic demands of war. He successfully structured the address, through inductive argument, to ensure that his audience was prepared for his radical war policy that threatened to undermine the fundamental values that defined the populace. Davis framed the Confederate losses and ensured that they were willing to make any sacrifice in the name of independence by constructing his audience as the chosen people. Finally, Davis situated the Confederacy as a nation on the brink of collapse, but still able to win independence by carefully balancing a message of optimism and pessimism. Through these rhetorical strategies, Davis was

able to establish the critical component of war rhetoric outlined by Campbell and Jamieson—legitimation.

In the end, Davis was successful in gaining legitimacy for his proposal. It is difficult to argue that any one speech had the direct effect of achieving such a dramatic shift in Confederate policy. Some historians have suggested that it was the influence of Robert E. Lee's support for Davis's proposal that helped it pass. [66] However, the fact remains that it was Davis's proposal and the Confederate Congress did authorize Jefferson Davis to recruit up to 300,000 slaves to fight for the Confederacy. [67] Some slaves were immediately recruited, put into companies, and even paraded in Southern cities, but none of the slaves ever fought for the Confederacy because the war ended before they were put into official service.[68]

The second conclusion that we can draw is that, while pragmatically effective, Davis's failure to offer a new vision of the Confederacy demonstrates the critical attention that leaders must give to balancing both the pragmatic demands of war and the struggle to maintaining a strong national identity. Thomas points to Davis's proposal to substantiate his argument that by the end the Confederacy sacrificed everything it purportedly seceded to protect. He argues, "Faced with choosing between independence and the Southern way of life, the Confederacy chose independence. . . The fact was that the Confederacy was prepared to let slavery perish and to fight on! For what?"[69] Thomas surmises that the decision to sacrifice the institution of slavery signaled the official change from the Confederacy using secession to preserve Southern values to the Confederacy sacrificing Southern values to preserve secession. He argues, "In four years the Southern nation had given up that which called it into being. Independence at last was no longer means but end...Had the heavens opened, the waters parted, and the Confederacy achieved independence, the postwar South would have resembled the prewar South in little more than

name."[70] Escott makes the final connection between nationalism and the collapse of the Confederacy, "Internal dissensions seriously weakened the Confederacy, for there is a clear link between the failure of Jefferson Davis to build a spirit of Confederate nationalism at home and the inability of southern generals to establish Confederate independence on the battlefield."[71] In the end, Davis was not rhetorically competent enough to sustain the Confederacy because he did not articulate a vision of the imagined community without slavery and states' rights.

As Garry Wills has noted, we now point to Abraham Lincoln's Gettysburg Address as the defining point in our history where our national identity was constructed. At Gettysburg, Lincoln needed to justify the Union's participation in the Civil War. Instead of focusing on policies to increase the Union war effort, Lincoln used 272 words to construct an identity that Americans hold today. As Wills notes, we now date the nation from the opening words of the Declaration of Independence and not the Constitution.[72] Davis's message utilized the opposite strategy; he focused entirely on the policy with little regard for the national identity. As a result, the Confederacy's imagined community became synonymous with independence for independence sake, which does little to motivate soldiers and civilians during a time of great sacrifice.

Davis's address demonstrates that there is a careful balance between justifying policies that sacrifice identity and those that sacrifice victory. For the Confederacy, the wartime policies threatened the core identity of the imagined community and may have precipitated its collapse. It is difficult to argue that today's controversial wartime policies require the same degree of sacrifice, but the tension between war policies and national identity still exists and still requires our political leaders to address it. Given the historical implications of the tension and the potential impact of any wartime decision in the nuclear age, it is important that scholars continue

to investigate how leaders negotiate and justify decisions that threaten the core values that America has come to represent.

Chapter Five Endnotes

1. James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1988), 816-817.

2. James M. McPherson, *Battle Cry of Freedom*, 818.

3. Jefferson Davis, "Message to Congress," *Jefferson Davis, Constitutionalist, Letters, Papers, and Speeches*, Ed. Dunbar Rowland (Jackson: Mississippi Department of Archives and History, 1923), 102.

4. Robert Ivie's essay, "Presidential Motives for War", helps explain the scope of discourse that is considered war rhetoric. Ivie examines 150 years of presidential addresses in order to, "locate the images they project in the justification of war." *Quarterly Journal of Speech*, October 1974, Vol. 60 Issue 3. Through these images, Ivie begins to answer James Andrews's call for "Future research (that) could fruitfully examine the questions of whether or not there is a perceptible pattern of war persuasion that emerges from the study of our history"(as quoted in Ivie). "They Chose the Sword: Appeals to War in Nineteenth-Century American Public Address"; *Today's Speech*; 1969 Vol. 17, p 7. War rhetoric, then, is the study of the rhetorical strategies that leaders deploy to persuade a populace that military action is justified.

5. Jefferson Davis, "Message to Congress,"102.

6. John M. Murphy, "Epideictic and Deliberative Strategies in Opposition to War: The Paradox of Honor and Expediency," *Communication Studies*, Vol. 43, summer, 1992: 66-67.

7. John M. Murphy, "Epideictic and Deliberative Strategies in Opposition to War," 66-67.

8. John M. Murphy, "Epideictic and Deliberative Strategies in Opposition to War," 67.

9. John M. Murphy, “Epideictic and Deliberative Strategies in Opposition to War,” 67.

10. Karlyn Kohrs Campbell, and Kathleen Hall Jamieson, *Deeds Done In Words: Presidential Rhetoric and the Genres of Governance* (Chicago: University of Chicago Press, 1990), 105.

11. Karlyn Kohrs Campbell, “An Exercise in the Rhetoric of Mythical America,” *Critiques of Contemporary Rhetoric*, ed. Thomas Burkholder, (Belmont: Wadsworth Pub., 1997). Campbell notes that in Nixon’s “Vietnamization” speech he constructs a homogenized narrative of the opposition to the war while simultaneously characterizing America as a country that opposes communism, totalitarianism, and oppression.

12. Robert Durden, *The Gray and the Black: The Confederate Debate on Emancipation* (Baton Rouge: Louisiana State University Press, 1972); Bruce Levin, *Confederate Emancipation: Southern Plans to Free and Arm Slaves During the Civil War* (New York: Oxford University Press, 2006).

13. According to Albert Castel, Cleburne was a widely respected and highly decorated officer. Castle argues that “Cleburne’s words carry weight.” Albert Castel, *Decision in the West: The Atlanta Campaign of 1864* (Lawrence: University of Kansas Press, 1992), 37.

14. P.R. Cleburne, “Commanding General, The Corps, Division, Brigade, and Regimental Commanders of the Army of Tennessee,” 2 Jan. 1864, *The Gray and the Black: the Confederate Debate on Emancipation*, Ed. Richard Durden (Baton Rouge: Louisiana State University Press, 1972), 59.

15. P.R. Cleburne, “Commanding General, The Corps, Division, Brigade, and Regimental Commanders of the Army of Tennessee,” 59.

16. P.R. Cleburne, “Commanding General, The Corps, Division, Brigade, and

Regimental Commanders of the Army of Tennessee," 60.

17. Bruce Levine, *Confederate Emancipation: Southern Plans to Free and Arm Slaves during the Civil War* (New York: Oxford University Press, 2006), 72.

18. Bruce Levine, *Confederate Emancipation*, 72

19. P.R. Cleburne, "Commanding General, The Corps, Division, Brigade, and Regimental Commanders of the Army of Tennessee," 56.

20. P.R. Cleburne, "Commanding General, The Corps, Division, Brigade, and Regimental Commanders of the Army of Tennessee," 56.

21. Emory Thomas, *The Confederacy as a Revolutionary Experience*, (Columbia: South Carolina Press, 1991) 11.

22. Emory Thomas, *The Confederacy as a Revolutionary Experience*, 10.

23. As quoted in Emory Thomas, *The Confederacy as a Revolutionary Experience*, 11.

24. Emory Thomas, *The Confederacy as a Revolutionary Experience*, 12.

25. Robert F. Durden, *The Gray and The Black: The Confederate Debate on Emancipation*, (Baton Rouge: Louisiana State University Press, 1972), xii.

26. Emory Thomas, *The Confederacy as a Revolutionary Experience*, 10.

27. Alexander Stephens, March 25, 1861, quoted in *The Gray and the Black: the Confederate Debate on Emancipation*, Ed. Richard Durden (Baton Rouge: Louisiana State University Press, 1972), 7-8.

28. *The Republican*, November 2, 1864, quoted in *The Gray and the Black: the Confederate Debate on Emancipation*, Ed. Richard Durden (Baton Rouge: Louisiana State University Press, 1972), 94.

29. *The Republican*, November 2, 1864, 94.

30. Memphis *Appeal*, November 3, 1864, quoted in *The Gray and the Black: the Confederate Debate on Emancipation*, Ed. Richard Durden (Baton Rouge: Louisiana State University Press, 1972), 92.

31. *Enquirer*, November 4, 1864, quoted in *The Gray and the Black: the Confederate Debate on Emancipation*, Ed. Richard Durden (Baton Rouge: Louisiana State University Press, 1972), 89-90.

32. *Enquirer*, November 4, 1864, 89-90.

33. Charleston *Mercury*, November 3, 1864, quoted in *The Gray and the Black: the Confederate Debate on Emancipation*, Ed. Richard Durden (Baton Rouge: Louisiana State University Press, 1972), 97.

34. Charleston *Mercury*, November 3, 1864, 97.

35. Emory Thomas, *The Confederacy as a Revolutionary Experience*, 3.

36. Castel, *Decision in the West*, 1992.

37. Paul Escott, *After Secession: Jefferson Davis and the Failure of Confederate Nationalism*, (Baton Rouge: Louisiana State University Press, 1978).

38. William Davis, *An Honorable Defeat: The Last Days of the Confederate Government*, (New York: Harcourt, Inc., 2001), 4.

39. William Davis, *An Honorable Defeat*, 5.

40. William Davis, *An Honorable Defeat*, 5.

41. William Davis, *An Honorable Defeat*, 5.

42. For a discussion of narrative theory see: Walter Fisher, "Narration as Human Communication Paradigm: The Case of Public Moral Argument." in *Communication*

Monographs 51 (1984) pp. 1-22; Walter Fisher, "The Narrative Paradigm: An Elaboration," in *Communication Monographs* 52 (1985) pp. 347-367; Walter Fisher, *Human Communication as Narration: Toward a Philosophy of Reason, Value, and Action* (Columbia: University of South Carolina Press, 1987).

43. Jefferson Davis, “Message to Congress,” 385.

44. It is important to understand that the victories that Davis cites are not inaccurate, but that the Confederacy was still facing military defeat. The explanation rests in the Union military strategy which was concerned with concentrating major forces against major Confederate armies. The Union was not necessarily concerned with attempting to occupy the entire South, but instead to destroy the Confederacy’s war making capacity. As a result of this strategy, the Confederacy could easily move back into lands that the Union had once occupied but subsequently left. This strategy is summarized in Castle’s discussion of the Meridian Mississippi Campaign. Castle argues that Sherman attacked Meridian and destroyed the railroads, repair shops, barracks, an arsenal, and a hospital. His attack was so efficient and surprising, however, that by the time the Confederate reinforcements arrived, Sherman had moved on. Much to Sherman’s surprise, the newspapers reported the campaign as a victory for the Confederacy because Sherman was unable to go on from Meridian to Mobile or Montgomery. Castle, *Decision in the West*, 43-56.

45. Jefferson Davis, “Message to Congress,” 384.

46. Jefferson Davis, “Message to Congress,” 384.

47. Jefferson Davis, “Message to Congress,” 384.

48. Jefferson Davis, “Message to Congress,” 385.

49. Jefferson Davis, “Message to Congress,” 385.

50. Campbell and Jamieson, *Deeds Done In Words*, 107.

51. Jefferson Davis, “Message to Congress,” 384.

52. Jefferson Davis, “Message to Congress,” 384.

53. Jefferson Davis, “Message to Congress,” 384.

54. Jefferson Davis, “Message to Congress,” 385.

55. Jefferson Davis, “Message to Congress,” 386.

56. Jefferson Davis, “Message to Congress,” 386.

57. Jefferson Davis, “Message to Congress,” 386.

58. Jefferson Davis, “Message to Congress, 395.

59. Jefferson Davis, “Message to Congress,” 394.

60. Jefferson Davis, “Message to Congress,” 395.

61. Jefferson Davis, “Message to Congress,” 395.

62. Jefferson Davis, “Message to Congress,” 395.

63. Jefferson Davis, “Message to Congress,” 395.

64. Jefferson Davis, “Message to Congress,” 396.

65. Jefferson Davis, “Message to Congress,” 396.

66. Robert F. Durden, *The Gray and The Black*, 204-224.

67. Emory Thomas, *The Confederacy as a Revolutionary Experience*, 130.

68. Emory Thomas, *The Confederacy as a Revolutionary Experience*, 130.

69. Emory Thomas, *The Confederacy as a Revolutionary Experience*, 131.

70. Emory Thomas, *The Confederacy as a Revolutionary Experience*, 131.

71. Paul Escott, *After Secession*, xii.

72. Garry Wills, *Lincoln at Gettysburg: The Words that Remade America* (New York: Simon & Schuster, 1992), 130.

CHAPTER 6

CONCLUSION

The bare facts of the South's defeat are simple. Despite Jefferson Davis's last acts of desperation, the Confederate Armies in the eastern theater could not defend the Confederate Capitol in Richmond because they had sustained heavy losses from the Union armies commanded by General Ulysses S. Grant. On April 9, 1865, Robert E. Lee surrendered the Army of Northern Virginia to General Grant at Appomattox Court House, Virginia. The news of Lee's surrender spread throughout the nation setting in motion the final collapse of the Confederacy. Davis fled Richmond in hopes of continuing the fight, but was captured on May 10, 1865 in Irwinville, Georgia. The Confederate nation officially lasted from 1861 to 1865.

Although the facts are simple, the scholarly debates over the causes of the Confederate defeat continue today. As James McPherson notes, "The field of Civil War history has produced more interpretive disputes than most other historical subjects. . . arguments about how or why the North won, or the Confederacy lost . . . have generated some of the most heated but enlightened scholarship since the centennial commemorations of the war."[1] This project attempts to provide a unique perspective in these debates by examining the public discourse of the president of the Confederate nation. In this conclusion, then, I situate this project within the larger debate over the collapse of the Confederacy, examine how Davis's public discourse continues to permeate the Lost Cause Myth today, and analyze Jefferson Davis's success and failure as a rhetorical agent of change. I conclude that the speeches of Davis support the position that he was a skilled rhetor who achieved several instrumental successes, but he failed to articulate a vision of a Confederate national identity.

Davis's Vision and Confederate Defeat

According to McPherson, the majority of the scholarship dedicated to the debate over the causes of Northern victory and reasons for Southern defeat focuses on a dichotomy between external and internal variables.[2] The resource disparity between the Union and the Confederacy is the most cited external variable in the South's defeat.[3] According to this position, the Union had such an advantage from the beginning of the war that the South's defeat was inevitable. From this perspective, it is remarkable that the Confederacy lasted as long as it did against the superior resources of the Union. The internal variables focus on the collapse of the Confederacy from within. As McPherson notes, "Several important books and essays have portrayed a Confederacy riven by internal conflicts and discontent that inhibited unity, undermined morale, prevented the development of Confederate nationalism, and doomed the South to defeat."[4] From this perspective, the South could have continued to fight if it had a sense of Confederate nationalism to encourage the soldiers and people to sacrifice more for the cause. These divergent perspectives replicate the structural/cultural divisions that divide the larger interdisciplinary studies of nationalism. This dichotomy provides a unique space for rhetorical studies that have the opportunity to bridge the structural/cultural divide by focusing on public discourse.

A rhetorical perspective enables a critic to examine how the structural advantages of the Union affected the cultural interpretations of the Confederacy in the speeches of the Confederate president. The shift in perspective that comes with a rhetorical approach, changes the focus from the strict internal/external lens to a broader investigation into how Davis *explained* what the Confederacy was in light of the pragmatic demands of war that were largely influenced by the vast resource disparity. The rhetorical focus requires the critic to ask, "What was the

Confederacy according to Jefferson Davis?" The answer is found by examining his public discourse.

A Shared History

As one might expect, Davis's vision of the Confederacy evolved through the Civil War, reflecting the structural and cultural constraints generated by the demands of war. In Davis's early addresses, before he was elected president, Davis emphasized the shared history of the South and the North. In his speech of resignation, Davis utilized the shared history to establish that secession was a natural and honorable act when two groups had outgrown their mutual interests. Viewed through the lens of decorum, Davis's resignation speech established that the shared history provided a sense of a familial bond. Just like when good sons or daughters prepare to leave their homes, the South's political connection to the Union was no longer necessary, but their shared history would always provide a framework for peaceful relationships.

Davis was not the president of the Confederacy when he resigned; however, his speech resignation articulated his vision of secession and the people of the South. According to Davis, the South was an honorable people who chose secession over conflict. Davis distinguished himself from Calhoun by establishing that secession was the honorable response because to stay in the union and embroil the country in sectional fights would not benefit the people of the North or the South. Instead, the South was made up of principled people who believed in honor and states's rights. The South, then, differed from the North on some important political issues of the day, but the essential character was made up of a rich shared history that extended to the founding of the United States.

This early speech mattered because the ways in which Davis navigated the tensions generated by secession through an epideictic moment that celebrated the shared history while

declaring the action of secession complete. The epideictic nature of his address allowed Davis to shift the debate from the constitutionality of secession to a discussion of the honor of secession. The shift was premised off of a shared history that would privilege rationality and deliberation over rash emotion and violence. Davis, then, modeled the appropriate relationship between the North and the South through his speech of resignation, which stood in stark contrast to the vitriolic attacks of his fellow Southerners. By the conclusion of his address, Davis had articulated a vision of the South that embraced its shared history with the North while establishing that the time had come for the two regions to separate. Although this shared history helped Davis negotiate the tense Senate Chambers, it was not enough to sustain a vision for the new Confederate nation—a task he would face in his inaugural address.

Peaceful Farmers

Davis stood before the world to announce the creation of the Confederacy in his inaugural address in Montgomery, Alabama. There had been no declaration of independence and, much to Davis's dismay, the states that established the Confederacy had seceded independent of one another. Davis's inaugural address, then, had to fulfill all of the traditional expectations of an inaugural address while simultaneously announcing the content and character of the Confederacy to the world. Davis's inaugural address, however, struggled under the strain of an ideological tension that, on the one hand, was a conservative republican tradition that produced Davis as an ideal candidate and, on the other hand, was a recitation of Lockean contracts that justified the radical act of secession.

The South's fidelity to the civic republican tradition encouraged the Montgomery delegates to choose Davis over a host of other candidates who were more instrumental in secession. The civic republican tradition was a conservative one that privileged reason,

deliberation, and rationality to preserve a common good. Davis was, therefore, the ideal candidate because he was not a fire-eater who was looking for an opportunity to secede. Instead, Davis encouraged caution and deliberation when confronted with the reality of secession. Although many biographers consider Davis's election a surprise, when viewed through the analytical lens of civic republicanism, Davis made an ideal candidate. Unfortunately for Davis, the South's fidelity to the civic republican tradition was rediscovered after the rash fire-eaters had already accomplished the first wave of secession. Secession was a radical act carried out by a small minority in the interests of a small minority. The result was an inaugural address that sowed the seeds of discontent by articulating the Confederacy as simple farmers who wanted free trade (following the civic republican tradition) who also respected the total sovereignty of the individual states (following the Lockean tradition).

Davis's inaugural vision for the Confederacy is telling. He was able to maintain his fidelity to the civic republican tradition while incorporating states's rights into the justification for secession. The material reality of the Confederacy supported Davis's position. The North contained almost all of the industrial enterprises and the majority of Southerners worked in agriculture. The problem, however, was that the conservative nature of the civic republican tradition promoted preservation of the status quo, instead of forward action. Despite the fact that Davis knew the industrial prowess of the Union first hand, from his time as Secretary of War, he was constrained during the process of invention from articulating a different vision of the South. In other words, Davis's inaugural vision of the Confederacy supports the scholars who argue from an external perspective that the Union's resources made Southern defeat inevitable because he was unable to articulate a future vision for the Confederacy outside his status quo. On the other hand, Davis's inaugural supports the scholars who argue from an internal perspective that

Davis's war policies alienated the people of the Confederacy because the war policies contravened their understanding of the Confederate identity which he had articulated in relation to states's rights and peaceful farming. The conservative nature of the civic republican tradition rejected an ambitious president who might try unilaterally to prepare a nation for war. Davis needed to articulate an ambitious vision for Confederate independence, but was constrained by the performative tradition that permeated the Montgomery occasion.

Although the immediate response to Davis's inaugural address was positive, Davis's vision of the South as simple farmers who respected states's rights could not sustain the Confederacy at war. As the pragmatic demands of war increased, Davis moved to centralize his authority and turn his peaceful population into a militant war machine. In particular, the demand for soldiers forced Davis to rearticulate his vision of the Confederacy in light of his conscription policy, which sacrificed states's rights and transformed civilians into soldiers.

Virtuous Warriors

By the end of 1862, the Confederacy struggled to find volunteers for the Confederate Army. The optimistic Confederate Congress only obligated the first wave of enlistments for one year. As the one year mark came closer, two things became obvious to Davis and his staff. First, the men who were a part of the one year enlistment were planning on going home. Second, the Confederate Army was desperate for soldiers. Davis proposed a conscription policy that eviscerated states's rights and signaled a change in his vision of the Confederate people. The Conscription Act included two controversial exemptions: one for people who could pay for substitutes and other for masters owning twenty or more slaves. The proposal, once again, was a compromise between the conservative forces that wanted to maintain class hierarchy at all costs and the radical forces that wanted everyone to share the burden of fighting for independence. The

resulting public outcry challenged Davis to articulate a new vision for the Confederacy that could explain the sacrifices demanded by his conscription policy. Davis accepted an invitation to speak in his home state of Mississippi and articulated his new vision of the Confederacy—virtuous warriors.

Davis's Jackson, Mississippi address was significant because it signaled Davis's official change in the character and content of the Confederacy. His earlier depiction of the South as simple farmers who respected states's rights was not sufficient to prosecute the war and he utilized the Jackson speech to transform the Confederacy into a fighting machine virtuous in character and militant in content. Through amplification, Davis rhetorically moved his audience from their safe seats in Jackson to the frontlines of the battlefield. He generated a vivid image of Confederate soldiers sacrificing themselves in the name of honor and virtue. Through Davis's speech, the audience witnessed the horrors of the wretched enemy bent on complete subjugation of the South. Davis's amplification represented a noticeable change in his style and argumentation. Gone were the days of rational deliberation that privileged logic over emotion. In his Jackson address, Davis established fear and courage in the face of a terrible enemy. The peaceful farmers who respected states's rights became killing machines who understood that states's rights were a privilege only enjoyed in independence. Amplification allowed Davis to swing the pendulum from the conservative republican tradition that disavowed emotional rhetoric to an aggressive society that was fighting for survival against an enemy that would stop at nothing. The problem, however, was that once the pendulum started swinging away from the conservative traditions, it became unclear how Davis would ever bring it back.

The nice thing about the civic republican tradition was that it provided an easy framework for establishing a coherent Confederate identity—virtue, honor, and deliberation. The

pragmatic demands of war forced Davis to move away from the conservative civic republican tradition, leaving a void for the God terms that could define the Confederacy. In his Jackson address, Davis clung to the language of virtue and honor, but his policies began the process of eroding the enactment of those principles in his government. Although he generated support for his conscription policies, Davis's wartime policies had begun to destabilize the Confederate identity that he had articulated in his early addresses. In his Jackson address, Davis denounced the shared history of the North and South in his amplification of the evil character of the Union. In the same speech, Davis denounced the idea that the Confederate nation could survive as peaceful farmers. Instead, Davis changed the official content and character of the Confederacy from peaceful farmers to virtuous warriors. For Davis's vision to survive, however, he needed to return to a vision that could justify the sacrifices that his war policies demanded. Davis's vision failed, however, when his war policies undermined what was left of the Confederate identity.

Independence for Independence Sake

By November 1864, the Confederacy was on the verge of collapse. After suffering major setbacks in its campaign for independence, Davis turned to a final act of desperation to increase the number of soldiers fighting for the Confederacy. In a message to Congress, Davis proposed a policy of conditional emancipation that would free up to 40,000 slaves if they were willing to fight for the Confederacy. This act of desperation shredded any connection the Confederacy once had with states's rights and, more importantly, undermined the key cultural hierarchy that had helped propel the original states into secession. Similar to his other speeches, Davis gained institutional legitimacy for his proposal, but this speech highlighted the core ideological struggle between the common good and individual sacrifice that had permeated the Confederacy since its inception.

After Davis's Jackson address, the rhetorical pendulum began to swing from the conservative civic republican tradition towards a radical militant tradition. Davis's proposal for conditional emancipation represented the final move away from the civic republican tradition and toward a vision of independence for independence sake. Davis's November address was an excellent policy speech that utilized inductive argument, narrative, and religion to frame the necessity of conditional emancipation. Yet Davis relied too heavily on independence for independence's sake when justifying his radical policy. Davis's vision of the Confederacy had evolved to justify each of his war policies until this point, but Davis proved unable to construct a narrative of Confederate identity in his final act of desperation. He could not articulate what the Confederacy stood for without states's rights and without slavery. There was no sense of national identity, just a sense of national urgency. In the end, Davis's instrumental success was meaningless as the war came to an end before the conditional emancipation policy came to fruition. The question remains, however, did the Confederate nation end when Lee surrendered and Davis was captured? Although those two events represent the collapse of the institutional components of the Confederate nation, a return to Benedict Anderson's germinal thesis that nations are imagined political communities suggests a more complicated answer.

The scholars who approach the debate from an external or an internal perspective look to a narrower range of evidence to support or disprove their arguments regarding the collapse of the Confederacy. A rhetorical perspective, utilizing Anderson's thesis, suggests that a more complex answer lies in the interaction of the material and cultural forces within and outside the Confederacy. The speeches of Jefferson Davis represent a unique space to investigate how the official discourse of the Confederate government constructed, responded to, and negotiated the external and internal demands of war. It is clear that the material reality of the Confederacy was

in question from the beginning, but Davis's early vision of the Confederacy as peaceful farmers supported that reality and made his later wartime policies seem inconsistent with the premise of secession. It is also clear that there were strong internal conflicts that helped precipitate the collapse of the Confederacy, but it was Davis's inability to redirect a vision of the Confederacy that legitimized the wartime sacrifices that encouraged the internal conflicts. Davis's speeches suggest that Anderson's thesis may help explain the current scholarly divide over the collapse of the Confederacy because both sides point to Lee's surrender and Davis's capture as the ultimate conclusion. A rhetorical perspective, however, suggests that it was Davis's inability to articulate a vision for the Confederacy after sacrificing states's rights and the institution of slavery that represented the true collapse of the Confederacy. Even if the official structures had survived another month, without a revival of an imagined political community, there was no Confederate nation.

Davis's Vision and the Lost Cause

The failure of Jefferson Davis to articulate a vision of the Confederacy outside of states's rights and the institution of slavery has implications beyond the Civil War. Many Southern intellectuals, writers, and artists, have echoed Davis's themes that with more soldiers, the Confederacy could have won its bid for independence. The problem, however, is that without a vision from Davis concerning what that independence would look like, these writers have turned to a romanticized myth of the Confederate cause that often overlooks the material horrors of the institution of slavery. This genre of argument is referred to as the Lost Cause Myth.

In 1886, Edward Pollard published a history of the Civil War entitled, The Lost Cause. Pollard's history identified the troop shortfalls as a central reason for the South's final defeat, "the fate of this extensive military territory depended upon an army whose effective force was

less than twenty thousand men…Florida was destitute of troops…Gen. Johnston found himself by the disaster in Virginia, opposed to a combined force of alarming magnitude"[5] Although Pollard ultimately blamed Davis for the troop shortfalls, his history began to circulate a romanticized view of the Confederacy that would later gain a powerful place in Southern postwar identity and politics. Rollin Osterweis traced the origins of the Lost Cause myth and discussed its powerful influence on Southern culture, including monuments, literature, art, history, and politics. He argued, "The Lost Cause Theme was a myth or—perhaps more precisely—a nexus of related myths. But let there be no mistake about its nature: this was a phenomenon with power."[6] Gaines Foster echoes that sentiment and helps isolate the role of public discourse in the maintenance of the Lost Cause myth, "The tradition developed out of and in turn shaped individuals' memory of the war, but it was primarily a public memory, a component of the region's cultural system supported by the various organizations and rituals of the Lost Cause."[7]

The power of the Lost Cause myth rests in its romanticized descriptions of the pre-war South as a place of chivalry and its interpretation of the South's ultimate military loss. According to the myth, the South's failure to win independence should be attributed solely to the resource shortages; had the South had more resources and troops, then it would have been successful in achieving a separate Confederate nation. It is, therefore, easy to see the connection between Davis's addresses and the foundations of the Lost Cause myth. Throughout Davis's wartime speeches, he focused on the South's troop shortages as the primary explanation for Confederate military defeats. This logic permeated the Lost Cause myth and created the conditions for historical revisionism that overlook the Confederacy's connection to the institution of slavery.

Yet, oddly enough, the Lost Cause myth works hard to do what Davis did not do—establish a distinctiveness of the South as a way of life, centered on virtue and simplicity, and a disdain of industrialization. Books like *I'll Take My Stand* became the Lost Cause Myth's interpretation of the Civil War and the South's participation in it. From this perspective, the agricultural roots of the South constituted the pre-war Confederacy as cultural distinct because of a connection to nature that Northern industrialization threatened. History suggests that that this agricultural tradition may have been an impossible dream—such a society would have had a hard time winning a war. But Davis never truly exploited the resources of Southern culture, outlined in the first chapter, to define a nation dedicated to the proposition that all are equal in the sense that they contribute equally to the common good and, in turn, receive their just due, their appropriate place in the hierarchy in a society that treasured the classical values of reason, virtue, and simplicity.

The Successes and Failures of Davis the Rhetor

Jefferson Davis occupied the presidency of the Confederate States of America for four years. In that time period he was the official spokesperson for the Confederacy. This project has examined his public speeches before and during the Civil War. This project supports three conclusions about Jefferson Davis as a rhetor. First, Davis was exceptionally skilled at developing rhetorical strategies appropriate for the specific occasion. In three of the case studies examined here, Davis confronted hostile audiences. In his speech of resignation, he even faced potential arrest. In each of these situations, Davis skillfully navigated his credibility through audience connections that demonstrated a sensitivity to his occasion. As I argue in chapter two, Davis's speech of resignation was perhaps his most skillful rhetorical act. He was able to circumvent the hostility of his fellow Southerners while modeling a strict understanding of

decorum that would prohibit his Northern counterparts from defending war without rational deliberation. In his Jackson, Mississippi speech on conscription, Davis utilized his location to generate credibility by speaking to an audience of "his people." In his November 1864 Message to Congress, Davis spoke with the authority of the institution of the presidency to justify a radical change in the content and character of the Confederacy. Even in his inaugural address, where he spoke to a receptive Montgomery audience, Davis was aware of the importance of the occasion in the international realm and fulfilled the demands of the occasion. The four case studies examined here demonstrate that Davis had an excellent command of the importance and demands of specific occasions.

Second, Davis understood the constraints and demands of working within a performative tradition. Although the civic republican tradition constrained Davis at critical moments, he worked hard to maintain the South's fidelity to the notions of virtue, honor, and deliberation throughout his presidency. His inaugural address is the best example of his expertise at utilizing the discourses around him to manufacture an explanation for secession that fit within the conservative civic republican tradition. In the end, it was too difficult for Davis to justify his wartime policies within the civic republican tradition, but he continued to borrow from the notions of virtue and honor to justify the Confederate cause. Unfortunately for Davis, his strong centralization of power and unilateral wartime decisions contravened the basic tenets of civic republicanism. By his November 1864 address, Davis's policies were so divergent from the performative tradition that helped him get elected that he turned to religion to frame honor and virtue. Throughout his addresses, however, Davis demonstrated an expertise in working within the appropriate performative traditions.

Third, although Davis was a skilled rhetor, he did not succeed in generating a vision of the Confederacy that could sustain the nation at war. Davis's rhetorical skill was oddly similar to his military judgment—very good on the tactical, immediate level, but problematic as a strategist. He could "win" individual encounters, but he had a terrible time taking a step back and defining a nation. From the outset of his presidency, Davis struggled with the pragmatic demands of war and the national identity of the Confederacy. Throughout his presidency, Davis's articulation of the imagined Confederate political community evolved based on his short term military necessity. Early in his presidency, he advocated peace based on a shared history and envisioned the Confederacy as simple farmers. During the Civil War, Davis rearticulated the Confederacy as virtuous warriors willing to sacrifice themselves in the name of virtue and honor. By the end of the war, the pragmatic demand for more soldiers required Davis to sacrifice states's rights and the institution of slavery in the name of independence. By the end of the war, however, Davis had no vision left. Lincoln rearticulated the Union cause at Gettysburg and dedicated it to a proposition. By the end, Davis had no grand proposition and had sacrificed the two values that had justified secession. Davis's ultimate failure as a rhetor and as a leader stemmed from his inability to imagine and convince others to believe in a Confederacy outside of states's rights and slavery.

This study indicates the necessity for rhetorical history to confront both the internal and external perspectives on the Civil War. Davis's speeches suggest that the internal and external variables interact to produce a more complex relationship between material and cultural factors than traditionally conceived. The instrumental successes are certainly necessarily if one is to have the ability to forward a widely held vision, but absent the vision, the people eventually perish. It is too simple an explanation to argue that the Confederacy lost because the Union had

more soldiers. It is also too simple to argue that the Confederacy merely collapsed because of internal disagreements. This study suggests that the interaction of the resource shortages and the pragmatic demands of war produced a unique rhetorical demand for a vision of the Confederacy in light of the difficult odds and the tremendous sacrifices required to win Independence. The Confederate States of America suffered under Davis's inconsistent visions early in the war, and his lack of a vision at the end of the war. With distance and critical perspective, we can assess that he focused on the instrumental victories in the moment without considering the impact of his words on the overall community.

This study also suggests that presidential rhetoric is a crucial component of establishing a national identity. Material and cultural factors matter in the creation and sustaining of nationalism, but the interaction requires interpretation. The interpretation of material events shape and craft our reading of them. In that sense, the discourse of the president matters because s/he is in an ideal position to shape those views. The Confederate experience suggests the dangers of presidential rhetoric in supporting elitism, but state actors simply have more rhetorical resources to shape such interpretations. In Davis's case, his rhetoric won support for key policies, but failed to inspire his people to the last full measure of devotion.

Chapter Six Endnotes

[1] James McPherson, *A Mighty Scourge: Perspectives on the Civil War* (New York: Oxford University Press, 2007) 43.

[2] James McPherson, *A Mighty Scourge*, 43.

[3] James McPherson, *A Mighty Scourge*, 43.

[4] James McPherson, *A Mighty Scourge*, 43.

[5] E.A. Pollard, *The Lost Cause* (New York: Gramercy Books, 1886), 715.

[6] Rollin Osterweis, *The Myth of the Lost Cause*: *1865-1900* (Hamden, Archon Books, 1973), ix.

[7] Gaines Foster, *Ghosts of the Confederacy: Defeat, The Lost Cause, and the Emergence of the New South 1865-1913* (New York: Oxford University Press, 1987), 5.

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