

## *Lincoln's Peace: The Struggle to End the American Civil War, by Michael Vorenberg*

Eric London

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How did the American Civil War end? According to the schoolbook version, the war “ended” on April 9, 1865 at Appomattox Court House, when Robert E. Lee surrendered his Army of Northern Virginia and Ulysses S. Grant paroled his adversary’s army with their horses and his officers their handguns.

But as Michael Vorenberg notes in his book *Lincoln’s Peace: The Struggle to End the American Civil War* (Knopf, 2025), this end date—promoted among others by proponents of the Lost Cause—is misleading. Vorenberg, a professor at Brown University, is the author of several historical works focused on the political struggle for emancipation of slavery, including *The Emancipation Proclamation: A Brief History with Documents and Final Freedom: The Civil War, the Abolition of Slavery, and the Thirteenth Amendment*. His latest work begins by pulling on the thread of a seemingly technical legal question relating to calculating soldiers’ pensions until it unravels into a great historical question with vast contemporary political implications.

### After Appomattox

At the time, Lee’s surrender on April 9 did not definitively signal that the war was over. While a blow to the Confederacy, the terms of the surrender of the Army of Northern Virginia did not address the political basis for the war’s end, and Grant well knew he lacked the authority to discuss terms that only the civil leadership in Washington could set. In his autobiography, Grant recalls that he met with Lee the following day under flag of truce, and that “Lee said to me that the South was a big country and that we might have to march over it three or four times before the war entirely ended, but that we would now be able to do it as they could no longer resist us.”

The Southern leadership, for its part, initially pledged to fight on after learning of Lee’s surrender. General Joseph E. Johnston’s Army of Tennessee had been evading General Sherman through North Carolina for weeks, and Lee had refused Grant’s request that the former use his authority to press the remaining Southern armies to surrender. Indeed, as Vorenberg explains, battles and skirmishes continued for weeks as elements within the Confederacy attempted a last-ditch effort to cut a deal with French Emperor of Mexico, Maximilian, and preserve slavery in at least far-flung parts of the American South. And five days after Appomattox, the executive branch of the federal government was decapitated: Lincoln was dead.

On April 18, Johnston and Sherman met outside Durham, North

Carolina to discuss potential surrender of Johnston’s army. As Vorenberg explains, the treaty proposed by Johnston would “disband all Confederate armies” and “restore civil government to the South.” But the federal government would “recognize the governments of the seceded states so long as the legislatures and leaders there pledged loyalty of the Union.” If “competing bodies claimed to be the true government of a state, the US Supreme Court would resolve the conflict.” Jefferson Davis learned of the terms and wrote his wife Varina that they “freed” the South from “wanton humiliation.” He wrote Johnston on April 24 that he approved the terms.

In Washington, War Secretary Edwin Stanton, who represented the left-wing of now-President Johnson’s cabinet, learned of the proposed terms in the middle of the night on April 21. He immediately convened an emergency cabinet meeting. If the terms of the Sherman-Johnston agreement (or anything like them) were accepted, Stanton feared it would lead the states to “reestablish slavery.”

If the Southern states were introduced back into the Union, their governments would count toward the total number of states required to ratify the Civil War Amendments—the 13th Amendment abolishing slavery (which in April 1865 had not yet been ratified by the states) and the 14th and 15th Amendments. Together these three amendments consummated what James McPherson has termed the Second American Revolution.

### Whether and how to integrate the seceded states

Lincoln’s position as to the process of what would become known as “Reconstruction” had been borrowed from a phrase from his prairie days, urging that the North “let ‘em up easy” like a victorious wrestler, now that the fighting was drawing to a close. Lincoln expressed to military leaders that he would make no complaints if the leadership of the Confederacy managed to escape through their lines and out of the country. His position seemed to contradict the claim he had made in his Second Inaugural Address, proclaiming that “every drop of blood drawn with the lash shall be paid by another drawn with the sword.” Northern public opinion clamored to “hang Jeff Davis from a sour apple tree.”

Radical Republicans like Thaddeus Stevens in the House and Charles Sumner in the Senate argued that the Southern states must be kept under military rule until the Slaveocracy was crushed and expropriated. Their conception was that the states had committed legal suicide, and that the Constitution’s guarantee of a “republican form of

government” meant the federal government—and Congress specifically—had the constitutional obligation to impose conditions on the Southern states before they could be reintegrated into the national body politic.

In an 1863 article Senator Sumner published anonymously in *The Atlantic*, he explained eloquently, “When a state fails to maintain a republican government … it ceases to be a constitutional state.” As a result, “there is nothing in the storehouse of peace, and there is nothing in the arsenal of war, which [Congress] may not employ …”

Vorenberg notes that on May 9, 1865, President Johnson issued two declarations, one recognizing as legitimate the pro-Union governments of Virginia, Tennessee, Louisiana and Arkansas, and another placing the entire South under the control of the president, with the US Army having control over civilian matters.

But fighting continued after the date of this proclamation. Meanwhile, Jefferson Davis was attempting to escape to Mexico or Cuba, while Confederate Armies led by Nathan Bedford Forrest (future leader of the KKK) and Edmund Kirby Smith pledged to fight on with some tens of thousands of soldiers, largely located west of the Mississippi. Though Davis was ignominiously captured and the fighting began to peter out in late 1865, 1866 brought the specter of horrific anti-black and anti-Republican violence, combined with President Johnson’s about-face toward the forces of extreme reaction in the South. While the 13th Amendment was ratified by the requisite three-fourths of state legislatures in December 1865 (counting the loyal governments of South Carolina, Alabama, North Carolina and Georgia), the 14th Amendment was passed by Congress in June 1866 and transmitted to the states for ratification that same month.

In May and July 1866, riots against freed blacks took place in Memphis and New Orleans, respectively, killing between 70 and 250 people and underscoring the ongoing danger of political reaction, spurred on by the Democratic Party. Vorenberg notes that on August 20, 1866, three weeks after the New Orleans massacre, Johnson issued a declaration proclaiming “the insurrection is at an end” and that “Peace, order, tranquility, and civil authority now exist in and throughout the whole of the United States of America.” Though the war’s fighting had ended, the 14th Amendment had yet to be ratified as the president forged an alliance with the defeated Slaveocracy.

### **The Civil War Amendments and Reconstruction Act—the political culmination of military conquest**

To Vorenberg, the answer to the question of when the war ended, as a political matter, appears to lie in the passage of the Reconstruction Act in March 1867, which specified that states would remain under military rule unless and until they ratified the 14th Amendment, provided freed Black males the right to vote, and barred insurrectionists from obtaining public office.

While Vorenberg notes that “The Reconstruction Act did not settle all or even most of the end-of-war questions,” he states that “it did provide clear answers to two of the questions at least. First, it resolved who was in charge of the war: Congress, not the president. Second, it specified when the war would be over. It would happen on the day that all of the former states of the Confederacy were represented in Congress. In other words, when all of the once rebellious states had met the conditions imposed on them by the Reconstruction Act, the

war would end.”

This is correct in the following sense: The political tasks of the American Civil War—the second bourgeois revolution—culminated in the 13th, 14th and 15th Amendments to the Constitution, achieved with the aid of the Reconstruction Act. The notion that Congress could set terms for the reintroduction of states into the union based on Sumner’s and Stevens’ theory of “state suicide” was a critical element of this legal codification of the battlefield achievements of the Union army. Had abolition, congressional enforcement power, equal protection, birthright citizenship and male suffrage been left as acts of Congress, they would have been subject to repeal by a simple majority of future congresses.

Vorenberg’s epilogue, however, descends into ambiguity in a way that undermines the otherwise important content of his study. He retreats into academic abstractions, noting that “the movement to rethink the temporal and spatial boundaries of the Civil War is gaining ground.” He refers to far-right, Reconstruction-era violence against freed African Americans with a comparison to contemporary imperialist wars that misses the mark entirely:

There is little consensus on what this phase should rightly be called—a war of Reconstruction? a war against insurgency? a war of occupation?—or how long it lasted. It is no coincidence that the debates echo those over the proper names and dates of the recent US wars in Iraq and Afghanistan. As always, the present shapes the past. So will the future. We are not done asking the question: When was the civil war over?

This leaves the door open to the position (a favorite among middle class radicals and proponents of identity politics) that the political aims of the war were left unresolved, that even if slavery was legally abolished, the tasks of the bourgeois revolution are incomplete. But if this is true, it follows that there is a faction of the American ruling class with progressive tasks left to accomplish. But every contemporary issue, from the genocide of the people of Palestine and escalating global war to skyrocketing social inequality, the COVID-19 pandemic and the Trump administration’s efforts to establish a dictatorship, shows that there is no genuine opposition to the destruction of democracy from any faction of the ruling class. Unlike in the 1860s, there is no progressive political representative of American capitalism.

A key political lesson must be drawn from this historic fact: The task of defending the democratic and egalitarian essence of the American Revolution and Civil War falls to the working class. Marx understood this as early as 1865. As he wrote to Lincoln on behalf of the First International that year: “The workingmen of Europe feel sure that, as the American War of Independence initiated a new era of ascendancy for the middle class, so the American Antislavery War will do for the working classes.”



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