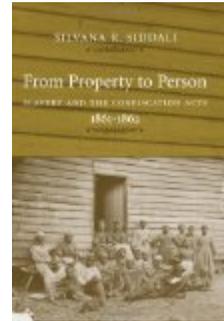


Silvana R. Siddali. *From Property to Person: Slavery and the Confiscation Acts, 1861-1862*. Baton Rouge: Louisiana State University Press, 2005. 261 pp. \$44.95 (cloth), ISBN 978-0-8071-3042-1.

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## A Collision Concerning the Rights of Property

Silvana Siddali has written a comprehensive account concerning the Confiscation Acts of 1861 and 1862. Siddali, an assistant professor of history at Saint Louis University, provides an intriguing discussion and debate regarding the constitutionalism of stealing, holding, and liberating Confederate personal property, including slaves. She states that her purpose was twofold: “a reconsideration of property rights and individual liberties” and “the public and political debates over the confiscation of rebel property and the liberation of slaves” (p. 2). Siddali succeeds in defending these two points.

The work’s strength lies in the detailed analysis of the Congressional debates that plagued the political parties and the personal consciences of party members. Siddali presents an excellent representation of the initial stages of the tension within the Republican Party that would be exacerbated during Reconstruction. She further provides a meticulous explanation of ideological quarrels regarding confiscating property of those supporting the Confederacy and upholding Unionists’ property. During these debates, the question arose as to how the Thirty-sixth and Thirty-seventh Congresses could confiscate the personal property of specific citizens, but not the personal property of all citizens. Did Congress possess the constitutional right to only confiscate personal property of individuals in rebellion and not those individuals who may have expressed similar sentiments but resided in the border states?

Siddali organizes the work chronologically. She opens with the secession crisis and the initial concerns

of debt repudiation and “Contrabands.” Northerners remained convinced that Southern posturing on the subject of secession attempted to extract additional concessions from the federal government in order to avert civil war. Once secession transpired, Congress forbade President Abraham Lincoln from dealing with the seceded states and upheld his authority as Commander in Chief to raise troops and defend federal property. Siddali points out that “Secession was a direct attack on the Republic, the Union, and on the constitutionally protected rights of Americans in the North” (p.17). However, she overlooks an opportunity to clarify how secession, for Northerners, had evolved from their rationalization at the Hartford Convention in 1814.

The remainder of the work focuses on the Congressional debates and passage of the First and Second Confiscation Acts. Siddali provides a superbly detailed analysis of these debates and the concerns that challenged Congressional members. She reveals, in exemplary prose, the trials and tribulations of individual members, who were confronted with constitutional questions purportedly guaranteed by the Constitution and confirmed by the courts but still hotly debated in Congress. “Because of Fifth Amendment protections of private property rights, the legitimacy of human property was a crucial constitutional question” and despite the precedents that “the federal Constitution guaranteed the property rights of all citizens, and American courts had always supported the notion that Americans possessed the right to own fellow human beings” (pp. 88-89). Members also encountered ideological limitations with reference

to civil liberties philosophically articulated in the Declaration of Independence: “the debates ... revealed the complexities of shifting ideas about property rights and human freedom” (p. 88).

A further point of contention within Congress that Siddali considers was how to confront the issue of emancipating confiscated human property. Through an exhaustive analysis, she argues that Northerners remained indecisive on emancipation: “Few northerners believed that freed slaves should have control over their own futures” (p. 110). Siddali concludes, “For many Americans ... the only reasonable answer to the conundrum of confiscating human property that could neither be reenslaved nor set completely free was to send the former slaves out of the country” (p. 112).

This indispensable examination has much strength in relation to the study and literature of the American Civil War. Siddali performed significant research in published and unpublished sources, affording an extensive talent to document the controversies and debates confronting Congress, the presidency, and the Northern public in general. The bibliography, as well as the footnotes, are all-embracing and reflect her extensive research in manuscripts, newspapers, articles, periodicals, government publications, and primary and secondary sources. The work invites the reader into a comprehensive analysis of a less studied aspect of Civil War historiography.

There were two limitations that this reviewer perceived in *From Property to Person*. While the work principally dealt with Northern perspectives, and Siddali explains her rationale for limiting her study, an additional benefit to an even more far-reaching debate of the confiscating of personal property would have been a discussion

of Southern viewpoints and reactions. How did the Confederate legislature perceive the threat of the confiscation of private property, including slaves, economically, socially, militarily, and politically? Why did the Southern “fourth estate” fail to propagandize the constitutional foundations of the legislation? How did the Southern populace, especially non-slaveholders, view the confiscation of private property?

The second limitation arises from excluding an extensive discussion of the border states’ response to the confiscation of private property. Siddali discusses how Congress dealt with border state issues, but ignores the social and historical perspectives concerning these extremely significant populations. In particular, the State of Missouri would have provided a fascinating viewpoint because it contained both a Union and Confederate government, and had recently dealt with territorial expansion, popular sovereignty, and the movement of private property, including slaves, on its western border. As a border state, Missouri would have provided Siddali with a more complicated vehicle to make her argument, a microcosm of Southern attitudes, as well as a forceful example of the real ramifications of Congressional debate.

The work is a volume in Louisiana State University Press’s “Conflicting Worlds: New Dimensions of the American Civil War Series.” Professor Siddali has written a significant contribution to the series that exemplifies series editor T. Michael Parrish’s aspiration to “foster some daring departures in probing, defining, and arguing about every conceivable aspect of the most aspiring ... period in United States history” ([http://www.lsu.edu/lisupress/catalog/Lectures\\_Series/conflictingworlds.htm](http://www.lsu.edu/lisupress/catalog/Lectures_Series/conflictingworlds.htm)).

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